

STATEMENT UNDER OATH
OF
DENVER WILFONG

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Courthouse, 324 West Main Street,
Clarksburg, West Virginia, on
Thursday, February 16, 2006, at 3:05
p.m.

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1 A P P E A R A N C E S (Continued)

2

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I N D E X

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety & Health Administration, an agency of the United States Department of Labor. With me is Tim Williams of the Solicitor's office, Brian Mills and Dave Stuart with the West Virginia Office of Miners' Health, Safety & Training.

I've been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January 2nd, 2006, in which 12 miners died and one was injured. The investigation has been --- is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety &

1 Training to gather information
2 to determine the cause of the
3 accident, and these interviews
4 are an important part of this
5 investigation.

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of persons to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is
13 completed, MSHA will issue a
14 written report detailing the
15 nature and causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in the hope that
19 greater awareness about the
20 causes of accidents can reduce
21 their occurrence in the
22 future. Information obtained
23 through witness interviews is
24 frequently included in these
25 reports. Your statement may

1 also be used in other
2 enforcement proceedings.

3 I would like to thank
4 you in advance for your
5 appearance here today. We
6 appreciate your assistance in
7 this investigation. The
8 willingness of miners and mine
9 operators to work with us is
10 critical to our goal in making
11 the nation's mines safer. We
12 understand the difficulty for
13 you in discussing the events
14 that took place, and we
15 greatly appreciate your
16 efforts to help us understand
17 what happened.

18 This interview with Mr.
19 Denver Wilfong is being
20 conducted under Section 103(a)
21 of the Federal Mine Health &
22 Safety Act of 1977 as part of
23 an investigation by the Mine
24 Safety & Health Administration
25 and the West Virginia Office

1 of Miners' Health, Safety &
2 Training into the conditions,
3 events and circumstances
4 surrounding the fatalities
5 that occurred at the Sago Mine
6 owned by International Coal
7 Group in Buckhannon, West
8 Virginia, on January 2nd,
9 2006. This interview is being
10 conducted at the U.S.
11 Bankruptcy Courthouse in
12 Clarksburg, West Virginia on
13 February 16th, 2006.

14 Questioning will be
15 conducted by representatives
16 of MSHA and the Office of
17 Health, Safety & Training.
18 This is not an adversarial
19 proceeding; therefore, Cross
20 Examination will not be
21 permitted.

22 Mr. Wilfong, this
23 interview is being conducted
24 --- will begin by me asking a
25 series of questions. If you

1 do not understand a question,
2 please ask me to rephrase it.
3 Feel free at any time to
4 clarify any statements that
5 you make in response to the
6 questions. After I have
7 finished asking questions, you
8 will also have an opportunity
9 to make a statement to us to
10 provide us with any other
11 information that you believe
12 may be important. If at any
13 time after the interview you
14 recall any additional
15 information that you believe
16 may be useful in the
17 investigation, please contact
18 Mr. Richard Gates at the phone
19 number or e-mail address
20 provided to you. And here's a
21 copy of --- or not a copy, but
22 a business card with his name
23 on it.

24 Your statement is
25 completely voluntary. You may

1 refuse to answer any question
2 and you may terminate the
3 interview at any time. If you
4 need a break for any reason,
5 just ask.

6 A court reporter will
7 record your interview and will
8 later produce a written
9 transcript of the interview.
10 Please try to respond to all
11 questions verbally, since the
12 court reporter cannot record
13 nonverbal responses. Also,
14 please try to keep your voice
15 up. Copies of the written
16 transcripts will be available
17 at a later date.

18 If any part of your
19 statement is based not on your
20 own firsthand knowledge, but
21 on information that you
22 learned from someone else,
23 please let us know. Please
24 answer each question as fully
25 as you can, including

1 information you have learned
2 from someone else. We may not
3 ask the right questions to
4 learn the information that you
5 have, so don't feel limited by
6 the precise question asked.
7 If you have information about
8 the subject area of a
9 question, please provide us
10 with that information.

11 At this time, Mr.
12 Mills, do you have anything
13 you'd like to add on behalf of
14 the Office of Miner's Health,
15 Safety & Training?

16 MR. MILLS:

17 Mr. Wilfong, the West
18 Virginia Office of Miners'
19 Health, Safety & Training is
20 conducting this interview
21 session jointly with MSHA and
22 are in agreement with the
23 procedures outlined by Mr.
24 Swentosky for these interviews
25 that will be conducted here

1 today. But the Director
2 reserves the right, if
3 necessary, to call or subpoena
4 witnesses or require the
5 production of any record,
6 document, photograph or other
7 relevant material necessary to
8 conduct this investigation.
9 And here's a card that we can
10 be reached at with questions
11 or comments.

12 MR. SWENTOSKY:

13 Mr. Wilfong, are you
14 aware that you may have a
15 personal representative
16 present during the taking of
17 this statement?

18 MR. WILFONG:

19 Yes, sir.

20 MR. SWENTOSKY:

21 And do you have a
22 representative with you today?

23 MR. WILFONG:

24 Yes, sir.

25 MR. SWENTOSKY:

1 And who might that be?

2 ATTORNEY KILPATRICK:

3 Melanie Kilpatrick.

4 MR. SWENTOSKY:

5 Has anyone suggested to
6 you that you use this
7 representative?

8 MR. WILFONG:

9 Yes.

10 MR. SWENTOSKY:

11 Are you aware that your
12 representative may have a
13 conflict of interest in
14 representing you while being
15 provided by someone else, such
16 as the company?

17 MR. WILFONG:

18 Yes.

19 MR. SWENTOSKY:

20 Have you been pressured
21 in any way to accept this
22 person as your representative?

23 MR. WILFONG:

24 No, sir.

25 MR. SWENTOSKY:

1 With this
2 understanding, do you still
3 choose this person as your
4 representative?

5 MR. WILFONG:

6 Yes, sir.

7 MR. SWENTOSKY:

8 Do you have any
9 questions before we conduct
10 the interview?

11 MR. WILFONG:

12 No, sir.

13 MR. SWENTOSKY:

14 Could you swear in Mr.
15 Wilfong, please?

16 -----
17 DENVER WILFONG, HAVING FIRST BEEN
18 DULY SWORN, TESTIFIED AS FOLLOWS:
19 -----

20 BY MR. SWENTOSKY:

21 Q. Could you please state your
22 full name and spell your last name
23 for us?

24 A. My name is Denver Shirl
25 Wilfong, Jr. The last name's spelled

1 W-I-L-F-O-N-G.

2 Q. Could we have your address and
3 phone number, please?

4 A. My address is Route One, Box
5 449, Flemington, West Virginia,
6 26347. My phone number is 739-4377.

7 Q. Are you appearing here today
8 voluntarily?

9 A. Yes, sir.

10 Q. How many years of mining
11 experience do you have, Mr. Wilfong?

12 A. I started the mines in '66,
13 and I've got 39 and a half years.
14 Thirty-nine (39) and a half years.

15 Q. Okay. Could you kind of give
16 us a little, brief description of
17 your mining employment history?

18 A. I worked for Piston Coal
19 Company for 25 years. Started out in
20 the Navy in 1966, in July. I worked
21 there for them as a mechanic trainee
22 and electrician. That was before
23 they had electrician's cards. And I
24 went to Federal II for a period of 16
25 months. When they opened up Federal

1 II at Fairview. And I went back to
2 Piston again and worked there a
3 couple years as an electrician. I
4 got my foreman's papers, and then I
5 became a maintenance foreman, like
6 assistant shift foreman for
7 maintenance for Piston. And I worked
8 with Piston at different mines, over
9 in Philippi until they closed
10 operations, and the company went out
11 of business, out of the coal business
12 in Northern West Virginia. And then
13 for a short period of time, I went to
14 Meadow River for them. But it was
15 only like ten months.

16 And then after that, I worked
17 for Rauer Coal Company for
18 approximately ten months, and they
19 went out of business. This was in
20 the early '90s sometime, in that
21 area. And then I worked a little bit
22 at Global. Then I went to Alabama
23 for 16 months for Boone Resources in
24 Alabaster, Alabama, that area. Then
25 I came back to Buckhannon and worked

1 at Spruce. And I've worked for Anker
2 since, until ICG took over here a few
3 months ago.

4 Q. That's quite an experience.

5 A. Yes. And I've had --- I've
6 been on rescue teams and I filled in
7 for a section foremen. I've done a
8 little bit of everything.

9 Q. Okay. How much time have you
10 spent at the Sago Mine?

11 A. I started Sago in March or
12 April --- I've been at Spruce and
13 went over there a couple times early,
14 but not very much. They had other
15 people there, and they were having a
16 bunch of problems. We were
17 shorthanded. The company was in
18 bankruptcy. We was having a large
19 turnover of people. And they got
20 short and they was having some
21 problems, and they sent me over there
22 probably in --- I don't know if it
23 was March or April.

24 Q. March of?

25 A. March of last year.

1 Q. 2005?

2 A. Yes, sir.

3 Q. And from that time, then,
4 you've been employed at Sago Mine
5 exclusively?

6 A. No. I was driving over there
7 every day for three or four months,
8 and then I stayed over there after
9 that. I had a Jeep and run from mine
10 to mine. I went in both mines, as a
11 matter of fact.

12 Q. I see. And what is your
13 present position?

14 A. I'm a maintenance
15 superintendent or maintenance chief
16 at Sago Mine.

17 Q. Okay. And did you hold that
18 same position on January 2nd, 2006,
19 the day of the accident?

20 A. Yes, sir.

21 Q. And how long have you worked
22 in your present position? Was that
23 from each time, or ---? How long
24 have you worked in that position at
25 the Sago Mine?

1 A. Since March or April. I don't
2 know ---.

3 Q. Okay. Could you describe your
4 normal job duties from the day of the
5 accident? What would have been your
6 normal job duties on the day of the
7 accident?

8 A. A maintenance foreman is
9 responsible for the operation of the
10 equipment, the belts, all of the
11 equipment at the mines. The mines,
12 the belts, the miners, whatever.

13 Q. Okay. And I believe you did
14 say that you had some mining
15 certificates. Could you describe
16 what mining certificates you have?

17 A. I don't know if I can list
18 them all. I have --- I'm a certified
19 mine foreman, certified electrician,
20 certified shot-firer, certified gas
21 tester, I guess it's a gas tester.
22 I'm a trainer. I've been on mine
23 rescues. I'm no longer --- I'm 61,
24 I'm no longer on rescue teams. But I
25 was captain of the rescue team for

1 approximately 15 years for Badger, in
2 competition and out. Have been in a
3 couple mine fires. Have removed a
4 couple bodies from mine fires and
5 have got people out from under falls,
6 and you know, all mine-related
7 accidents one time or another.

8 Q. Okay. In relation to your
9 mining certificates, are those all in
10 West Virginia or do you have
11 certification ---?

12 A. No. All in West Virginia.

13 Q. All in West Virginia?

14 A. Yes, sir. I didn't have an
15 Alabama mine foreman's card.

16 Q. Okay. And who is your
17 immediate supervisor?

18 A. Jeff Toler, the mine
19 superintendent.

20 Q. And how long has he been your
21 supervisor?

22 A. You know, I don't know. In
23 the fall he came up there from ICG.
24 It was after ICG took over. John
25 Stemple was there for a short period,

1 and then he came up with him. I
2 can't honestly say.

3 MR. SWENTOSKY:

4 Okay. At this time,
5 I'm going to step out and let
6 Mr. Art Wooten take over the
7 questioning for a little
8 while.

9 BY MR. WOOTEN:

10 Q. Okay. Denver, I'm just going
11 to follow through on some of the
12 stuff that he's left over, and then
13 he's going to come back later. And
14 if this continues on through
15 tomorrow, and pick up from that
16 aspect. Okay. In your capacity of
17 maintenance superintendent, do you
18 sign any --- or countersign any
19 records, the mine records?

20 A. Yes, sir.

21 Q. Which ones?

22 A. Well, permissibility and stuff
23 like that.

24 Q. Have you countersigned any
25 records that anyone else is required

1 to sign?

2 A. No. I don't think I
3 countersigned anything.

4 Q. When was the last time that
5 anyone from your electrical
6 department was in the mine prior to
7 the mining accident, the morning of
8 the accident?

9 A. Well, there was two people in
10 there at the time of the accident,
11 one on each section.

12 Q. Who were they?

13 A. One of the deceased, and then
14 the other one was Hoy Keith.

15 Q. Hoy Keith?

16 A. Hoy Keith.

17 Q. Could you spell that last
18 name?

19 A. H - - - or last name is
20 K-E-I-T-H. I think that's correct.
21 I think the E's - - - .

22 Q. Were they working together?

23 A. No. They were on different
24 sections. He was on the First Left
25 section. He was one of the guys that

1 --- one of the survivors they brought
2 in.

3 Q. What were they doing?

4 A. They're section electricians.

5 Q. Okay.

6 A. Jackie Weaver was one of the
7 deceased.

8 Q. Okay. Were they performing
9 any electrical work at the time?

10 A. They were --- they were just
11 traveling in. I don't know that they
12 had done any electrical work that
13 morning. No, sir.

14 Q. Okay. Now, what I mean is
15 prior to that morning. Okay?

16 A. Oh, before they went
17 underground?

18 Q. Yes.

19 A. No, sir.

20 Q. There was nobody?

21 A. No, sir.

22 Q. When was the last time, prior
23 to that day that, any electrical work
24 was done?

25 A. I think we ran coal Saturday,

1 so there would have been people there
2 Saturday. And Saturday afternoon.

3 Q. But there was no maintenance
4 work, idle maintenance work or
5 anything like that done?

6 A. Sunday?

7 Q. Sunday.

8 A. No, sir. Not that I know of.

9 Q. But the work that was done was
10 just on the mining sections; is that
11 correct, sir?

12 A. Yes, sir.

13 Q. Did you have any outby work
14 that was going on?

15 A. If I did, I don't know of it.

16 Q. Do you know if any cutting or
17 welding had been performed on those
18 shifts prior to the explosion?

19 A. Well, I know we were building
20 a shop up there around Two Left
21 switch, up in there. We were trying
22 to build an underground shop. How
23 much work was done and all that, I
24 don't know.

25 Q. You're talking about Two Left.

1 That's Two Left active working of Two
2 Left; right?

3 A. No. Right there around the
4 switch - - -

5 Q. Okay.

6 A. - - - there was a set of tanks.
7 They had a welder there. I'm sure
8 you've seen that welder.

9 Q. I did see a welder there.

10 A. Okay. There was a welder and
11 a set of tanks and we was trying to
12 build a set of doors there. We was
13 going to enclose that and make us a
14 smoother shop from where it was at
15 Nine drive, or Nine block on Four
16 belt up to that location.

17 Q. Now, who was working in that
18 area, that you know of, that you can
19 tell us about?

20 A. Well, sir, I can't say. I
21 know the two foremen that were there,
22 but I don't know who was there what
23 day and who worked there last. I
24 don't know who was on that shift. I
25 don't know at this time.

1 Q. Who was the two foremen?

2 A. Vernon Hofer was one of them
3 that was there the day of the
4 accident. And I don't know what day
5 he worked last, but he worked Monday.
6 And Willard Anderson was the other
7 one. But I don't know --- I don't
8 know who was there Saturday.

9 Q. Okay.

10 A. I can't answer that.

11 Q. And do you know if they were
12 qualified to use a methane detector?

13 A. Oh, yes. Yes, sir.

14 Q. Okay. Did they have methane
15 detectors with them?

16 A. I can't --- I wouldn't --- I
17 don't know.

18 Q. Was any underground power
19 de-energized during the holiday
20 shutdown?

21 A. Was underground power
22 energized?

23 Q. Yes.

24 A. Yes, sir.

25 Q. Was it all energized, or ---?

1 A. The sections wouldn't be.

2 Q. Not the sections.

3 A. The power would be at the
4 section power center. But as far as
5 the equipment, no. At the face. And
6 the belts wouldn't have been
7 energized or running during the other
8 shift.

9 Q. You had all your pumps
10 energized; is that correct, outby
11 pumps?

12 A. I don't know how many pumps
13 was running. They started them and
14 stopped them. I can't say. Some of
15 them are. And I know the one on One
16 tail was. Some of them were, yes.

17 Q. Was there any pumps up around
18 Two Left section, right at the mouth
19 of Two Left?

20 A. Well, I don't know. If there
21 was any running, I don't know.

22 Q. Had any problems been reported
23 on those mantrips that they use up on
24 the Two Left section?

25 A. No. Or they wouldn't have

1 taken them in.

2 Q. Do they use the same mantrips,
3 or do they switch out?

4 A. Well, they generally take ---
5 they generally switch out when
6 everybody's working. But that was an
7 idle shift, and they took in two
8 mantrips and were going to stay there
9 that day.

10 Q. Okay.

11 A. But the way it usually works
12 is you've got a crew in there and the
13 crew that follows them takes in two
14 mantrips. And that crew that's there
15 brings those two mantrips out. Or
16 the two crews. One crew will bring
17 each one out.

18 Q. And you don't --- do you
19 recollect what mantrip the Two Left
20 section crew used that day?

21 A. No. Six and Eight were the
22 two that were in there. But I don't
23 know which one was on which section.

24 Q. Okay. And do you recall the
25 last time any maintenance was done on

1 either of those mantrips?

2 A. No. But we do maintenance,
3 routine maintenance on them all the
4 time.

5 Q. Okay. I'm going to refer back
6 to the Two --- the mouth of Two Left
7 section again; okay?

8 A. Yes, sir.

9 Q. Was there pumps, charging
10 stations, transformers and battery
11 equipment? Was there any of that in
12 the ---?

13 A. There was a charging station
14 there for a mantrip, right at the
15 spur of Two Left. Right straight
16 ahead of the belt drive. Of course,
17 there was a belt take-up and a belt
18 drive and ---.

19 Q. Is the charger you're
20 referring to, is that the one that
21 was blowing down the track?

22 A. Yes, sir. Had the cable
23 stress clamp tore up.

24 Q. Do you know if it was
25 energized at the time?

1 A. No, sir, I do not. I wouldn't
2 have any way of knowing.

3 Q. Do you know if it was plugged
4 to the batteries at that time?

5 A. I wouldn't think so with a
6 jeep up there, no, sir. I'd say no
7 jeep was up there when we plugged up
8 that.

9 Q. Okay. What's the closest
10 transformer in that area?

11 A. Six drive. Belt transformer?

12 Q. Uh-huh (yes).

13 A. Six drive was the closest one.

14 Q. Is that where that charge
15 would have been powered from?

16 A. Yes, sir, I think so.

17 Q. The cable that you was doing
18 that, was it --- can you tell me if
19 it was hung on insulators?

20 A. It was hung. I would say it
21 was hung on insulators, but it could
22 have been hung on those ropes, those
23 yellow highline ropes. I don't ---.

24 Q. But it was hung?

25 A. It was --- I would say yes,

1 sir, it was hung across the track.

2 It had to be.

3 OFF RECORD DISCUSSION

4 BY MR. WOOTEN:

5 Q. Was there any pumps or any
6 other electrical equipment located in
7 the vicinity of the old Two Left main
8 seals? Back next to the seals
9 or ---?

10 A. They left the pump up in
11 there, I understand. But I wasn't
12 aware of it until ---.

13 Q. Do you know what number that
14 pump was?

15 A. According to the --- what I
16 heard, it was 13.

17 Q. Do you know why it was left?

18 A. It supposedly went down and
19 was in a hole and they didn't get it
20 out.

21 Q. They didn't get it out?

22 A. They shorted it out. Now, I
23 don't --- that's hearsay. I don't
24 know that.

25 Q. Can you remember where it was

1 powered from when it was in use?

2 A. No, sir. I assume it was
3 powered from the old Six belt load
4 center when it was up in the sealed
5 area. But I don't know if that's
6 correct or not.

7 Q. It wasn't at the time of the
8 explosion, run down through the
9 seals - - -

10 A. No, sir.

11 Q. - - - and powered up?

12 A. No, sir.

13 Q. Have you had any recent
14 problems with your electrical
15 equipment, electrical system, the
16 grounding issues or anything of that
17 nature?

18 A. As far as ground faulting and
19 stuff?

20 Q. Yes.

21 A. No. We ground fault - - -
22 that's one thing we do. Ronnie
23 Tenney, our man that does most of
24 that on the - - - does a good job, the
25 ground faulting is always usually - - -

1 we keep that up. And that's ---.

2 Q. But you hadn't had any recent
3 faults or anything of that nature?

4 A. No, not the morning of that
5 accident.

6 Q. No cable problems?

7 A. Now, highline problems ---
8 well, we've had problems now and
9 then, yes, sir. But not that --- not
10 as far as I know that weekend, no,
11 sir.

12 Q. Okay. I think I've already
13 asked you about the maintenance over
14 the weekend?

15 A. Yes, sir.

16 Q. Okay. The AMS system that ---
17 talking about at your mine, is it
18 really an AMS system or is it a CO
19 system?

20 A. A CO system.

21 Q. It is a CO?

22 A. It's for CO monitoring. We
23 use it for our belt bosses. It
24 controls --- you can tell what the
25 belt went off on.

1 Q. Okay.

2 A. It's a Pyott-Boone belt boss
3 CO combination system, I guess you'd
4 call it.

5 Q. Okay.

6 A. And what it does, it monitors
7 slippage, sequence. You can look at
8 that and tell what the belt's, it's
9 running, what RPMs it's running, and
10 if there's a problem with it, whether
11 it goes down on like pull switch, or
12 if it goes out on sequence or
13 slippage.

14 Q. Are you pretty familiar with
15 this system?

16 A. Well, I'm familiar with the
17 belt boss better than I am the CO
18 part. But I am familiar with it.
19 Yes, sir.

20 Q. How often does the sensors
21 have to be located on this system?

22 A. 1,000 feet.

23 Q. Every 1,000 feet?

24 A. Within 50-foot of each belt in
25 the direction of the air outby the

1 tail and whatnot.

2 Q. I'm going to let you look at
3 this and we might mark it as an
4 exhibit. I don't know yet.

5 MR. WOOTEN:

6 Do you want to mark
7 that as an exhibit? I'll have
8 it be Exhibit One for this
9 meeting.

10 (Wilfong Exhibit One
11 marked for
12 identification.)

13 BY MR. WOOTEN:

14 Q. Okay. In regard to the
15 system, explain what each readout
16 means from January the 2nd, 2006, if
17 you can, just briefly.

18 A. January the 2nd. Okay. This
19 is 1/2. All right. It's --- okay.
20 It's saying that the belt started,
21 the Number One belt.

22 Q. Uh-huh (yes).

23 A. At the station, Number One
24 belt boss, belt start. Belt boss
25 went to run. After the belt start,

1 it goes from start into run.

2 Q. Okay.

3 A. And then two belts ---.

4 ATTORNEY KILPATRICK:

5 Wait. Excuse me. Are
6 you asking January 1st or
7 January 2nd?

8 A. This is 1 here. I'm sorry.
9 I'm on the wrong date. Down here's
10 the 2nd.

11 BY ATTORNEY WOOTEN:

12 Q. Yeah. That's the 2nd.

13 A. Okay. I'm sorry. Back down
14 here.

15 Q. Then we can go back to the
16 1st.

17 A. Number One belt start. It's
18 still the same thing.

19 Q. Okay.

20 A. And it started at 5:27 a.m.,
21 according to the time on the
22 computer.

23 Q. Okay.

24 A. And at 5:27:40, that was .16
25 seconds, I guess, and 47 --- it went

1 from start to run. The Number Two
2 belt started after the starting of
3 Number One. We have a delay on them
4 so they won't spill. So it started a
5 few seconds later. And Number Two
6 belt started. Then Number Three belt
7 started at --- that was 5:28. And at
8 5:30, Number Three belt started. At
9 5:32, Number Four belt started. And
10 at 6:09, 199 One Left alarm, CO
11 monitor taken off.

12 Q. Okay. Now, what does that 199
13 mean?

14 A. 199? That's what it's reading
15 --- like, that's the station.

16 Q. That's the station ---

17 A. Uh-huh (yes).

18 Q. --- at the tail?

19 A. Well, I'd have to have a map.
20 I suppose that section, One Left
21 section alarm, CO monitor.

22 Q. How long does it --- I know
23 this ---.

24 A. He pushed --- it looks like it
25 alarmed and he shut it off. He hit

1 the mouse and acknowledged it or
2 whatever.

3 Q. Okay.

4 A. And he was going to have them
5 check it.

6 Q. Okay.

7 A. Okay?

8 Q. On the CO system, it usually
9 takes about 30 seconds for it to
10 complete its cycle, and then it will
11 go back and read those sensors again;
12 correct?

13 A. Yeah. It's not instant. It's
14 not instant.

15 Q. Okay. Look down next to the
16 bottom of the page down there. It's
17 probably --- before it gets to the 10
18 parts per million and then 15 parts
19 per million there at the Number Four
20 belt. Do you see that?

21 A. In a minute. I'm not done
22 here. Number Four. Number Four belt
23 boss by our seals on that morning.
24 Ten parts per million, 37 break
25 Number Four belt, CO monitor,

1 warning, ten parts per million.

2 Q. Okay. Look at the time on
3 that. That's ---.

4 A. 7:16.

5 Q. Yeah. Okay. And then it took
6 it three minutes again to read that
7 the second time.

8 A. Uh-huh (yes).

9 Q. Can you explain to me why it
10 took so long for that to make that
11 cycle again?

12 A. No.

13 Q. And is that unusual?

14 A. Well, ours is not the fastest
15 system, but it --- I can't honestly
16 say. I don't know.

17 Q. Okay.

18 A. But I do know this was after
19 it occurred --- the accident
20 occurred. And my first
21 acknowledgment that there was a
22 problem was when the dispatcher
23 called and told us that we had a CO
24 alarm and he wanted the crew to check
25 it. And when he looked at the

1 monitor, parts of it was dead at that
2 time. And we thought that fuses had
3 blown, because that occurs during
4 storms a lot. Those little 250
5 milliamp fuses in those boxes.

6 Q. Okay. Now, getting back to
7 that same place, though, that 1.43,
8 is that --- again, is that the number
9 of the sensor on the Number Four
10 belt?

11 A. Yeah, I'd say. Yes, sir.

12 Q. And is that near the tail
13 area?

14 A. Thirty-seven (37) break is not
15 --- it's near the One Left switch
16 area.

17 Q. The old One --- or the ---?

18 A. One Left, where they're at.
19 They're only on One Left. There's
20 only one One Left switch.

21 Q. Okay. Go back up to the top
22 there again.

23 A. Okay.

24 Q. Where it starts on the 1st,
25 January the 1st.

1 A. Okay.

2 Q. Those belts started?

3 A. Yes, sir.

4 Q. Do you know who started those
5 belts?

6 A. Probably the dispatcher.

7 Q. The dispatcher can start the
8 belts - - -

9 A. Yes.

10 Q. - - - from the surface?

11 A. Yes, sir. You can start it
12 with the computer.

13 Q. Okay.

14 A. If there's power on them and
15 stuff.

16 Q. Okay. How did they stop on
17 sequence?

18 A. How do they stop?

19 Q. How did they stop on sequence?

20 A. You have a sensor that - - - .

21 Q. I understand that. But look
22 at the time on it. The back belt
23 stopped before the first one did. Is
24 that not right? It looks like Number
25 Four stopped - - -

1 A. Yeah.

2 Q. --- before Number Three did.

3 A. Well, that's that computer
4 reading it. I can't --- no, I ---.

5 Q. Was there someone in the mine
6 at that time?

7 A. Well, now, this is 9:49, 2006.
8 1/1. Is that evening --- that's
9 morning; isn't it?

10 Q. That's morning.

11 A. Because it's listed as like
12 military time; right?

13 Q. Yes.

14 A. Okay. No. I don't know if
15 they were out splicing, they had a
16 belt crew working or what. I can't
17 --- I don't know why they'd even have
18 the belts running. Because we didn't
19 run coal on Sunday. So they might
20 have had men out there splicing
21 belts. I don't know.

22 Q. Okay.

23 A. But as far as I know, I didn't
24 have a maintenance crew working,
25 though.

1 Q. Okay. Did the dispatcher
2 report any CO alarms to you that
3 morning?

4 A. Yeah. That's when he told me
5 the monitors was out.

6 Q. Do you know what levels he
7 said they were?

8 A. He didn't --- he just said
9 that he had gray and he thought
10 they'd just went out. He thought it
11 was a power loss. And that's when we
12 --- I was getting fuses out to give
13 to Vernon to take underground to ---

14 Q. Okay.

15 A. --- that's what we thought had
16 occurred.

17 Q. Okay.

18 A. And of course, I didn't see
19 the monitor in my office.

20 Q. Well, does your CO system ---
21 on low alarm, what does it show
22 usually?

23 A. Low alarm CO, usually.

24 Q. I mean, how many parts per
25 million?

1 A. Ten. It'll start, you know
2 --- it'll read it all the time, but
3 it will alarm at ten.

4 Q. Okay. Is that high alarm or
5 low alarm?

6 A. Low.

7 Q. Low. What about high?

8 A. I think it's 15, I think.

9 Q. Fifteen (15). Have you had
10 training on this system?

11 A. Well, not per se. Not like
12 Pete and Vernon. They're the ---.

13 Q. Do you work on it?

14 A. Now and then, yes, sir.

15 Q. Okay. And you said Pete and
16 Vernon; right?

17 A. Pete Capaldo is a --- does
18 most of our CO at that mine. At
19 Spruce Fork Mine. And Vernon Hofer
20 does most of it at --- of course,
21 Pete's helping him now, 'cause he's
22 over there.

23 Q. Okay. Do you know how to
24 spell Pete's name?

25 A. C-A-L-A-P-D-O (sic).

1 Q. Okay.

2 A. P-A-D-O.

3 Q. And he has had training on
4 this system?

5 A. Oh, yeah.

6 Q. How long's ---?

7 A. We've all had some, you know.

8 Q. How long has this system been
9 at this mine, do you know?

10 A. Ever since Anker started it
11 up, we got the system. We tried to
12 get something that was compatible
13 with Spruce's so we could use their
14 parts.

15 Q. Okay.

16 A. And that may be why it's a
17 little bit slow, but ---.

18 Q. Okay. With the information
19 that the dispatcher gave you, what
20 did you do with this information?

21 A. Well, I gave Vernon fuses and
22 told him to go to the bottom and get
23 a jeep and go in there and see what
24 was going on with the system, if we
25 had power fuses blown or what in

1 those boxes.

2 Q. Okay. Did you lose
3 communication? Did the dispatcher
4 lose communication underground at
5 this time or anything with the
6 people?

7 A. He hadn't talked to anybody at
8 that time. But he tried to get ahold
9 of One Left crew to tell them to
10 check their COs. Owie Jones and them
11 to stop and check their COs, from
12 what I understand. And he called me,
13 he had power. You know, he had grey
14 --- well, he thought he just had a
15 power outage in those fuses. And
16 that's what me and Vernon thought.
17 Of course, we couldn't see the screen
18 in my office. And I just got in my
19 drawer and got a box of fuses out and
20 gave Vernon some fuses so ---. We
21 keep extras in those boxes. There's
22 little spare holders down there with
23 --- we usually have two in there.
24 But I gave him some fuses and told
25 him if he had to use any, to put new

1 ones in.

2 Q. Now, why couldn't you see your
3 screen?

4 A. I don't have one in my office.

5 Q. Well, you said you couldn't
6 see your screen in your office.

7 A. Well, I can't see the screen,
8 not my screen.

9 Q. Oh, okay.

10 A. I don't have a screen.

11 Q. I know in previous interviews
12 we've heard that you have a four-hour
13 backup on that system. Does that ---

14 A. Batteries.

15 Q. --- four-hour backup --- does
16 it keep the monitor up, too, or does
17 it just give ---?

18 A. It's supposed to have
19 batteries in there to keep the
20 monitor up, yes.

21 Q. It keeps the monitor up also?

22 A. From what I understand,
23 everything's supposed to be.

24 Q. Okay. What other types of
25 communication do you have

1 underground?

2 A. Just the mine telephone
3 system, the mine phones, battery
4 phones.

5 Q. Okay. Are they connected
6 together with your trolley phones in
7 any manner?

8 A. Yeah. The outside.

9 Q. Can you call?

10 A. Yeah. We've got trolley
11 phones on the jeeps.

12 Q. Can you talk from ---?

13 A. Yeah. You're supposed to be
14 able to.

15 Q. Can you talk from your mine
16 pager system to your trolley phones?

17 A. The dispatcher can hear you,
18 you can't. I mean, the dispatchers
19 can.

20 Q. Do you have --- is either one
21 of those communication systems
22 considered your primary system?

23 A. The phone line is.

24 Q. The phone line is?

25 A. Yeah.

1 Q. Okay. What is the location of
2 your pagers, the phones in the mine?

3 A. All of them at all belt
4 drives, and a lot of places just
5 along the middle of the track,
6 depending on where they're going to
7 splice belt. At about all switches,
8 they have one of them. But at every
9 belt drive in each section. And like
10 a supply hole. Just mostly an
11 important place where somebody's
12 usually around.

13 Q. Okay. Do you use --- do you
14 know that if they use the CO system,
15 sometimes the alarm at the tailpiece?

16 A. We did. Yes, sir.

17 Q. You did?

18 A. We won't any more, but we did.

19 Q. Okay. What does --- I mean,
20 what does it do? I mean, does it
21 give an audible and visual alarm?

22 A. Yes, sir.

23 Q. And then is that the same
24 alarm that you would get if you had a
25 fire or high CO?

1 A. Yes. On that particular belt,
2 yes.

3 Q. On the Two unit belts; is that
4 correct?

5 A. Yes, sir.

6 Q. And they were --- usually, if
7 that goes off, how long does it take
8 them to come to a phone booth?

9 A. They come and answer.

10 Q. They come right then?

11 A. Yeah. Because the buggy
12 runner is down there, is why they
13 used it.

14 Q. But they do answer
15 immediately?

16 A. Yes, sir.

17 Q. Every time?

18 A. Yes. They're there. They'll
19 always answer that.

20 Q. Okay.

21 A. They always have. They won't
22 anymore, but we won't put them off
23 anymore, but we did in the past.

24 Q. Okay. Kind of briefly
25 describe your --- the way your

1 trolley phone system works.

2 A. Our trolley phone system has
3 number eight wiring in for an antenna
4 line. It runs from the --- it's not
5 that size outside, but at the pit
6 going in, it should be at number
7 eight wire. And it runs to the end
8 of each track. It has an end line
9 resistor on the end of Two Left and
10 an end line resistor on the end of
11 the track at One Left. And we have a
12 repeater at the supply hole. It was
13 at Two head, and we just moved it to
14 the supply hole, just a little bit
15 before this accident, because we was
16 having communication problems at
17 sections. You couldn't talk clearly.

18 Q. And the supply hole, about
19 what break is that?

20 A. Nine break on Four belt.

21 Q. Is that the only repeater you
22 use, just one ---

23 A. Yes, sir.

24 Q. --- in that whole system?

25 A. Yes, sir.

1 Q. Can you talk from the trolley
2 phone to the other phone systems?

3 A. Yeah.

4 Q. I know I asked you a while ago
5 if you could just do the other way?

6 A. Yeah.

7 Q. Okay. You can?

8 A. They come over the trolley ---
9 they come over the pager when they're
10 working on the mine phones. You can
11 hear them squalling on it, yeah.

12 Q. Do you have any amplification
13 devices in the system, other than the
14 repeaters?

15 A. No. Whatever they got in the
16 trailer, I don't know how that ---
17 right there in the dispatcher's
18 office, whatever's in there.

19 Q. Okay. Well, the morning of
20 the explosion, did the high voltage
21 power ever trip?

22 A. Yes, sir.

23 Q. Where did it trip?

24 A. It tripped at Two head.

25 Q. Two head?

1 A. Uh-huh (yes). Number Two belt
2 head, where the splitter is there.

3 Q. It never did trip completely
4 to the outside?

5 A. No, sir. Not until I shut it
6 off. But it didn't trip itself. I
7 shut it off after going in the mine.

8 Q. Why did you shut it off?

9 A. Well, I knew we had an
10 accident. We had problems.

11 Q. Okay.

12 A. When I come outside, the first
13 thing I did was pull the power ---
14 knock the power, I shut off the
15 monitor and everything. The breaker
16 and everything and had Vernon pull
17 the disconnect switch and lockout the
18 air switch at the pit mouth.

19 Q. How long was that off before
20 they put it back on?

21 A. It was off until the
22 investigator --- until they got the
23 team to go in there and turn the pump
24 on and stuff. I don't know how many
25 hours that was.

1 Q. Could you kind of give me some
2 kind of idea?

3 A. Buddy, that was a heck --- I
4 don't --- honestly, I think it was in
5 the afternoon, but I ---.

6 Q. Now, you sent an investigator.
7 Who would that be?

8 A. Well, there was --- I don't
9 know. I mean, as far as a name, you
10 mean?

11 Q. Uh-huh (yes). Who'd he work
12 for? Did he work for you guys, MSHA?

13 A. Oh, no. The investigator is
14 MSHA. I don't know --- the
15 inspectors. I don't know the guys
16 over the teams and stuff, at the
17 communications room or whatever.

18 Q. Okay. Do you know if they was
19 federal or state?

20 A. They was all together

21 Q. Together?

22 A. Yes, sir. It was a joint
23 decision to do the study.

24 Q. Was that one of the rescue
25 teams?

1 A. The rescue teams installed the
2 power down there, yes, sir.

3 Q. They did?

4 A. Yeah. We couldn't go in the
5 mine or anything.

6 Q. Will your trolley phone system
7 work if you don't have --- if the
8 repeater's bad?

9 A. No.

10 Q. Had you had any trouble with
11 the repeaters?

12 A. I had changed them out before.
13 That's why I have the spare.

14 Q. Just in this time. I mean,
15 like the day before or something of
16 that nature.

17 A. They have had --- they had
18 trouble. Supposedly Saturday, a guy
19 that dispatched said it didn't work
20 all day. And then that motorman that
21 worked Sunday said it worked a little
22 bit, but I don't know if it did or
23 not. I wasn't there Sunday, so I
24 couldn't say.

25 Q. Could you give me some kind of

1 estimate about what time you went
2 underground?

3 A. Yeah. I went underground ---
4 when they --- when he told me we had
5 trouble with the CO system, I gave
6 Vernon those fuses. Vernon went down
7 on the bottom and it wasn't but a
8 minute or two after Vernon left the
9 office, we looked at both fuses and
10 stuff. And Vernon went down over the
11 hill to get a jeep to go in to check
12 those boxes. Owen Jones called and
13 called the dispatch. He had a
14 problem. He didn't know what was
15 going on. I got on the phone and he
16 said he didn't know what had
17 happened. They had a big force of
18 air. And while I was talking to
19 Owen, I hollered at Jeff Toler and he
20 got on the phone and got on there,
21 instructed Owen to get his crew and
22 get in the intake. At that same
23 time, Pat Boni got on the phone, and
24 he was at Four and he had lost his
25 power. He said that he felt --- I

1 asked him when he was on there if he
2 was okay, if he had any --- because
3 Owen said they was in dust and smoke
4 and stuff. I asked him if he had any
5 smoke or dust at Four head. Four
6 drive. He said, no, sir, they didn't
7 have any --- there wasn't anything
8 there. The only thing he felt was
9 like a pop in his ears, like he had
10 topped a mountain and your ears pop.
11 I told him to get in the intake and
12 come outside.

13 Q. And what's his ---?

14 A. Then I went down there.

15 Q. What's his normal job?

16 A. He's a belt man at Four. He
17 was working at Four head. He's an
18 outby belt person.

19 Q. Okay. How long was it after
20 you went in the mines that you came
21 back out and knocked the power? Do
22 you have any recollection about what
23 time you knocked the power?

24 A. I had those --- I went into
25 Four belt. We went in to see what

1 had occurred, me and Jeff, Al and
2 Vernon. Because I hollered at Vernon
3 and told him not to go in, to get a
4 jeep ready, we was going in, we had
5 --- something had happened. And we
6 went down the hill and I checked the
7 fan chart. I went over to see if
8 there was anything on the fan chart.
9 And that fan needle spiked that fan
10 chart, and I did not notice it. I
11 mean, I was excited and run over and
12 looked at it and it had spiked that
13 fan chart. And the fan chart was
14 over, I stuck a fan chart in there
15 and run in the mines.

16 Q. And we went directly --- well,
17 when we started in the mines, we got
18 about two blocks in the mines, or
19 maybe three, and we met Fred Jamison,
20 who is another outby belt man. He
21 was walking out the track entry
22 almost outside. Two or three breaks
23 underground, I'd say. And we did not
24 stop. But Jeff asked him if he was
25 okay and he said yeah. He said he

1 --- you know, well, get on out there,
2 we'll see you in a little bit.

3 And we went on down right
4 directly to Four belt. And we
5 couldn't talk on the trolley. I told
6 --- Al was running the jeep. And I
7 told Al --- I asked him to stop at
8 the first phone. I wanted to stop at
9 a supply hole, but I didn't tell him
10 in time. And he stopped somewhere on
11 Four belt. I think it was around 27
12 or 28 break, I'm not positive.
13 There's a phone there. There was a
14 phone there at that time. It's not
15 there today, but it was then. The
16 rescue teams moved it or something.
17 But anyway, I stopped at that phone
18 and called the dispatcher on that
19 phone to see if he had heard from any
20 other crew, because we had only heard
21 from that one crew. I asked him if
22 he had heard from the second crew,
23 Two Left crew. He said he has heard
24 nothing from anybody after he talked
25 to Owie.

1 Q. Okay.

2 A. And we got on the jeep to go
3 on and that's when one of the members
4 of the crew was walking out, said
5 that they were having trouble with
6 Hoy. It was the bolt man, Joe Ryan,
7 stuck his head through a man door.
8 He had heard us on the track. And
9 they had donned their rescuers and
10 everything. He stuck his head
11 through that door, hollered, hey,
12 we're having trouble with Hoy. I
13 said how many is there? We're all
14 here. You know, the crew's here,
15 except for --- I never can ---
16 Avington. Paul Avington and Ron
17 Grall was a belt man that rode in
18 with them. And they had --- you
19 know, they had got ahead of them
20 guys. But the rest of them, they was
21 having trouble with Hoy. He's an
22 older guy. And he was having trouble
23 going. And there's one guy, a miner
24 man, Roger Perry. He's an older
25 fellow. He has a wooden leg. They

1 were having some trouble with him and
2 Hoy keeping up. So I said, get them
3 out of there, get them on this jeep
4 and we'll take them outside.

5 So on the way in, we had
6 stopped and picked up John Boni, who
7 was a belt boss. Outby belt, a
8 pumper and whatnot, foreman. We
9 picked him up and he had went down
10 there with us. I said, do a head
11 count on these guys, get them all in
12 the jeep. And I run to the phone and
13 called the dispatcher and asked for
14 mine rescue teams and notify both
15 agencies that we had an explosion,
16 because those guys were covered in
17 smoke and told me what had happened.
18 And they told me there was stopping
19 out at 32 break.

20 Q. Do you know what time it was
21 you called the dispatcher?

22 A. I'd say that was right around
23 7:00. I can't honestly say. Maybe a
24 couple minutes before 7:00, couple
25 minutes after. Somewhere in that

1 area. It had to be in that time
2 frame, because I had those guys
3 outside by 7:20.

4 Q. Okay.

5 A. And we left there when we got
6 them on the jeep. So it was probably
7 a little bit before 7:00. I can't
8 honestly --- it was right around
9 7:00.

10 Q. Getting back to some
11 communication system, can you talk
12 from the walkie-talkies that they
13 were using on the faces? Can you
14 talk from those outby? You can't,
15 just only use them ---?

16 A. Yeah, just only 1,000 feet in
17 a straight line is what they would
18 work, pretty much. You had to be
19 pretty much in a straight line, too.
20 They won't talk very far.

21 Q. About what time did you get up
22 there and realize the extent of the
23 problem underground?

24 A. I'd say around 7:00, when I
25 got there and seen Joe and them.

1 Q. Okay.

2 A. Because that man at the drive
3 didn't tell me, you know. And I
4 didn't --- I mean, I didn't know for
5 sure what had happened. But as soon
6 as I got in there and seen those guys
7 and seen the smoke on them, and they
8 told --- you know, that they got
9 blown off the jeep, I didn't realize
10 the extent of it until that time.
11 Then when they said 32 stopping was
12 out, and 32 stopping is a good bit
13 back from the face, I was concerned.
14 That's when I went to the phone and
15 called for help.

16 I told them notify both
17 agencies and get a rescue team or two
18 there, get us some help. We needed
19 help. And that was before I ever got
20 the crew outside. Then we stopped at
21 the supply hole that Ron Grall ---
22 while I was on the phone telling him
23 to get ahold of the agencies, Ron
24 Grall come on the phone and said they
25 were at the supply hole, they was

1 already at Nine block on the Four
2 belt. And they had heard us go by,
3 too, I guess, on that jeep. And they
4 come through in the supply hole to
5 that phone.

6 Q. Did they call the agencies at
7 that time?

8 A. I have no clue. I don't know.
9 I took that crew outside immediately.
10 Run right straight up to the
11 substation and pulled the power and
12 locked those disconnects out and went
13 down into my office to get some
14 stuff. And Jeff called me and said
15 he needed a curtain. The
16 superintendent called. He wanted
17 curtain nail spads. And he got with
18 Owie Jones.

19 Well, while I was on the phone
20 with the dispatcher also, Owie got on
21 there. And I told him to get his
22 you-know-what butt back to --- I
23 don't know exactly how I said it, but
24 I told him to get back out of that
25 smoke before we'd have to carry him

1 out of there. And then when I left
2 there with the crew, me and Vernon
3 took the crew out, the two
4 maintenance foremen. And I told ---
5 I asked Jeff and Al to go get Owie
6 and gather him up before we had a
7 problem with Owie, because he didn't
8 have his rescuer on. His hat had
9 been knocked off. Of course, I
10 didn't know that at the time. But I
11 said, gather him up before he ---
12 because his brother was up there, and
13 he was wanting to get to his brother.
14 His brother was a crew member on the
15 other crew.

16 Q. So you came out and then went
17 back in?

18 A. I went right straight out with
19 that crew as quick as I could and got
20 them outside, and they was all okay.
21 And as soon as I got outside, I
22 checked on that Boni boy that was at
23 Four drive, and he had already beaten
24 us out. He was in the trailer,
25 because I looked for him to make sure

1 he was out. Then he said, I'm okay.
2 And I said, good. And I run up there
3 and pulled the power.

4 Q. What time was that?

5 A. I'd say that was probably 15
6 or 20 minutes after 7:00. I'd say
7 close to 20 after 7:00. I can't ---.

8 Q. You didn't go back underground
9 after that?

10 A. Immediately.

11 Q. So immediate ---.

12 A. I got that curtain and --- I
13 mean, not immediately, I was ---. I
14 don't know. We gathered up curtains,
15 nail spads, phones, detectors,
16 everything Jeff ---.

17 Q. Who went with you?

18 A. Vernon again.

19 Q. Vernon?

20 A. Hofer.

21 Q. Hofer.

22 A. Yes, sir. I went back in to
23 try to get to the other crew.

24 Q. Okay.

25 A. But we never did hear from the

1 other crew, you know, of course.

2 Q. There was a conversation
3 between you and Hofer. I don't know
4 which trip it was coming out or which
5 time it was. Okay? But he said
6 something to you about why would you
7 open and use the manual doors instead
8 of the electrical doors.

9 A. Because I was going to shut
10 the power off.

11 Q. Because you was going to;
12 right?

13 A. Yeah. It wasn't off at the
14 doors yet. Because it knocked at Two
15 head initially.

16 Q. Okay.

17 A. I shut it off at the pit mouth
18 when I got outside. I shut it off
19 everywhere else.

20 Q. So you knew then you was going
21 to shut the power off?

22 A. Oh, absolutely.

23 Q. Did that --- when you shut the
24 power off, did it shut the fan off,
25 too?

1 A. No. I shut the underground
2 power off, not the fan. I would
3 never stop a fan unless I was told so
4 by the agencies. We never stopped
5 the fan. That's bad business.

6 Q. Okay. We're going to get down
7 to some of the power questions now.
8 What power company provides
9 electricity for your mine?

10 A. I guess it's Allegheny Power.

11 Q. Where are they located? Do
12 you know their office?

13 A. No, I don't. I don't deal
14 directly with them.

15 Q. What voltage level do they
16 provide?

17 A. We have 7,200 going
18 underground. What they bring in the
19 substation, I don't know if that's
20 12,470 or 15,000. I don't know.

21 Q. You have two substations?

22 A. Yeah. We have one on French
23 Creek, the main, I guess.

24 Q. Okay.

25 A. And then we have the one at

1 the mine. The only one I worked with
2 is the one at the mine.

3 Q. What's coming into the mine,
4 then?

5 A. I don't ---.

6 Q. Is it 12,470? You've got
7 7,200?

8 A. I think it's 12,470, but I'm
9 not positive of that. You would know
10 that, I would think.

11 Q. Okay.

12 A. But it's 7,200 going
13 underground, is what I work with.

14 Q. Okay. So in other words, your
15 mine picks up power at the French
16 Creek sub; right?

17 A. Yes, sir. Yes.

18 Q. And it comes up and it splits
19 off. It also feeds your preparation
20 plant; is that correct?

21 A. Yes, sir.

22 Q. And it splits off and goes to
23 the mine at their location?

24 A. Yes, sir. It feeds our fan,
25 and it's broke down to 4,160 for the

1 fan right there, too.

2 Q. What electrical protection is
3 provided at the French Creek
4 substation, do you know?

5 A. I suppose over current or
6 short circuit and grounding and
7 stuff.

8 Q. You really don't know much
9 about that sub?

10 A. No. No, sir.

11 Q. Who does the monthly
12 examination on that?

13 A. I can't answer that. I don't
14 know if --- I don't. I don't have
15 anything to do with that. I don't
16 know.

17 Q. So you don't know whether it's
18 a resistant grounded circuit or not?

19 A. I assume it is, but I can't
20 --- I don't really know.

21 Q. Okay. What electrical
22 protections are provided to mine
23 substations, from what you're
24 familiar with?

25 A. Well, we have face overturns

1 and undervoltage and monitors and all
2 that outside. Time instantaneous on
3 the ground, on faults.

4 Q. Kind of describe ---

5 A. Or current.

6 Q. --- basically what each one of
7 them will do for us, would you?

8 A. Well, if you have like an over
9 current condition, like say two
10 phases are burning together in the
11 cable, it'll --- you have a time on
12 it. If it pulls so many amps, it
13 trips the breaker on that particular
14 face. And then ground fault is more
15 or less instantaneously. It's real
16 quick. If you have a current from
17 the ground to a face, it'll trip you
18 out immediately. You have resistors
19 on to keep it bled down to like 25
20 ohms or whatever.

21 Q. That resistor, that's for your
22 underground circuit; is that correct?

23 A. Yes, sir.

24 Q. Do you know anything about
25 that ground field that's fed in that

1 resistor?

2 A. No. No. They checked them
3 when they opened that mine up. I
4 didn't have anything in that.

5 Q. You've never been involved in
6 none of that?

7 A. No.

8 Q. Do you know where ---
9 basically where it is?

10 A. Yes. Above the substation
11 there on the bank, as far as I know.

12 Q. Okay.

13 A. I've seen them up there
14 checking. I was over there when they
15 checked it that day, but I didn't do
16 any of the checks. Dave Mason does
17 our contracting on our ---.

18 Q. Now, who does the monthly
19 examination on this one?

20 A. I do at the trips at the
21 station. Or I have been since Doug
22 Tinnel (phonetic) left. He was doing
23 them, then I've been doing them since
24 I've been there.

25 Q. Does Dave Mason's crew --- he

1 maintains, in other words, that
2 substation; is that correct?

3 A. Uh-huh (yes).

4 Q. Do you know if he checks the
5 ground field?

6 A. Annually or ---?

7 Q. Yeah.

8 A. I can't answer that. No, I
9 don't --- that's set up through the
10 --- mostly, his work's set up through
11 the office, through our engineer.

12 Q. Can you tell me why you use a
13 resistance around the circuit for
14 underground?

15 A. Just to keep it bled down
16 under and only convey, like 25 ohms
17 or amps or whatever. As far as I
18 know, just to keep it from killing a
19 man, where it won't --- it'll bleed
20 it off if it wouldn't ground fault.

21 Q. Do you know if there's
22 lightning registers for that
23 substation for that particular piece?

24 A. Oh, yes.

25 Q. Do you know where they're

1 connected to?

2 A. No. They done that. I don't
3 know anything about that.

4 Q. Do you know where they're
5 supposed to be connected to?

6 A. Well, they would be on each
7 face, I would say.

8 Q. The grounding side of it,
9 where does it bleed it off to? If
10 lightning were to strike that system,
11 where would that lightening ---?

12 A. It would bleed off in a
13 separate ground field, I would think.

14 Q. On a separate ground?

15 A. Separate ground rods, yes,
16 sir.

17 Q. Do you know how much
18 separation there's supposed to be on
19 that?

20 A. I think it's 25 feet, but I'm
21 not sure.

22 Q. Where does your power enter
23 the mine?

24 A. It enters the track entrance.

25 Q. Enters the track entrance?

1 A. Uh-huh (yes).

2 Q. You've got two different
3 ground fields on the substation.
4 You've got the safety ground system
5 from your resistance around the
6 system that goes underground, and
7 then you've got your utility ground
8 system. Do you really know the
9 difference in those two systems, how
10 they work and why they had to be
11 separated?

12 A. No. No.

13 Q. Do you know what the 25-foot
14 separation is for?

15 A. So they don't get together, I
16 guess. But they're not common, I
17 guess.

18 Q. In other words, so lightning
19 don't get on your underground power
20 source; right?

21 A. Right.

22 Q. Okay. Do you know of any
23 other lightening arrestors or
24 anything else that's connected to the
25 safety ground system feeding it

1 underground?

2 A. To the underground?

3 Q. Uh-huh (yes).

4 A. Well, we have them on the CO
5 system. Is that what you're asking?

6 Q. Basically some of that.

7 A. Okay. Well, we have it on the
8 CO system. We failed to have them on
9 the trolley. They should have been
10 on there. And on the telephone. And
11 all the power lines going in the
12 mines should have lightning
13 arrestors.

14 Q. Okay. Who checks those
15 systems out to be sure they're
16 maintained and working, functional?

17 A. Well, I guess I should have
18 it. I failed to --- as an oversight,
19 I got over there, that was all in,
20 and I did not check it. But the
21 trolley system was put in by --- use
22 electric. They should have been on
23 their on installation.

24 Q. By who, did you say?

25 A. Hughes Electric. Hughes

1 Supply.

2 Q. How do you spell that?

3 A. H-U - - - .

4 Q. G-H-E-S?

5 A. I'm not - - - yeah. I think so.

6 Q. Do you know if, when they put
7 it in, did they put lightning
8 arrestors in?

9 A. I wasn't over when they put it
10 in. Evidently they didn't. There
11 wasn't any on it. I - - - Doug Tinnel
12 was there. Him and Vernon. And
13 Vernon might answer that. I can't.

14 Q. Do you know where they're
15 located?

16 A. Yes.

17 Q. Where Hughes is?

18 A. They're - - - no. I've got
19 cards at the mine. But no, I don't
20 - - - I've never been there.

21 Q. Could you get that information
22 to us later?

23 A. Absolutely. Yes, sir.

24 MR. WOOTEN:

25 You don't have a

1 problem with that, do you,
2 ma'am?

3 ATTORNEY KILPATRICK:

4 No.

5 MR. WOOTEN:

6 Okay.

7 BY MR. WOOTEN:

8 Q. So you really don't know what
9 other equipment is connected to that
10 safety ground field?

11 A. (Indicates no).

12 Q. Okay.

13 A. I assume a fan is.

14 Q. What do you do to ensure that
15 it's not connected together and the
16 25-foot separation is maintained?

17 A. That's done by Mason and them.
18 I don't have any --- I never have
19 done that.

20 Q. Do you know if they signed any
21 records to that effect?

22 A. No, I don't.

23 ATTORNEY WILLIAMS:

24 Excuse me. I'm not
25 sure if we got who Mason was.

1 Is he a contractor?

2 A. Dave Mason's ElectroTech. His
3 company is ElectroTech.

4 BY MR. WOOTEN:

5 Q. Do you know where they are?

6 A. They're just out of
7 Buckhannon.

8 Q. You don't know their phone
9 number, do you?

10 A. Yes, I think so.

11 Q. Could you give it to us?

12 A. 472-0127.

13 Q. Who performs the monthly high
14 voltage examination?

15 A. I do.

16 Q. Is it the whole mine?

17 A. No. Just the surface.

18 Q. Just the surface?

19 A. Yes, sir.

20 Q. Okay. Who does the
21 underground area?

22 A. Ronnie Tenney.

23 Q. He does the high voltage part?

24 A. Him and Vernon Hofer, since
25 Vernon came over. But it's been

1 usually Ronnie Tenney.

2 Q. Do you know what ---.

3 A. Underground, our monthly
4 transformer checks.

5 Q. Okay. I'm talking about the
6 high voltage part. The cables, the
7 ground check, the stuff of that
8 nature. The PLM plugs?

9 A. Yeah, he would.

10 Q. Okay.

11 A. And he checks his boxes and
12 stuff.

13 Q. Do you know what that exam
14 consists of?

15 A. He trips the monitors at each
16 section and inspects the cables and
17 the plugs and the boxes. And he does
18 a tripping of the relays and stuff on
19 the switch houses underground.

20 Q. You have high voltage
21 splitters ---

22 A. Yes, sir.

23 Q. --- at the mouth of each unit?

24 A. Yes, sir.

25 Q. And there's some in between?

1 A. One at Two head.

2 Q. He actually rotates the disc
3 on the over current, I'm assuming?

4 A. I assume, yes, sir.

5 Q. Do you have a map of his
6 electrical --- of the underground
7 electrical installations?

8 A. Not with me, but we have a
9 map.

10 Q. You do have a map?

11 A. Yeah. And you guys ought to
12 have several of them. Because I had
13 several made and I don't have any but
14 one left.

15 Q. Is it ---.

16 A. I've got to get it made after
17 the ---.

18 Q. Is it up to date and current?
19 I mean ---.

20 A. Well, the new boxes we just
21 put in --- we just energized the
22 power last night. They're not on
23 there, I would say. I'm not there
24 today, but they --- yes, it was
25 current up to ---.

1 Q. Up until it occurred?

2 A. Yes. Yes, sir.

3 Q. How many underground belt
4 drives are there installed in the
5 mine?

6 A. There's six that we were
7 running and one that we just ---
8 there were seven total, but the
9 seventh one wasn't running.

10 Q. Is that ---?

11 A. We just done away with it on
12 --- it was left off of One Left.

13 Q. What's the voltage supply to
14 each belt drive?

15 A. 575 volts.

16 Q. 575?

17 A. Yes, sir.

18 Q. Do you have any idea of what
19 the horsepower rating is of each
20 drive?

21 A. Yes, sir, I would know.
22 Number One drive is dual 250, and
23 we're running one right now, because
24 we have a problem with it. Number
25 Two is 100 horsepower single motor.

1 Number Three is dual 200. Number
2 Four is dual 200. Number Five is
3 dual 200. Number Six was running on
4 one 200, but it's supposed to be
5 dual. But the speed reducer was out
6 and we was running it as a brand new
7 drive when the seal and stuff failed
8 --- the fan and stuff failed on the
9 speed reducer. So we was running
10 with one 200. But it is a dual 200
11 drive, starter and ---. It should
12 have been --- it should have had two
13 motors on it, but it did not.

14 Q. Okay. What type of protection
15 is provided for each of these belt
16 drives?

17 A. An over current, undervoltage,
18 ground fault, everything.

19 Q. What types of starters are you
20 using?

21 A. Continental, except for the
22 pit mouth. Number One is a homemade
23 --- not a homemade, but just a single
24 starter in there.

25 Q. Do you have any PLC drives?

1 A. No.

2 Q. Programming?

3 A. No.

4 Q. Logical computer controls?

5 A. No, sir. No. The only thing
6 we have that is the belt boss.

7 Q. You don't have any solid
8 state?

9 A. No. No.

10 Q. Okay. Who performs the
11 monthly examination over the low and
12 medium voltage circuit breakers?

13 A. Ronnie when he checks them.

14 Q. What does that exam consist
15 of?

16 A. He ground faults and checks
17 the monitor on every breaker on every
18 power center, including the section
19 power centers.

20 Q. How about short circuit?

21 A. Yeah.

22 Q. The surface conveyor belt
23 structuring ropes, are they protected
24 against stray current from coming in
25 the mine in any manner?

1 A. Not as far as I know.

2 Q. How's the conveyor belts, the
3 structure all secured in the mine,
4 throughout the mine?

5 A. Some of them are roof bolts.

6 Q. They're on roof bolts with
7 chain?

8 A. Yes, sir. Every ten foot, I
9 think it is.

10 Q. Do you use any rope as far as
11 holding the structure? Is the
12 structure ---?

13 A. I don't think we have any rope
14 structure in there. It's all rigid.
15 Unless that Seven section belt might
16 have been the old belt. But it's all
17 rigid structure, as far as I know.

18 Q. Is it ---?

19 A. And I don't put any of them,
20 but I know it's all rigid.

21 Q. Okay. Do you oversee the
22 installation of the belts? Are you
23 in charge of that also, the belt
24 drives and the motors and all that?

25 A. The ones that they've been

1 putting in, Butch Travey (phonetic)
2 sets them and everything and we wire
3 them up.

4 Q. Okay. Do you ---?

5 A. Our people wire them up.

6 Q. Now, who is the electrical
7 supervisor that looks at those
8 installations, that's responsible for
9 putting those in?

10 A. I am.

11 Q. You are. And you do look at
12 each one of them?

13 A. Yes. I have looked at each
14 one of them.

15 Q. Okay. Is the mine track
16 separated at any point to prevent
17 stray current from entering the coal
18 mine?

19 A. Not as far as I know.

20 Q. And we've already come ---
21 we've covered the lightning resistors
22 on the AMS circuit. You don't have
23 any. Can you tell us how the
24 lightning protection, per se, as the
25 system is now, how do you have any

1 lightning protection at that mine?

2 Can you tell me that?

3 A. The outside services have got
4 the arrestors at the substation. And
5 then the CO system has the lightning
6 arrestors at the pit and the rest of
7 it does not.

8 Q. Okay. Now, tell me this.
9 With the system that you've got now,
10 how does the lightning arrestors ---
11 if lightning hits that line, how does
12 it dissipate the lightning?

13 A. It goes through a grounding
14 rod into the ground.

15 Q. Okay. Can you tell me where
16 those rods are at?

17 A. No. Not up at the top I
18 can't. Down at the pit, where the
19 one on the CO is, I can. It's right
20 there to the right of the belt.

21 Q. Is the 25-foot separation that
22 is supposed to be in your system that
23 you don't have, is that for lightning
24 protection?

25 A. I can't answer that.

1 Q. You don't know or you won't
2 answer?

3 A. I don't honestly know. I
4 never did --- like I said, I didn't
5 have anything to do with any of that.
6 I don't know.

7 Q. I mean, but the knowledge ---
8 to your knowledge, you do understand
9 that the 25-foot separation is for
10 lightning purposes?

11 A. Yeah, I'd say so. But I ---.

12 Q. Is it insulated ---?

13 A. It's supposed to be there.

14 Q. Okay. Have you had any recent
15 history of a lot of high voltage loss
16 on the surface?

17 A. No.

18 Q. How about your ground monitor?

19 A. No.

20 Q. Any nuisance tripping?

21 A. No. Not until this ---
22 actually, we had a little bit when we
23 first started those pumps and stuff.
24 But I don't know --- where we was
25 fooling around there at Two drive, I

1 don't know we lost the monitor a
2 couple times. I got another monitor
3 off of Dave but never did need it.

4 Q. There's one particular ---
5 well, there's two particular pieces
6 of equipment that's underground in
7 the mine. But I haven't seen on any
8 of your electrical books, and I'd
9 like a little information on that.
10 The mini track. You have a mini
11 track and charger?

12 A. Yes, sir. It was taken in and
13 it was an oversighted. It wasn't put
14 in the book.

15 Q. Okay.

16 A. And it was on Number One Left
17 section.

18 Q. One Left section?

19 A. Yes, sir.

20 Q. And it's used on that section?

21 A. Yes, sir. It just hasn't been
22 in there too awful long. I don't
23 know what day it was taken in. But
24 it was an oversight on my part, not
25 getting anybody to put it in the

1 book.

2 Q. Do you know where that charger
3 is powered from?

4 A. I assume the section load
5 center. But I can't --- I'm not sure
6 of that, either.

7 Q. Okay. You have a
8 three-wheeled permissible piece of
9 equipment? A little battery-operated
10 piece of equipment? Something
11 similar to a golf cart that holds two
12 people?

13 A. I do? I don't know of
14 anything ---.

15 Q. You don't know anything about
16 that?

17 A. A three-wheeled permissible
18 piece of equipment?

19 Q. That's similar to a golf cart
20 that they use?

21 A. We have a four-wheeled piece
22 of equipment.

23 Q. Is it --- how big is it?

24 A. It's a Damascus ride ---.

25 Q. Two seater? Okay.

1 A. No. We don't have anything
2 underground battery three-wheeler
3 that I'm aware of.

4 Q. When was this mini-track put
5 in service? Can you tell me that?

6 A. I can't. I said I didn't
7 know.

8 Q. It slipped by?

9 A. It was --- it set outside for
10 a good while. We were working on it.
11 Then they just took it in.

12 Q. Okay. I've got a couple of
13 questions. Probably going back the
14 other way again. While you were
15 underground, did you have any
16 conversations with anyone on the
17 surface?

18 A. Yeah. I called and told them
19 to get the --- I called the
20 dispatcher.

21 Q. Who was that?

22 A. William Chisolm, Bill Chisolm.

23 Q. Did Vernon Hofer --- is that
24 how you pronounce that?

25 A. Hofer (corrects

1 pronunciation).

2 Q. Hofer.

3 A. Hofer, yes.

4 Q. Or anyone else relay
5 information to you on the surface?

6 A. Vernon Hofer was with me. I
7 don't think ---.

8 Q. Okay. Was he with you all the
9 time?

10 A. Well, now, he got out of ---
11 when we was building those curtains,
12 he was running back and getting
13 material and we was advancing ahead,
14 trying to take air up there to get to
15 Two Left crew. He wasn't in my
16 sight, if that's what you're asking
17 me, all the time. But he was all the
18 time we was getting that crew, as far
19 as I know. And then I went up on the
20 hill and pulled the substation power
21 and flagged him to pull the air
22 switching off of that. And then we
23 went right back in together and he
24 was with me all that period of time,
25 yes, sir.

1 Q. Okay. I'm going to give you a
2 couple --- or a booklet here. This
3 will be another exhibit, please.

4 (Wilfong Exhibit Two
5 marked for
6 identification.)

7 A. Okay.

8 BY MR. WOOTEN:

9 Q. Can you tell me who signed
10 that?

11 A. I did.

12 Q. You did?

13 A. Uh-huh (yes).

14 Q. Can you go to the next page?

15 A. Yes, sir.

16 Q. And could you go back and
17 identify what this first page is?

18 A. That's the trailer out there
19 where the dispatcher sits in.

20 Q. Is this the weekly or monthly
21 examination?

22 A. Weekly.

23 Q. Weekly?

24 A. Yeah.

25 Q. And what all do you check on

1 this examination?

2 A. Well, we just go in there and
3 check the receptacles and the lights
4 and that's about it.

5 Q. Okay.

6 A. In the trailer.

7 Q. Now this is all on the
8 surface; right?

9 A. Yes, sir.

10 Q. And these Number Three and
11 Number Four mantrip chargers, are
12 they the ones that's powered from
13 underground?

14 A. Yes, sir.

15 Q. Okay. Do you also check the
16 underground portion of that or just
17 the surface portion?

18 A. Just the surface. He checks
19 --- when he ground faults it and
20 stuff, Ronnie checks that weekly.

21 Q. Who checks the cable?

22 A. Well, we can see the cable.
23 It hung across the pit. I guess I do
24 when I check the charger.

25 Q. Okay. On the second page

1 there?

2 A. Yes, sir.

3 Q. Do you recognize that name?

4 A. Yes, sir.

5 Q. Who is that?

6 A. That's Pete Capaldo.

7 Q. Can you spell that?

8 A. C-A-P-A-D --- I don't know,
9 A-L-D-O. A-L-D-O, I believe.

10 Q. Pete ---?

11 A. C-A-P ---.

12 Q. It is Pete?

13 A. Yes. It's Pete or Paul, or
14 whatever would be correct.

15 Q. Now, he's checking the same
16 thing that you checked before; is
17 that correct?

18 A. Yeah.

19 Q. Just a different week?

20 A. Yes.

21 Q. Go to the third page. Who is
22 this guy?

23 A. Doug Tinnel, the guy that you
24 used to be there before me and
25 sometime while I was there.

1 Q. Tintel (phonetic).

2 A. Tinnel (corrects
3 pronunciation).

4 Q. He's not there anymore?

5 A. No. I was there with him
6 until he left about this time.

7 ATTORNEY WILLIAMS:

8 Just so it's clear,
9 you're identifying the people
10 who have signed these pages;
11 right?

12 A. Sir?

13 ATTORNEY WILLIAMS:

14 You've identified the
15 people who have signed these
16 pages; is that ---?

17 A. Yeah.

18 ATTORNEY WILLIAMS:

19 Okay. In the bottom
20 right portion ---

21 A. Yes.

22 ATTORNEY WILLIAMS:

23 --- of each page?

24 A. Yes.

25 BY MR. WOOTEN:

1 Q. Okay. The top right-hand side
2 there on number four, can you
3 identify that?

4 A. No.

5 Q. Was you here then?

6 A. No.

7 Q. You wasn't there then?

8 A. No, but I don't know who that
9 --- I can't ---.

10 Q. Okay. How about the next one
11 down?

12 A. That next one is Everett
13 Huffman. It's E. Huffman, but it'd
14 be Everett.

15 Q. Does he work ---?

16 A. You mean this guy here?

17 Q. Yes.

18 A. That's Everett.

19 Q. Does he work there now?

20 A. No.

21 Q. He doesn't work there now?

22 A. No.

23 Q. Do you know if these were
24 qualified electricians?

25 A. Yes. I don't know about this

1 one, I don't know who he is. I don't
2 know. I can't answer that.

3 Q. Doug Tinnel, is he a qualified
4 electrician?

5 A. Oh, yes, sir.

6 Q. He is ---

7 A. Yes.

8 Q. --- a qualified electrician?

9 A. Yes, sir.

10 Q. Are you a qualified
11 electrician?

12 A. Yes, sir.

13 Q. You didn't mention that when
14 you first gave your certificates.

15 A. Yeah, I did.

16 Q. Did you?

17 A. I said a certified
18 electrician. I'm sure I did.

19 Q. Number five, that's you again,
20 is it not?

21 A. Where are we at here?

22 Q. Page five.

23 A. Yes.

24 Q. Okay. That's the same
25 examination, same area before;

1 correct?

2 A. That's substation, no, that's
3 different. That's high voltage.

4 Q. Okay. Then tell me what you
5 did on these, on the instantaneous
6 setting, what did you do?

7 A. I'll spin the dials usually
8 and trip them out.

9 Q. What about ground monitor?

10 A. Ground monitor, I'll ---
11 sometimes I'll push that button,
12 sometimes I'll have them push it down
13 to drive. Usually Vernon or somebody
14 will push it down to belly it for me.

15 Q. The ground fault?

16 A. Yeah, ground fault. I'll just
17 flip it usually.

18 Q. And over here did you rotate
19 the disc; is that ---?

20 A. Yeah.

21 Q. Do you do a ---?

22 A. And sometimes I'll
23 instantaneously.

24 Q. Do you --- I know you do this
25 each month.

1 A. Yes.

2 Q. Do you do a different disc
3 each month ---

4 A. Yes.

5 Q. --- or do you do all three of
6 them?

7 A. Try to do a different phase.
8 Sometimes --- I've been doing them
9 all ---

10 Q. Okay.

11 A. --- when I was doing them on
12 that one.

13 Q. Okay.

14 A. We ain't had any trouble with
15 that thing.

16 Q. Okay. Go to page six. The
17 circled name there, can you tell me
18 who that is?

19 A. I think that's Mr. Tinnel
20 again, but I ---. I think that's
21 Doug Tinnel. But no ---.

22 Q. How about going to the --- you
23 flip over and you'll see the backside
24 of one is marked number seven, page
25 seven. Right there. Can you

1 identify those people or that person?

2 A. One is George Singleton. I
3 don't know who that other one is.
4 Ronnie Tenney is the top person.

5 Q. I'm talking about the two in
6 circle there.

7 A. All these in circle, I can't.

8 Q. You can't. Was you here at
9 this time?

10 A. 11/28/05? Yes, sir. I should
11 have been at the mine at that time.

12 Q. Okay. Do you review these
13 weekly or how do you do these? Do
14 you review your record or do you have
15 these assigned to someone that does
16 review these?

17 A. I have them assigned, and the
18 reason that we started printing them
19 out on paper like that instead of
20 using the books is because I didn't
21 have them --- when I come over there,
22 they wasn't assigned, we had
23 violations where stuff wasn't getting
24 checked and we didn't know who was
25 responsible for checking what. So I

1 --- the state inspector, John Scott,
2 suggested that we type up the
3 equipment on each section and that's
4 how that oversight on that forklift
5 came. I suppose they took it and it
6 wasn't on that sheet and I didn't know
7 the day they took it. I didn't get
8 it put on that sheet, so that was an
9 oversight on my part. It's not that
10 --- you know, if you assign somebody
11 something and they're not doing it, I
12 can go back there and see. I know
13 who's supposed to do it and who to go
14 see to get it done. But I tried to
15 check these at the end of each week,
16 but each --- they more or less police
17 themselves, too. But I ---.

18 Q. Let's go on to page eight.
19 You went past it.

20 A. Oh, okay. Wait a minute.

21 Q. Who is C.C.?

22 A. That's G.C. I think.

23 Q. Oh, G.C.

24 A. I think that's George Cutlip.

25 Q. George Cutliff?

1 A. Cutlip (corrects
2 pronunciation).

3 Q. Is he a certified electrician?

4 A. Yes, sir. That's his
5 initials. I think that's him. It
6 looks like G.C. to me.

7 Q. Who is S.W.?

8 A. Stan Wegman.

9 Q. Wegman?

10 A. W-E-G-M-A-N. They call him
11 Wagman, but - - -.

12 Q. Is he a certified electrician?

13 A. Yes, both those people are.

14 Q. Can you tell me who R.B. is
15 over on the left side?

16 A. We have a Russell Bennett.

17 Q. Is he a certified - - -?

18 A. He's a certified electrician.
19 And the I.B. is Ivan Bell. He's a
20 certified electrician and he works
21 One Left section.

22 Q. Ivan Bell?

23 A. Ivan Bell. If that's I.B.
24 down there. I think it is. That's
25 the next one. I think it's I.B.,

1 Ivan Bell. I'm going to have to get
2 them to write their names out, I can
3 see that.

4 Q. Go to page nine.

5 A. Page nine. Is this nine?

6 ATTORNEY KILPATRICK:

7 No, wrong number.

8 A. No. What's this one? Is this
9 it?

10 BY MR. WOOTEN:

11 Q. Yes.

12 A. What's it look like Thomas?

13 Q. Yes, it looks like Thomas the
14 first name. That number that's out
15 beside there, is that a state?

16 A. I'd say that's a state
17 electrical registration card, but I
18 don't know that --- I can't say who
19 that name is. I mean, they ain't got
20 that many people. 4042, I'd say was
21 his certification number. Most of
22 them don't do that but he's got it on
23 there.

24 Q. Okay. Go to page ten. Tell
25 me who R.W. is.

1 A. Roy Williams.

2 Q. Roy Williams?

3 A. Yes, sir. Can I look at this
4 one again?

5 Q. Yes.

6 ATTORNEY KILPATRICK:

7 Is that a J maybe?

8 MR. WOOTEN:

9 Can we go off?

10 OFF RECORD DISCUSSION

11 A. I don't --- I can't say, but I
12 think that number would be ---.

13 BY MR. WOOTEN:

14 Q. Okay. Go to page 11, the
15 bottom left-hand corner. It looks
16 like it might be a midnight crew or
17 something.

18 A. It's a weekend midnight crew,
19 yeah. This is on 11/1/05. I had
20 Mike Webb. I got --- it ain't Mike
21 Webb.

22 Q. Okay.

23 A. And I don't --- I can't.

24 Q. If you can find out who they
25 are, ---

1 A. I'll find out ---.

2 Q. --- could you give that to us?

3 A. Yes, sir. If I can keep this,
4 I'll have it --- I'll know who they
5 are.

6 Q. That will be an exhibit.

7 ATTORNEY WILLIAMS:

8 We'll get you a copy.

9 BY MR. WOOTEN:

10 Q. We'll get you a copy of those
11 pages.

12 A. Okay.

13 Q. Okay. Do you know Russell
14 Bennett?

15 A. Yes, sir.

16 Q. What's his normal duties?

17 A. He's an electrician.

18 Q. He is an electrician.

19 A. Uh-huh (yes).

20 Q. So he does perform electrical
21 work?

22 A. Yes, sir.

23 Q. Does he do electrical tests
24 and examinations also?

25 A. I assume, yeah. He's --- R.B.

1 was in here.

2 Q. Okay. Christopher Bradbury?

3 A. He's a trainee.

4 Q. He's a trainee. Does he do
5 --- what's his normal duties?

6 A. Works with electricians.

7 Q. He works directly with them?

8 A. Uh-huh (yes).

9 Q. Does he perform any electrical
10 work?

11 A. With him he does, yeah. Under
12 their supervision.

13 Q. Does he perform any of the
14 required electrical tests and
15 examinations?

16 A. Not as far as I know.

17 Q. And he doesn't sign any books?

18 A. No.

19 Q. How about Peter Capaldo?

20 A. Yes.

21 Q. He is a qualified electrician?

22 A. He's a foreman, yes.

23 Q. He's a foreman?

24 A. Yeah, and a electrician.

25 Q. What shift is he on?

1 A. He's on dayshift.

2 Q. He is maintenance foreman?

3 A. Yeah.

4 Q. Okay. How about Junior
5 Collins?

6 A. Junior Collins is trainee.

7 Q. He's a trainee?

8 A. Uh-huh (yes).

9 Q. What's his normal duties?

10 A. Working with electricians.

11 Q. Does he perform any electrical
12 work ---

13 A. No.

14 Q. -- himself? Does he perform
15 any required electrical tests and
16 sign any records?

17 A. No.

18 Q. Roy Williams?

19 A. Roy Williams is a certified
20 electrician.

21 Q. Certified electrician. So he
22 does all the ---?

23 A. Yes, sir.

24 Q. When's the last time you
25 received your electrical retraining?

1 A. Last year, I don't know.

2 Q. Was it ---

3 A. February.

4 Q. --- in the year of '05?

5 A. Yes, sir.

6 Q. Is all the people that you've
7 got working for you, have they had
8 their required training also?

9 A. Oh, yeah.

10 Q. As far as electrical?

11 A. Yes, sir.

12 Q. How does the company ensure
13 that the required electrical tests
14 and examinations are performed
15 correctly and on time? Do you have a
16 program or anything for that?

17 A. Yeah, we --- the monthly
18 checks are done each month and the
19 weekly checks are done each week.
20 And the ones --- that's why we come
21 up with that paper to sign it so that
22 would be each guy were doing a ---
23 everybody wasn't doing it all and
24 each one was supposed to do their
25 share is how it's supposed to work

1 it.

2 Q. These examinations that they
3 are required to do, they are covered
4 under 7512 of the regulations. Can
5 you tell me what that entitles,
6 basically all they have to check on?

7 A. They have to check the
8 operation, the safety, the cables,
9 everything, all the --- make sure
10 everything's ---.

11 Q. For any potential hazardous
12 conditions?

13 A. Yes, sir.

14 Q. Do these people know when they
15 find a potential hazardous condition,
16 what they have to do?

17 A. Yes.

18 Q. What they are required to do?

19 A. Yes, they should. Yes.

20 Q. Do they have that authority to
21 take a piece of equipment out of
22 service?

23 A. Yes, I hope so.

24 Q. Are they given that authority?

25 A. Yes. If it's a hazardous

1 situation, yes, sir. Hazardous
2 condition, yes.

3 Q. How often do you check your
4 power suppression systems?

5 A. On the drives? On what?

6 Q. On your electrical equipment.

7 A. Every week.

8 Q. Every week. I haven't seen it
9 reported as weekly, but I haven't got
10 all the records neither.

11 A. On the miners we check.

12 Q. What about your bolters?

13 A. Eventual every week. We don't
14 set the counters that far.

15 Q. But do you keep a record of
16 that, those examinations?

17 A. Annually on the bolter. I
18 don't think it's been done though.
19 They're all new, they ain't very old.
20 Weekly.

21 Q. Weekly, they're reported
22 weekly?

23 A. No. No.

24 Q. Let's go back to one other
25 page - - - .

1 A. Other than a permissibility
2 check.

3 Q. One other page is here. I
4 think it's the miner. You've got a
5 miner listed. Okay. They do the ---
6 the examinations of methane monitors.
7 How often do you calibrate those?

8 A. Weekly.

9 Q. You calibrate them weekly?

10 A. Yes, sir.

11 Q. What percent of gas do you
12 use?

13 A. 2.5.

14 Q. What does this say right here?

15 ATTORNEY WILLIAMS:

16 What page is that of
17 Exhibit Two?

18 MR. WOOTEN:

19 That's page ten.

20 A. Two percent.

21 BY MR. WOOTEN:

22 Q. That's two percent?

23 ATTORNEY WILLIAMS:

24 I'm sorry, but she ---
25 did you get that, it's page

1 ten of Exhibit Two? And what
2 line are you pointing to?

3 A. Right there.

4 MR. WOOTEN:

5 The bottom two lines,
6 miner One and miner Two.

7 A. Well, he made a mistake on it.
8 That's 2.5.

9 BY MR. WOOTEN:

10 Q. Okay. You have CSE type
11 monitors; ---

12 A. Yes, sir.

13 Q. --- is that correct? Do you
14 use CSE type calibration kits ---

15 A. Yes, sir.

16 Q. --- for those?

17 A. Yes, indeed.

18 Q. Were they adjustable?

19 A. Gas. Adjustable.

20 Q. Deregulators, are they ---?

21 A. Yes.

22 Q. Are they ---?

23 A. Yes.

24 Q. They are adjustable?

25 A. The flow, yes.

1 Q. But you are using 2.5 and not
2 2?

3 A. Yes, sir. It has to kick off
4 above 2, and we use 2.5.

5 Q. Okay.

6 A. That's a mistake and I didn't
7 see it.

8 Q. In one of the other
9 interviews, I overheard some ---
10 about a 40-foot piece of pipe going
11 through those seals. Do you know
12 anything about those?

13 A. I never even seen the seals.

14 Q. You've never been up around
15 the seals?

16 A. I never was around the seals.
17 I didn't have anything to do with the
18 construction.

19 Q. Okay.

20 A. And that's not my --- or I
21 don't know anything about them. I
22 know where they examined and they
23 were examined by both the federal and
24 the state. I can't --- I don't know
25 anything about any piping or anything

1 like that. I haven't even seen it.

2 MR. WOOTEN:

3 That's basically all I
4 have.

5 ATTORNEY WILLIAMS:

6 Take a break.

7 MR. WOOTEN:

8 Let's take a break just
9 a minute.

10 SHORT BREAK TAKEN

11 BY MR. WOOTEN:

12 Q. Again, we need to kind of
13 clarify something if we can, Denver.
14 The mini track and the charger,
15 again, we need to know basically
16 about how long it's been underground
17 that you know of? Has it been a
18 month?

19 A. I'd say three weeks, a month,
20 something like --- before the
21 accident happened maybe. I don't
22 know. Honestly I don't know.

23 Q. Do you know who took it under
24 there or who gave ---?

25 A. Carl. I'm sure Carl took it

1 under there, the mine foreman, had it
2 taken under there. There was a
3 problem with the four-wheel drive
4 that we were working on outside and
5 we had a guy come from ALE and help
6 us with it because it wasn't --- it
7 sat outside a good while.

8 Q. Okay.

9

ATTORNEY WILLIAMS:

10 Who did you have come
11 help you?

12 A. ALE, the manufacturer, a field
13 rep. A field ---.

14

ATTORNEY WILLIAMS:

15

ALE?

16

A. ALE.

17

BY MR. WOOTEN:

18

Q. Lester --- they're from
19 Lester, West Virginia?

20

A. I have no idea where their
21 office is. We just called for help.
22 We got ahold of the salesman at
23 Bridgeport.

24

Q. Okay.

25

A. Lopez, John Lopez is their

1 salesman.

2 Q. Okay.

3 A. That's who I got ahold of and
4 he got me some help out there.

5 Q. Okay. We've got one other
6 thing that we need to do and then
7 we're going to break for today and
8 you're --- as far as I understand,
9 you're willing to come back tomorrow;
10 is that correct?

11 A. Uh-huh (yes).

12 Q. Because we need to get out of
13 here. Okay. We have a map over
14 here. I'd like for you to go over
15 here and look at his map with me.
16 Okay.

17 MR. WOOTEN:

18 And we'd like to make
19 it Exhibit Three. Is that
20 correct?

21 ATTORNEY WILLIAMS:

22 Yes.

23 (Wilfong Exhibit Three
24 marked for
25 identification.)

1 OFF RECORD DISCUSSION

2 BY MR. WOOTEN:

3 Q. Okay. I'd like for you to
4 look at this area right in here and
5 tell me if that is electrical
6 equipment that is around Second Left?

7 ATTORNEY WILLIAMS:

8 Are you pointing to the
9 mouth of Two Left general
10 area?

11 MR. WOOTEN:

12 The mouth of Two Left
13 general area, yes.

14 A. Well, as far as the serial
15 numbers and all that, I can't say,
16 but the drive was there, the load
17 setter was there, the --- well, it
18 don't show the starter box, but there
19 should have been a started box and a
20 tank up right there on the corner by
21 the drive. It's not showing it on
22 there. It usually shows it on there.

23 ATTORNEY WILLIAMS:

24 Could you show where
25 that should be?

1 A. They were in this ---.

2 ATTORNEY WILLIAMS:

3 Why don't you take this
4 purple marker and show where
5 the starter was?

6 A. Near around there, they were
7 right here. Right next to the drives
8 right here, so they're right there.
9 Right in that area there.

10 ATTORNEY WILLIAMS:

11 What entry is that?

12 A. Well, if you're counting from
13 this end before it went up in there,
14 it would be One, Two, Three, Four.
15 That was when they was up the
16 straight.

17 BY MR. WOOTEN:

18 Q. Was there a pump in this area
19 also?

20 A. I don't know. I don't know.
21 I don't know.

22 Q. Okay. So to the best of your
23 knowledge, that map, is that ---?

24 A. Yeah. When you add this
25 starter and stuff.

1 Q. Okay.

2 ATTORNEY KILPATRICK:

3 Do you want to put the
4 starter on there?

5 MR. STUART:

6 Yeah, can you just
7 print a line down here and put
8 it right there?

9 A. Yes, sir. It's a belt starter
10 and belt take-up power pack, belt
11 starter, it's Five.

12 BY MR. WOOTEN:

13 Q. What belt is it?

14 A. Five.

15 Q. Five?

16 A. Number Six. Number Six.
17 Number Six belt starter, and it's
18 575EC. And then the take-up power
19 pack was there, and it's 575 also.

20 Q. And you mentioned earlier,
21 there was a welder in that area.

22 A. Yeah, they carried it. It's a
23 portable welder. It was a little,
24 you know, take-up power pack, and
25 it's 575EC. There was a welder in

1 this area where they was welding a
2 ---- to build that thing, but it was
3 just carried up there over the
4 weekend. It's a little portable ---.

5 Q. It's not stationary?

6 A. No. It's a little plastic.

7 MR. WOOTEN:

8 Okay. Let me introduce
9 this as an exhibit.

10 A. If there's a pump there,
11 I ---.

12 BY MR. WOOTEN:

13 Q. Did they leave the welder in
14 there?

15 A. They brought the welder --- we
16 was going to take the welder to Two
17 head because we didn't think it was
18 damaged. You guys said it wasn't
19 damaged, but when we went up there,
20 the table was tore out of it and
21 everything. It had damage. It's
22 sitting up there somewhere. But I
23 don't know if they brought it on
24 outside. I was wanting to use it
25 where they was working on that drive,

1 down on Two drive. They were
2 shorting that boom up. But when they
3 went up there to get it, it wasn't
4 usable.

5 ATTORNEY WILLIAMS:

6 Was it in the area
7 where ---?

8 A. Yes, sir.

9 ATTORNEY WILLIAMS:

10 Do you want to mark it?

11 MR. WOOTEN:

12 Yes, go ahead and mark
13 that welder on there also?

14 A. Well, it was where we was
15 building that supply hole, and I'm
16 not sure what ---. It was right in
17 that area somewhere. Somewhere right
18 in this, I'm not positive.

19 BY MR. WOOTEN:

20 Q. Right here in ---?

21 A. Right there, yeah, right in
22 there somewhere it ought to be in.
23 It was a --- it was a --- Workhorse
24 is the name of it.

25 Q. Workhorse?

1 A. Workhorse welder. It's a
2 little plastic cased welder. It was
3 a 575. They were probably powering
4 it off that belt and welder there.

5 Q. Can you identify that as ---
6 what block of coal is that? Did you
7 guys go by blocks?

8 A. I didn't know for sure. You
9 said that's where. I don't know.

10 Q. No. I mean, what block is
11 this, do you know?

12 A. What block?

13 Q. Yeah.

14 A. It's the track entry.

15 Q. It's the track entry of the
16 Number Four belt?

17 A. Yeah. Uh-huh (yes).

18 Q. Okay.

19 A. It was a straight --- the old
20 track one up in there. We built it
21 right on that spur there.

22 MR. WOOTEN:

23 Okay.

24 ATTORNEY KILPATRICK:

25 So were you saying you

1 didn't know for sure it was
2 there or you do know?

3 A. No. I know the water was
4 there. That's what those guys on
5 that supply hole there.

6 MR. STUART:

7 I think what he was
8 saying was he wasn't sure that
9 there was pump in there.

10 A. No. I'm not. I'm not. I
11 don't --- I can't answer that.

12 MR. WOOTEN:

13 Okay. We're going to
14 adjourn this part of the
15 investigation until tomorrow.
16 I think all parties is agreed
17 on that. Do you have any
18 comments?

19 ATTORNEY WILLIAMS:

20 Are you willing to come
21 back down at 8:30 in the
22 morning, Mr. Wilfong?

23 A. Yeah.

24 ATTORNEY WILLIAMS:

25 Okay. We appreciate

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that .

A . 8 : 3 0 ?

ATTORNEY WILLIAMS :

Please . That ' s it .

* * * * *

SWORN STATEMENT

CONCLUDED AT 4 : 4 7 P . M .

* * * * *