

STATEMENT UNDER OATH

OF

DAVID MASON

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
Tuesday, February 21, 2006, at
11:04 a.m.

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2

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5 Administration

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

2

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5 U.S. Department of Labor

6 Office of the Solicitor

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P R O C E E D I N G S

MR. DRESCH:

My name is Russell
Dresch. I am an accident
investigator with the Mine
Safety and Health
Administration, an agency of
the United States Department
of Labor. With me is Tim
Williams, from the Solicitor's
Office, John Collins and John
Scott with the West Virginia
Office of Miners' Health,
Safety and 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 is being
conducted by MSHA and the West
Virginia Office of Miners'
Health, Safety & Training to

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

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is complete,
13 MSHA will issue a written
14 report detailing the nature
15 and causes of the accident.
16 MSHA accident reports are made
17 available to the public in the
18 hope that the greater
19 awareness about the causes of
20 accidents can reduce their
21 occurrence in the future.
22 Information obtained through
23 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. We
6 appreciate your assistance in
7 the investigation. The
8 willingness of miners and mine
9 operators to work with us is
10 critical to our goal of 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 greatly
15 appreciate your efforts to
16 help us understand what
17 happened.

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

1 Virginia Office of Miners'
2 Health, Safety & Training into
3 the conditions, events and
4 circumstances surrounding the
5 fatalities that occurred at
6 the Sago Mine owned by the
7 International Coal Group in
8 Buckhannon, West Virginia on
9 January 2nd, 2006. The
10 interview is being conducted
11 at the U.S. Bankruptcy
12 Courthouse in Clarksburg,
13 West Virginia, on February
14 21st, 2006.

15 Questions will be
16 conducted by representatives
17 of MSHA and the Office of Mine
18 Health, Safety & Training.

19 Mr. Mason, the
20 interview will begin by my
21 asking you a series of
22 questions. If you do not
23 understand a question, please
24 ask me to rephrase it. Feel
25 free at any time to clarify

1 any statements that you make
2 in response to the questions.
3 After we have finished asking
4 questions, you will also have
5 the opportunity to make a
6 statement and provide us with
7 any other information that you
8 believe may be important.

9 If at any time after
10 the interview you recall any
11 additional information that
12 you believe may be useful in
13 the investigation, please
14 contact Richard Gates at the
15 phone number or e-mail address
16 provided to you. There's a
17 card.

18 MR. MASON:

19 All right.

20 MR. DRESCH:

21 Your statement is
22 completely voluntary. You may
23 refuse to answer any question
24 and you may terminate your
25 interview at any time. If you

1 need a break for any reason,
2 please let me know.

3 A court reporter will
4 record your interview and will
5 later produce a written
6 transcript of the interview.
7 Please try and respond to all
8 questions verbally since the
9 court reporter cannot record
10 non-verbal responses.

11 Also please try to keep
12 your voice up. Copies of the
13 written transcripts will be
14 available at a later time.

15 If any part of your
16 statement is based not on your
17 own firsthand knowledge, but
18 on information that you've
19 learned from someone else,
20 please let us know. Please
21 answer each question as fully
22 as you can, including any
23 information you have learned
24 from someone else. We may not
25 ask the right questions to

1 learn the information you
2 have, so do not feel limited
3 by the precise question asked.
4 If you have information about
5 the subject area of a
6 question, please provide us
7 with that information.

8 At this time, Mr.
9 Collins, do you have anything
10 you would like to add on
11 behalf of the Office of
12 Miners' Health, Safety &
13 Training?

14 MR. COLLINS:

15 Yes. Thank you. Mr.
16 Mason, the West Virginia
17 Office of Miners' Health,
18 Safety & Training is
19 conducting this interview
20 session jointly with MSHA and
21 are in agreement with the
22 procedures outlined by Mr.
23 Dresch here today. But the
24 Director reserves the right,
25 if necessary, to call or

1 subpoena witnesses or require
2 the production of any records,
3 documents, photographs or
4 other relevant materials
5 necessary to conduct this
6 investigation. And also,
7 after the interview, if there
8 are additional questions or if
9 you wish to provide additional
10 information, here's a card
11 from Mr. Brian Mills. Thank
12 you, Mr. Mason.

13 MR. DRESCH:

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

19 MR. MASON:

20 Yes.

21 MR. DRESCH:

22 Do you have a
23 representative present here
24 today?

25 MR. MASON:

1 Yes .

2 MR. DRESCH:

3 And who is that?

4 ATTORNEY BASARA:

5 George Basara .

6 MR. DRESCH:

7 Has anyone suggested

8 to you that you use this

9 representative?

10 MR. MASON:

11 No .

12 MR. DRESCH:

13 Are you aware that your

14 representative may have a

15 conflict of interest in

16 representing you while being

17 provided by someone else, such

18 as the company?

19 MR. MASON:

20 Am I aware, no, I am

21 not aware that he has a

22 conflict of interest in

23 representing me. I'm not sure

24 I understand the --- .

25 ATTORNEY BASARA:

1 Well, there's no
2 conflict of interest.

3 MR. MASON:

4 The magnitude of ---.
5 He's been retained by me.

6 ATTORNEY BASARA:

7 There's no conflict.

8 MR. DRESCH:

9 Okay. Your
10 representative ---.

11 ATTORNEY BASARA:

12 He's retained me.
13 We're by another party. I'm
14 his personal --- I'm his
15 personal ---. I don't think
16 he understood the question.

17 ATTORNEY WILLIAMS:

18 I agree. You can
19 proceed.

20 MR. DRESCH:

21 Do you have any
22 questions regarding the manner
23 in which this interview will
24 be conducted?

25 MR. MASON:

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No .

MR. DRESCH:

Will you please swear
in Mr. Mason?

DAVID MASON, HAVING FIRST BEEN DULY
SWORN, TESTIFIED AS FOLLOWS:

BY MR. DRESCH:

Q. Please state your full name
and spell your last name.

A. David Jay Mason, M-A-S-O-N.

Q. And please state your address
and telephone number.

A. Route 4, Box 613, #D,
Buckhannon, West Virginia. My home
phone number or work number?

Q. Home phone number.

A. 304-472-8708.

Q. Are you appearing here today
voluntarily?

A. Yes.

Q. Do you have any mining
experience?

A. Yes.

1 Q. Can you give us a brief
2 description?

3 A. Well, this is the line of work
4 that I've been in for probably 25
5 years.

6 Q. Okay. Tell me about your
7 electrical background. I think that
8 will clarify it.

9 A. Well, I'm a graduate of West
10 Virginia Tech in 1979, an electrical
11 engineer. And I worked for five
12 years for Highland Creek Coal
13 Company, that's a division, an
14 electrical engineer. And upon
15 leaving that position, I began an
16 electrical contracting company in
17 1984, I believe, or 1985, and have
18 been in that business - - -

19 Q. Okay.

20 A. - - - to the present.

21 Q. So with your company, do you
22 have any employees?

23 A. Yes.

24 Q. How many employees that work
25 at coal mining, that go to coal mines

1 and work?

2 A. I'm going to say
3 approximately, including --- well, do
4 you want to include the office
5 personnel?

6 Q. No.

7 A. Approximately six. And that
8 varies with our workload.

9 Q. Okay. I'm not sure, but did
10 you state the name of the company?

11 A. No, I don't think I did.

12 Q. What is it?

13 A. Electrotech, Incorporated.

14 Q. And the address and phone
15 number for Electrotech?

16 A. Route 4, Box 613, #D.

17 Q. Telephone number?

18 A. Buckhannon. I'm sorry,
19 Buckhannon, West Virginia. Phone
20 number, 304-472-0127.

21 Q. Okay. Was Electrotech
22 retained by Sago Mine? Do you
23 contract for Sago Mine?

24 A. Yes.

25 Q. When did this --- when did you

1 start contracting for Sago Mine?

2 A. At this particular operation
3 or the company? In other words, they
4 have multiple operations that we have
5 worked at. This operation is not the
6 newest of the operations, so if
7 you're speaking the company in
8 general ---. I guess that's what I
9 would need to know. Were you
10 speaking specifically at Sago?

11 Q. Well, let's start at Sago.

12 A. Okay. I believe it would have
13 been 1999.

14 Q. Okay. And you've contracted
15 for ICG for longer at other places?

16 A. No, not ICG. They just
17 recently came into the picture, so we
18 would have contracted for Anker ---

19 Q. Anker.

20 A. --- at other places.

21 Q. Approximately how many years
22 there?

23 A. TO be honest with you, without
24 checking the record, I really
25 wouldn't know, but I would say

1 probably five years prior.

2 Q. That's fine. Do you have a
3 written contract?

4 A. No. We have written wage
5 rates, if you would, for hourly
6 work, ---

7 Q. Okay.

8 A. --- when called upon, but as
9 far as any written service
10 agreements, contracts, agreements,
11 no.

12 Q. Okay. So what type of
13 agreement do you have? Is it when
14 something --- when they need your
15 help they call?

16 A. Yes.

17 Q. Are you at the mine on a
18 regular basis or only when they call?

19 A. Only when they call.

20 OFF RECORD DISCUSSION

21 BY MR. DRESCH:

22 Q. Who is your contact at Sago
23 Mine?

24 A. Typically, Dick Wilfong, the
25 chief electrician.

1 Q. And can you describe your job
2 duties and responsibilities for the
3 Sago Mine?

4 A. We would primarily be involved
5 in their electrical installations for
6 their outside facilities, including
7 their substation, their fan, their
8 office buildings, things of that
9 nature. We do not typically work
10 underground, our folks don't.

11 Q. Okay. You said typically.

12 A. No, we don't work underground.
13 I don't know, to my knowledge, that I
14 have ever been in that mine prior to
15 the investigation.

16 Q. Okay. Has anyone from your
17 company been underground?

18 A. No, not to my knowledge.

19 Q. Do you have any mining
20 certifications?

21 A. Yes.

22 Q. Describe them, please.

23 A. Well, I have my state card
24 through the Office of Miners' Safety,
25 Health and Training, my electrician's

1 card. And I have my low, medium and
2 high voltage certification through
3 the Department of Labor, as my fire
4 marshal's card for other work,
5 non-related to mining, through the
6 State of West Virginia.

7 Q. Do you sign or countersign any
8 of the required mine records at Sago
9 Mine?

10 A. No.

11 Q. Before the accident, when was
12 the last time anyone from your
13 company was at the Sago Mine?

14 A. I'm not sure that I can answer
15 that without looking at a record, if
16 you would, because we might have had
17 a --- Dick could have called and said
18 that he needed a part or he needed
19 any type of service. And really
20 without checking, I don't know that I
21 could ---. I've been, as everybody
22 else has been, involved in this last
23 for the last month and a half or two
24 months and I've sort of lost track of
25 time. That would have been prior to

1 Christmas, I'm going to say, the time
2 frame that you're speaking of. And I
3 just don't know off the top of my
4 head when we would have been out
5 there. I feel sure that probably
6 some time in the month of December we
7 probably would have had occasion to
8 be out, but I do not know that to be
9 a ---.

10 Q. Can you give us a copy of
11 these records?

12 A. Sure.

13 ATTORNEY BASARA:

14 What record are we
15 looking at? A record that
16 shows what would have been the
17 last time they were at the
18 mine?

19 MR. DRESCH:

20 Yes.

21 ATTORNEY BASARA:

22 Okay.

23 ATTORNEY WILLIAMS:

24 And what activities
25 would have occurred then.

1 A. Okay. Is it as far as
2 something, and I'll use an example,
3 the bathhouse, something of that
4 nature or is it something more geared
5 toward the substation or ---?

6 BY MR. DRESCH:

7 Q. Just whatever it is.

8 A. All right.

9 Q. To the best of your knowledge,
10 you don't think anyone from your
11 company has been at the Sago Mine
12 since Christmas?

13 A. Well, ---.

14 Q. I think that's what you ---.

15 A. Yeah. I'm trying to think.

16 ATTORNEY WILLIAMS:

17 You want to know
18 between Christmas and the date
19 of the accident; right?

20 MR. DRESCH:

21 We want to make sure we
22 know when you were there.

23 A. Right.

24 ATTORNEY BASARA:

25 I think he'd have to

1 look at his records.

2 A. Yeah.

3 ATTORNEY BASARA:

4 Anything else would be
5 speculation, so he's going to
6 have to look at his records.

7 A. Yeah, I don't ---.

8 MR. DRESCH:

9 That's fine.

10 ATTORNEY BASARA:

11 Maybe ask him to
12 describe how he operates,
13 maybe that might give you a
14 little bit better
15 understanding of what he does
16 for a living, just how he
17 manages his business, so you
18 would have an understanding of
19 what he does.

20 MR. DRESCH:

21 Okay.

22 ATTORNEY BASARA:

23 Okay.

24 BY MR. DRESCH:

25 Q. How do you operate?

1 A. Well, like I had mentioned, my
2 primary contact is typically Dick.
3 And if he would have occasion to need
4 to talk to me or to any of our
5 employees, Dick typically calls and
6 he and I would talk, or I might make
7 a trip back to the mine to look at
8 work that he would need to have done.
9 Or one of our employees might go out,
10 take a look at what work that he
11 might need to have done, or he might
12 call and say that he's having a
13 problem with a heater in the
14 bathhouse, for example. And one of
15 the guys might go out, repair it for
16 him or do what ---.

17 I might not be directly
18 involved in it. I might not be in
19 the office at the time. There are
20 two girls that work in our office and
21 they might take the call and
22 indicate, Dave was not in the office
23 at the time, would you like to speak
24 to one of the other fellows. And
25 they might talk to Dick and go out

1 and take care of whatever he needed
2 to. And I might not have the
3 immediate knowledge that day. And
4 that's why I'm apprehensive to tell
5 you we were out there the 23rd of
6 December without looking in our
7 records. It would be speculation ---

8 Q. Okay.

9 A. --- on my part. I don't know
10 --- just trying to think back, I
11 don't know of any work that we had
12 had ongoing at the mines for some
13 period of time prior to the end of
14 the year. So if there were any
15 activities, it would be very minimal,
16 I would say. But after checking my
17 records, I can confirm that for you.

18 Q. Okay.

19 A. I don't know if that helps or
20 not, but ---.

21 ATTORNEY BASARA:

22 Can I ask one question?

23 Who are the other people in
24 the room?

25 ATTORNEY WILLIAMS:

1 There are people from
2 MSHA and also different people
3 from the state.

4 ATTORNEY BASARA:

5 Okay. So these are
6 MSHA and state-related
7 personnel?

8 ATTORNEY WILLIAMS:

9 Right.

10 ATTORNEY BASARA:

11 Okay. Because I saw it
12 wasn't open to the public and
13 I just wanted to know ---

14 ATTORNEY WILLIAMS:

15 Right.

16 ATTORNEY BASARA:

17 --- who else was here.

18 ATTORNEY WILLIAMS:

19 They're all members of
20 the investigation.

21 ATTORNEY BASARA:

22 Okay.

23 ATTORNEY WILLIAMS:

24 I'm just thinking about
25 how best to facilitate this

1 information, if you're willing
2 to give us the documents that
3 would reflect what you did at
4 the mine and when through your
5 attorney, then you could just
6 submit those and send those to
7 us. And we probably, I would
8 think, then not have to bring
9 you back and ask you more
10 specifics about it.

11 ATTORNEY BASARA:

12 I guess my question
13 would be, though, I'd like to
14 be specific as to what you're
15 expecting him to provide you
16 so we don't have to maybe do
17 this dance any number of
18 times.

19 ATTORNEY WILLIAMS:

20 Right.

21 ATTORNEY BASARA:

22 If you could be
23 specific, then we would try
24 to ---

25 ATTORNEY WILLIAMS:

1 I assume you have ---

2 ATTORNEY BASARA:

3 --- provide you with

4 it.

5 ATTORNEY WILLIAMS:

6 --- purchase orders or

7 billings that would have what

8 you did on a particular

9 day, ---

10 A. Yes.

11 ATTORNEY WILLIAMS:

12 --- and maybe who did

13 it and maybe not, in your

14 company. I guess that's all

15 we're looking for.

16 ATTORNEY BASARA:

17 And how far back do you

18 want it to go, the last time

19 or ---?

20 BY ATTORNEY WILLIAMS:

21 Q. When did you begin working ---

22 doing any work for ICG at Sago?

23 A. That's a question I can't

24 answer because I don't know when

25 ICG ---.

1 Q. Took over?

2 A. Right.

3 Q. Was Mr. Wilfong there prior to
4 when ICG took over?

5 A. Yes.

6 MR. DRESCH:

7 The month of December
8 to the time of the accident.

9 ATTORNEY BASARA:

10 So you want purchase
11 orders or some identifying
12 documents that shows what work
13 was done, possibly who did it
14 and when it was done from
15 December through the day of
16 the accident? Okay.

17 MR. DRESCH:

18 Yes.

19 ATTORNEY WILLIAMS:

20 Thank you.

21 BY MR. DRESCH:

22 Q. Were you at the mine on the
23 day of the accident?

24 A. Yes.

25 Q. Was that before or after the

1 accident occurred?

2 A. After the accident.

3 Q. Okay. Now, before the
4 accident, were there any problems
5 that you discovered or worked on at
6 the Sago Mine relating to the
7 electrical equipment, the grounding
8 system?

9 A. No. Maybe you can reiterate
10 your question just so that I
11 understood it correctly.

12 Q. Well, since you don't remember
13 when you were there, I guess you
14 can't remember what you did.

15 A. Well, you asked if there were
16 any problems that we had or if we had
17 any work associated with the Sago
18 Mine prior to the accident; correct?

19 Q. Yes.

20 A. And my answer to that is no.
21 No need to reiterate the question.

22 Q. Okay.

23 A. If I explained it correctly to
24 you, then if you want to start over
25 again, we will do that.

1 Q. Your company has worked at the
2 Sago Mine before the accident; is
3 that right?

4 A. Sure. I think that's part of
5 the information that you've just
6 requested that I get for you.

7 Q. Okay. Now, when you've worked
8 there, was it a problem with the high
9 voltage or the grounding system?

10 ATTORNEY BASARA:

11 Can we limit this to
12 things that would be of a
13 significant nature? Because
14 it's ---

15 MR. DRESCH:

16 Yes.

17 ATTORNEY BASARA:

18 I mean, we don't ---
19 you know, there might be minor
20 things like you said in a
21 bathhouse, you know, or
22 something, but we're really
23 talking about something that
24 caused this accident.

25 ATTORNEY WILLIAMS:

1 Well, I think his
2 question is trying to do that
3 by his - - -

4 ATTORNEY BASARA:

5 Okay.

6 ATTORNEY WILLIAMS:

7 - - - testifying (sic)
8 high voltage or grounding.

9 ATTORNEY BASARA:

10 Okay.

11 A. Can I get you to repeat your
12 question? I got lost in the - - - .

13 BY MR. DRESCH:

14 Q. Before the accident, - - -

15 A. Okay.

16 Q. - - - do you remember working on
17 something of significance at the Sago
18 Mine?

19 ATTORNEY WILLIAMS:

20 With respect to the
21 grounding or high voltage
22 system.

23 A. That's what I'm thinking of.
24 No, not to my knowledge. No problems
25 associated with the grounding, no

1 problems associated with the
2 substation.

3 BY MR. DRESCH:

4 Q. Okay. Did you assist in any
5 capacity during the rescue operation?

6 A. Yes.

7 Q. Can you describe that?

8 A. Around ten --- I'm going to
9 say between ten and 11 o'clock, I had
10 seen on the Internet that there had
11 been an explosion at the mines. And
12 I had called out to the mine to find
13 out, one, the nature of the
14 explosion, and, two, if there was
15 anything that myself or our company
16 needed to do to assist the folks.
17 And I had spoken to Dick, I don't
18 remember exactly what time. And I
19 had asked him if it would be of a
20 benefit for me to come out in case it
21 would become necessary to make any
22 changes in the power or shutting off
23 of the power or anything like that.
24 And he indicated that, yes, that
25 would be probably a good idea. So at

1 approximately ten or 11 o'clock
2 Monday morning I went out to the mine
3 site.

4 Q. Okay. Can you describe what
5 you did, trying to include the day
6 and the time?

7 A. Well, it would have been
8 Monday morning, approximately 11
9 o'clock, and I arrived at the mine
10 property. And I don't remember
11 exactly how long it was before I had
12 seen or talked to Dick, because I
13 know that he was pretty busy.
14 Shortly after that, there were
15 discussions of drillings, operations
16 that were going to begin away from
17 the mine property out on the
18 Tallmansville Road.

19 And I questioned Dick about
20 the possibility of bringing
21 generators out to the mine in case
22 there were an interruption in power.
23 And I think at that point he
24 indicated that it would probably be a
25 good idea to bring some generators

1 out, so I made a trip back to our
2 shop and brought a generator out to
3 the facility. And mainly didn't do a
4 whole lot until later on in the
5 evening. I think I might have
6 brought a couple of light plants out
7 to the property as well. And then
8 the majority of the next couple of
9 days were spent up on the
10 Tallmansville Road system and the
11 drilling operations and getting light
12 facilities and power where necessary,
13 to aid in the drilling.

14 Q. Okay. You helped by providing
15 the light plants?

16 A. Light plants. And I believe
17 generators as well.

18 Q. Okay. What power company
19 provides electricity for this mine?

20 A. Allegheny Power.

21 Q. And what voltage level?

22 A. 12,470.

23 Q. Did your company install the
24 substations at Sago Mine?

25 A. You said substations, plural.

1 Q. Yes.

2 A. We installed the --- what I
3 consider to be the substation.

4 Q. At the mine site?

5 A. Yes.

6 Q. Okay. You know the mine picks
7 up power from the French Creek
8 substation?

9 A. Correct.

10 Q. Have you done anything as far
11 as installing components with that
12 substation?

13 A. No, not with the --- when you
14 say that substation, I take that to
15 mean the Allegheny Anker substation,
16 if you will. Is that the same
17 substation that you're referring to?

18 Q. Yes.

19 A. No, that substation was
20 installed prior to Anker taking over
21 that property.

22 Q. Have you ever examined that
23 substation, the Anker portion?

24 A. Well, I've worked in it. Yes.
25 Yes, we have done some work in that

1 area of the substation. I didn't
2 build it, ---

3 Q. Okay.

4 A. --- but we have done some
5 maintenance work in it.

6 Q. Are you familiar with what is
7 there, as far as protective systems?

8 A. Yes. I feel like I'm familiar
9 with the substation.

10 Q. Can you tell us what is there?

11 A. There are two 12kV oil
12 breakers, --- oil circuit breakers.
13 There are a series of gang-operated
14 switching associated with the
15 breakers. And there's a metering
16 facility for Allegheny Power, to
17 meter the customer. And there are a
18 battery station and a charging
19 facility associated with the
20 operation of the breaker.

21 Q. Okay. And what electrical
22 protections are there?

23 A. Oh, I think there are
24 over-current relays. I'm not --- I
25 can't tell you from memory if they're

1 General Electric or Westinghouse, but
2 I know that there are.

3 Q. And they provide overload,
4 short-circuit ---?

5 A. Yes, ground fault. Yes.

6 Q. Is this a resistance ground
7 resistor?

8 A. No.

9 Q. Not at this substation?

10 A. Not at the Allegheny
11 substation. These are a solid
12 grounded Y system.

13 Q. Let's just clarify that ---
14 there's an Allegheny substation, and
15 then right next to it there's an
16 Anker substation?

17 A. That's correct.

18 Q. Okay.

19 A. Adjoining.

20 Q. Yes.

21 A. Uh-huh (yes).

22 Q. The Anker substation, is it
23 resistance grounded?

24 A. No. It comes directly from
25 Allegheny's station and there is no

1 transformation. It's 12,470 solid
2 grounded Y. And that's part of the
3 information that I'm not sure who,
4 somebody within your organization has
5 requested. And I'm in the process of
6 compiling that. So that would be
7 forthcoming.

8 Q. Okay. Is it ground monitored?

9 A. No.

10 Q. Lightning arresters?

11 A. I'm sure that there are, but I
12 can't --- I've not been in that
13 station enough to say yes, here's
14 where they are, but I feel that there
15 are lightning protection in the
16 station.

17 Q. Okay. Are there lightning
18 arresters between these two
19 substations?

20 A. Between the Anker-metering
21 station and ---?

22 Q. And the mine, underground, the
23 mine substation.

24 A. Yes.

25 Q. Do you remember? You don't

1 remember the last time your company
2 examined the power line between the
3 two?

4 A. No, I really don't. Well,
5 yes, I do. When we walked it.

6 Q. Well, ---

7 A. Prior to that, no.

8 Q. --- before the accident?

9 A. No. I have no --- due to the
10 location of that particular section
11 of line, that would be not one that
12 we would routinely walk or inspect,
13 being as it's down over the hill and
14 out that old railroad grade.

15 Q. Right. Okay. What electrical
16 protections are provided at the mine
17 site substation?

18 A. There is a gang-operated air
19 switch for isolation purposes. It
20 offers no over-current protection,
21 but it offers the isolation for
22 maintenance purposes in front of the
23 substation.

24 Q. Right.

25 A. There are three S&C, SM5 power

1 fuses in front of the main power
2 transformers for the underground
3 mining circuit. There are three S&C
4 15kV disconnects for the fan
5 transformers. And there are one
6 disconnect for the utility
7 transformer in the substation on the
8 12,000 side of the substation, on
9 the ---. And when I say the 12,000,
10 I mean the solid-grounded portion of
11 the station, differentiating the
12 resistance grounding.

13 Q. The solid grounded feeds the
14 fan; is that right?

15 A. Yes.

16 Q. Possibly some ---.

17 A. As well as the utility
18 transformer.

19 Q. Okay. And the
20 resistance-grounded system, what
21 protections?

22 A. A Westinghouse PR circuit
23 breaker, oil circuit breaker.

24 Q. And that provides overload,
25 short-circuit, ---?

1 A. Ground fault, ground monitor
2 and loss of voltage, controlled
3 voltage protection.

4 Q. It does provide overload for
5 short circuit also?

6 A. Yes.

7 Q. Lightning arresters?

8 A. There are lightning arresters
9 in front of all of the transformers
10 in the substation, all of them ---.

11 Q. On the primary side?

12 A. Yes. Meaning the fan, the
13 utility, and the mine transformers,
14 the large transformers.

15 Q. Can you briefly describe the
16 electrical protections, why they're
17 used in the system overload?

18 A. With respect to the
19 over-current protection? I mean,
20 there are a number of devices within
21 that substation that afford different
22 protection.

23 Q. That's right.

24 A. Which would you like to talk
25 about?

1 Q. Overload, short circuit, just
2 briefly describe ---.

3 A. Okay. The breaker, the
4 Westinghouse breaker has three.
5 There again, I believe those are
6 General Electric or Westinghouse that
7 are set at a value I believe to be
8 somewhere in the neighborhood of 300
9 to 350 amps on the overload, and
10 somewhere in the neighborhood of ---
11 I don't remember what the
12 instantaneous ---.

13 I know we just went through a
14 check within the last two weeks and
15 confirmed the operation of those as
16 well as the ground value. You
17 mentioned the over-current, so, yes,
18 we checked the over-current operation
19 and they were shut somewhere in the
20 neighborhood of three --- to 350
21 amps.

22 And the instantaneous, or the
23 short circuit, I don't recall the
24 exact setting, but I know that we had
25 tests done. I'd probably need to

1 look in my charts to give you that
2 exact number. I don't remember what
3 the instantaneous ---.

4 Q. That's okay. Those checks
5 were made with MSHA personnel; right?

6 A. That's correct, and the State
7 as well.

8 Q. Can you describe the ground
9 monitoring just briefly?

10 A. I believe it's a mining
11 controls unit. And it operates off
12 of pilot, the current that is
13 injected down the pilot, the return.
14 Or, I'm sorry, beyond the ground
15 wiring return and the pilot. And it
16 starts in the substation and I
17 believe goes I'm going to say 3,000
18 to 4,000 feet in the mine where there
19 was another monitor that picks up.
20 And I don't believe that monitor goes
21 the entire distance of the mine, I
22 believe --- there, again, I'm not
23 involved in the underground portion
24 of it, so I can't tell the exact
25 distance, but the monitor on the

1 outside covers so much of it. And I
2 believe there to be another monitor
3 inside the mine that covers the
4 additional ---.

5 Q. And basically its purpose ---?

6 A. Would be to ensure the
7 integrity of the ground system.

8 Q. Okay. And can you describe
9 the ground-resisting --- can you
10 describe the resistance grounding
11 system, its purpose?

12 A. To limit the touch potential
13 of the equipment in the mine, to
14 limit the amount of voltage that that
15 equipment can be elevated to, for the
16 protection of the miners.

17 Q. Okay. Are there any automatic
18 re-closures in either of these
19 substations?

20 A. When you said either
21 substation, you're referring to the
22 mine substation and the ---

23 Q. Anker substation.

24 A. --- main --- the main
25 substation?

1 Q. Not the Allegheny substation.

2 A. The coal company - - -

3 Q. Right.

4 A. - - - substation? There is a
5 re-closure in the mine - - -. I'm
6 sorry. Let me back up. There is not
7 a re-closure in the mine substation.

8 Q. Okay.

9 A. But you would not expect there
10 to be. There is a re-closure ability
11 in the Anker substation at French
12 Creek.

13 Q. You said ability?

14 A. Well, there's a switch where
15 you can put it in service or you take
16 it out of service.

17 Q. Okay. So my next question is,
18 what position is that switch?

19 A. I do not know that.

20 Q. Are there visual disconnects
21 and lightning arresters provided at
22 or near the portal?

23 A. Yes.

24 Q. And do you know where the
25 power enters into the mine?

1 A. Yes. At the air switch. I'm
2 trying to think which entry it would
3 be. It's one over from the belt.

4 Q. Okay.

5 A. One entry over from the belt,
6 there are gang-operated air switch
7 and lightning protection, I think, at
8 that point.

9 Q. So that would be the track
10 entry?

11 A. Okay. That's correct.

12 Q. Please describe the safety
13 ground, mine ground field, the
14 location and the purpose.

15 A. The safety ground field is ---
16 the intended purpose for it is to
17 work in conjunction with the
18 grounding resister to limit the
19 amount of fault current, in the event
20 that they have a fault in the
21 underground power system to a value
22 that limits the time as well as the
23 touch potential on the mining
24 machinery.

25 Q. Do you know where it's

1 located?

2 A. It's located in the
3 ground - - - .

4 Q. The safety ground field?

5 A. Yes.

6 Q. Can you describe that?

7 A. It is above the main
8 substation and below the county road.
9 And then it extends below - - - there's
10 a pond below the substation. And the
11 safety ground field extends down to
12 an area below that pond and ties into
13 a culvert in that pond.

14 Q. Okay. There are several poles
15 entering into the mine site, the
16 power line going into the substation.

17 A. Okay.

18 Q. Are they butt grounded?

19 A. Which section of pole line are
20 you referring to?

21 Q. That should be coming into the
22 mine. As you see the mine, there's a
23 fence and the high line, the
24 high-voltage line crosses the road at
25 that point.

1 A. The county road? The county
2 road into the mine?

3 Q. Yes.

4 A. Okay. In the area where the
5 metering is located, ---

6 Q. That's right.

7 A. --- in the same ---?

8 Q. That high-voltage line is
9 Allegheny line?

10 A. No.

11 Q. Okay. That's the line going
12 from the Anker substation to the
13 underground line --- to the mine
14 substation?

15 A. Yes. But that metering, if
16 you would, has nothing to do with
17 Allegheny.

18 Q. Okay.

19 A. That metering is for the
20 company.

21 Q. Now, those poles, are they ---
22 they're bringing in the grounding
23 system?

24 A. They're carrying a neutral
25 conductor, which is grounded.

1 Q. That neutral conductor at the
2 Anker substation, is it connected to
3 the Allegheny Power grounding system?

4 A. Yes.

5 Q. Okay.

6 A. And that will be part of the
7 information that you folks have
8 requested.

9 Q. So those poles going in, do
10 they have butt grounds? Do you know
11 what I'm talking about?

12 A. Yes.

13 Q. Okay.

14 A. And I guess my question is,
15 the poles that you are speaking of,
16 from the main line to the mine
17 property have butt grounds and guides
18 for their grounding, the section
19 along the railroad grade to the mine
20 property.

21 Q. No. I'm not interested in
22 outside of the mine property, ---

23 A. Okay.

24 Q. --- but inside, where that
25 pond is.

1 A. Okay. Those poles --- butt
2 grounding, is that your ---?

3 Q. Do you call it something else?

4 A. Well, a lot of times if we
5 will put a transformer on a pole, we
6 will drive a ground rod at the base
7 of the pole in lieu of butt
8 grounding.

9 Q. Okay.

10 A. I do not believe that any of
11 those poles have transformers on
12 those. For example, the metering
13 pole would have a ground rod because
14 it would have potential transformers
15 on it.

16 Q. Let's see. I believe there's
17 more than one pole.

18 A. Well, there would be the ---
19 as you'd come into the mine property,
20 there would be a pole on the right,
21 the first pole across the river that
22 sits up on the hill on a bank. And
23 you'd come through a cut and the
24 first pole on the left would be the
25 meter pole, what I call to be the

1 meter pole.

2 Q. Yes.

3 A. And that pole would either
4 have a butt ground or a ground rod.
5 Okay? The next pole, I believe, is
6 an angle pole. And that pole might
7 or might not have a butt ground on
8 it. Without looking, I don't know
9 that I could answer that.

10 Q. That's fine.

11 A. I know that it has a guide on
12 it because it's an angle pole up to
13 the substation. The next pole, I
14 believe, would be the butt ground
15 pole that feeds the office facility
16 and the bathhouse. And that pole
17 would be either grounded with a
18 ground rod or with a butt ground,
19 because I believe that pole has
20 capacitors on it. The next pole
21 would be the air switch pole in front
22 of the ---

23 Q. In front of the substation?

24 A. --- substation.

25 Q. Okay.

1 A. And it would have butt ground
2 and/or a ground rod, because there is
3 a platform at the base of that pole.
4 And then the next pole would be your
5 substation, or the next span would be
6 within your substation.

7 Q. Okay. What's connected to the
8 safety line ground field?

9 A. The mine and the resister.

10 Q. Yes. It's the underground
11 electrical system?

12 A. Yes, sir.

13 Q. Have you inspected or tested
14 the safety mine ground field before
15 the accident?

16 A. Yes.

17 Q. Do you know what the
18 results ---?

19 A. To the best of my , and I
20 tried to look this up in anticipation
21 of our discussions here and was not
22 able to put my hands on the exact
23 documentation, but I believe it to be
24 eight ohms.

25 Q. Do you have any idea when that

1 test was made?

2 A. In 2003.

3 Q. Okay. What equipment is
4 connected to the incoming ground
5 field --- grounding system?

6 A. When you say the incoming
7 ground system, are you referring to
8 what I would call the equipment
9 ground, the substation ground?

10 Q. Yes.

11 A. That would be your neutral
12 conductor.

13 Q. And what would be connected to
14 it?

15 A. Your utility transformer
16 within the substation, the frames of
17 all of the equipment ---

18 Q. Yes.

19 A. --- within the substation?

20 The fan transformers, the
21 transformers that feed the office
22 power, the transformers that feed the
23 belt-conveying system, any other
24 piece of outside equipment,
25 electrical equipment that would be

1 receiving power from that substation,
2 excluding the mine power would be
3 connected to that equipment ground.

4 Q. Is that all the components
5 within the substation and the
6 electrical structure?

7 A. The fencing?

8 Q. The framework?

9 A. Correct. Yes.

10 Q. And how far apart are the two
11 ground fields?

12 A. Approximately 40 feet.

13 Q. That's from the substation to
14 the safety mine ground field? Is
15 that where it was measured?

16 A. Well, including approximately
17 four feet of step potential outside
18 of the fence, up the hill
19 approximately 40 feet.

20 Q. Okay. So that's the part of
21 the safety mine ground field that
22 goes up the hill; correct?

23 A. Yes, that would be in the
24 section that runs up above the hill,
25 and the section that I referred to in

1 the pond is approximately, I don't
2 know, two spans of wire back. So I
3 would say 150 to 200 feet.

4 Q. Okay. Do you have any idea of
5 the distance between the poles that
6 do have ground rods and that pond
7 that --- the culvert ---?

8 A. I'm going to say probably
9 somewhere in the neighborhood of 30
10 to 40 feet.

11 Q. Did Electrotech --- did it
12 help with connecting the Number One
13 belt, power to the Number One belt?

14 A. When you refer to the Number
15 One belt, what --- I think some
16 terminology might help in ---

17 Q. The belt ---.

18 A. --- making sure we're talking
19 about ---.

20 Q. The Number One belt drive,
21 it's right at the portal. They've
22 built a structure around it.

23 A. No, we did not assist in the
24 installation or the power of that.

25 Q. Okay. How about the stacker

1 belt? That would be --- I don't know
2 how to describe it.

3 A. Well, that's satisfactory, in
4 my opinion. That tells me what belt
5 you're speaking of.

6 Q. Okay.

7 A. Yes, we did install the
8 electrics associated with the stacker
9 belt.

10 Q. So its grounding is coming
11 from the equipment neutral ---?

12 A. That's correct.

13 Q. Did you ensure that the two
14 ground fields were not electrically
15 connected together?

16 A. Yes. The law maintains that
17 they be separated by 25 feet. To the
18 best of my knowledge, there is not an
19 ohmic value within MSHA's laws or the
20 State, other than a physical
21 distance. And yes, I am sure that it
22 was within the 25 feet.

23 Q. Okay. Is the surface conveyor
24 belt structure and the ropes
25 protected against stray current from

1 entering the mine?

2 A. Are the ropes, conveyor
3 structure and the stacker structure
4 --- can you repeat the question,
5 please?

6 Q. The surface conveyor belt
7 structure going underground, ---

8 A. Okay.

9 Q. --- is it protected against
10 stray currents from going from
11 outside to underground?

12 A. The structure is grounded
13 through the same grounding as the
14 substation, the equipment ground. To
15 say that it is protected against
16 stray currents, I don't know that I
17 would be --- I don't know if
18 qualified is the right word. Are you
19 referring to stray currents from
20 lightning or stray currents from
21 static electricity or ---? I don't
22 know that I completely understand the
23 question.

24 Q. It could be lightning or it
25 could be from another source.

1 A. I don't know that I could
2 honestly answer that question, other
3 than the conveyor structure is
4 grounded.

5 Q. Okay. You said that it was
6 grounded to the equipment ground?

7 A. Yes.

8 Q. Where would that be at?

9 A. At the stacker structure,
10 there was a disconnect located on the
11 side of that stacker structure.

12 Q. So you're talking about it's
13 grounded because the stacker motor,
14 the power it receives and the
15 grounding from that point; is that
16 correct?

17 A. No. What I was more referring
18 to is the equipment ground, if you
19 would, that carries the
20 current-carrying conductors to that
21 stacker, ---

22 Q. Okay.

23 A. --- is the grounding median.

24 Q. Okay. And it's also the
25 grounding for that stacker motor?

1 A. That's correct.

2 Q. Yes.

3 A. It should be all tied
4 together.

5 Q. Is the mine track system
6 separated to prevent stray current
7 from entering the mine?

8 A. I don't know that I could
9 answer that question. I'm not ---

10 Q. That's fine.

11 A. --- a track ---.

12 Q. You haven't worked on the
13 track or the structure, the belt
14 conveyor?

15 A. No.

16 Q. That's an easier question.

17 A. Yes.

18 Q. Was there any recent history
19 of power loss at Sago Mine?

20 A. No. I think we had a very
21 good source from Allegheny, a very
22 reliable source. And to my
23 knowledge, there was no blinks, if
24 you would.

25 Q. Okay. When was the last ---?

1 MR. DRESCH:

2 How about we do this.

3 Do you have any other
4 questions?

5 MR. COLLINS:

6 I have just a couple
7 questions, Mr. Mason.

8 BY MR. COLLINS:

9 Q. Are you a certified
10 underground coal miner in the State
11 of West Virginia? Do you have an
12 underground coal miner's certificate?

13 A. Well, I've got a billfold full
14 of them, but I don't think that I
15 am ---. What would that be in the
16 form of? I know when I worked for
17 Island Creek, I worked underground.

18 Q. Do you have a surface coal
19 miner's certificate?

20 A. A green card?

21 Q. I'm not sure what color it is.
22 Depending on when you got it, Dave.
23 Did you work at Island Creek and Oxy?

24 A. No. Well, yes, I worked ---
25 but I worked out of Craigsville, but

1 the area that I covered was
2 everywhere from Craigsville up to
3 Grant County.

4 Q. Okay.

5 A. So it was surface mines and
6 deep mines.

7 Q. And do you hold a --- I know
8 you have a West Virginia
9 electrician's card, low, medium and
10 high.

11 A. Yes.

12 Q. And you're also registered
13 through the fire marshal, the State
14 of West Virginia?

15 A. Yes.

16 Q. Then do you have a West
17 Virginia mine foreman's card, surface
18 or underground?

19 A. I have a West Virginia
20 construction ---. Remember a few
21 years ago when we went through, I had
22 a West Virginia construction foreman
23 card. I do not believe, John, that I
24 have an underground ---. I know that
25 I don't have an underground mine

1 foreman certification. And I do not
2 believe that I have underground ---
3 the first terminology that you asked
4 me about.

5 Q. A miner's certificate.

6 A. I really don't know for sure.
7 I guess I'd probably have to check to
8 answer that question for you. I
9 typically --- I don't --- my
10 involvement at Sago in this
11 investigation has mostly been on the
12 top side over there.

13 Q. I'm getting to that in just a
14 little bit. The substation that's
15 referred to as the Anker Allegheny
16 substation, ---

17 A. Okay.

18 Q. --- is this on mine property?

19 A. No.

20 Q. Did the Anker --- did they
21 build this substation?

22 A. Pittston ---

23 Q. Pittston.

24 A. --- built the substation.

25 Q. But Anker now maintains that?

1 A. They maintain a small portion
2 of the --- it's a large substation.
3 Allegheny receives 138 into the
4 substation and then they have their
5 transformers. And the coal company
6 built a small substation on the side
7 of their station. And that portion
8 of it belongs to Anker.

9 Q. And I might have
10 misunderstood, Dave, but did you say
11 that you do the inspection of this
12 substation?

13 A. No.

14 Q. No, you do not?

15 A. No, I do not. No.

16 Q. Do you know if there's a
17 monthly inspection of that substation
18 made?

19 A. John, I don't. We have been
20 called down there I can think of two
21 different occasions in the last ten
22 years where they had a problem down
23 there. And there again, it was a
24 situation where Dick would have
25 called or possibly the folks at the

1 preparation plant, because they
2 receive power from that substation as
3 well. But, no, we do not do monthly
4 checks or anything like that.

5 Q. Do you know if the coal mine
6 inspectors from the State and MSHA,
7 do they inspect that Allegheny ---
8 Anker Allegheny substation, prior to
9 the accident?

10 A. I really don't --- I wouldn't
11 know about if they would or not.

12 Q. If I could get back to the
13 mine just a little bit for
14 clarification, Dave. But the
15 substation at the mine, I believe you
16 would recall that BJM operated that
17 mine?

18 A. Yes.

19 Q. Is this the same substation
20 that BJM had?

21 A. Yes.

22 Q. But you installed the
23 substation for Anker because BJM
24 worked as a contractor for Anker?

25 A. I believe that to be the case,

1 John. I know that we did the work
2 for Anker, but BJM was the mining
3 contractor, if you would. The work
4 that we did was through Anker.

5 Q. And when you do work for
6 Anker, I know that sometimes that's
7 from a complete job. Would you agree
8 that sometimes you contract to do a
9 complete job for them, ---

10 A. Yes.

11 Q. --- and sometimes you contract
12 to do a part of a job?

13 A. Yes.

14 Q. When these jobs are finished,
15 does someone from Anker inspect those
16 jobs and say, these are correct, this
17 is ---?

18 A. Typically whoever we are
19 working through says, okay, this is
20 what we agreed to do, this is what
21 you said you would do, this is what
22 you proposed to do. And then, yes, a
23 follow-up is made as part of the
24 closeout, if you would, of the work
25 scope or the job scope of it.

1 Q. So at the Sago Mine, would
2 that be Denver Wilfong?

3 A. Yes, typically.

4 Q. The surface - - - .

5 A. Well, let me back up.

6 Q. Okay.

7 A. I don't know how much Dick
8 would - - - that is Dick, right,
9 Denver?

10 Q. Yes.

11 A. Okay.

12 Q. Denver Shirl Wilfong.

13 A. Wilfong. Okay. Dick would
14 certainly be involved in it. I'm
15 trying to think of who the gentleman
16 at Anker - - - it might have been
17 somebody out of the Morgantown
18 office, that would have been involved
19 in it as well, through the main
20 office, if you would.

21 Q. Speaking of the installation
22 of the substation?

23 A. Right. The engineer out of
24 the main office. And I don't really
25 recall, at this time, who that would

1 have been.

2 Q. Because that would differ
3 between if you were contracted to
4 install a substation versus you were
5 contracted to install a new light at
6 the bathhouse?

7 A. That's correct.

8 Q. So a complete job may be,
9 check somewhere else, and Denver may
10 check at the mine?

11 A. Yes.

12 Q. But the job is checked?

13 A. Yes.

14 Q. All right.

15 A. Yes.

16 Q. Did you assist in the
17 investigation of the explosion, or
18 did you participate in the
19 investigation?

20 A. Well, like I had mentioned to
21 Russell, I contacted Dick upon
22 hearing of the explosion and offered
23 assistance if necessary. And upon
24 talking with him and doing the things
25 that I mentioned, if that would

1 consist of assisting in the
2 investigation, then, yes.

3 Q. Participation?

4 A. Yes, the participation,
5 probably moreso, John, in the
6 drilling aspect of it, trying to get
7 the men.

8 Q. And have you been underground
9 during this investigation?

10 A. Yes, on two occasions.

11 Q. In what capacity?

12 ATTORNEY BASARA:

13 Tim, can we step aside
14 one second?

15 ATTORNEY WILLIAMS:

16 Sure. Off the record.

17 OFF RECORD DISCUSSION

18 MR. COLLINS:

19 Back on. Dave, I think
20 John Scott would like to ask
21 you - - -

22 A. Sure.

23 MR. COLLINS:

24 - - - a clarifying
25 question.

1 A. All right.

2 BY MR. SCOTT:

3 Q. I'd like to clarify a little
4 bit on the substation. The initial
5 substation at the mine or the mine
6 substation was initially put in by
7 you, Electrotech, ---

8 A. Yes.

9 Q. --- in '99?

10 A. Yeah. I went back through my
11 records. And in the fall of '99 was
12 the best of my recollection when we
13 had started and completed that draft.

14 Q. It was for Anker, but a
15 protection contractor was actually
16 working at the mines, or BJM, or
17 something to that effect?

18 A. Yes.

19 Q. And then in 2003, after the
20 mines had been idle for a period of
21 time, you went back and just checked
22 the substation out prior to Anker
23 opening the mines?

24 A. I believe, according to my
25 notes, because I looked at that prior

1 to coming in, myself, Dan Stout,
2 Frankie Thomas, with the federals,
3 and I believe you checked it out, if
4 my notes serve me correctly. At that
5 point, we had to put some additional
6 grounding in, and that's where the
7 safety ground field was extended down
8 to the pond area, if my notes were
9 correct. Does that sound ---?

10 Q. I think we did some, but I
11 thought it was up on the hill above.

12 A. Above the road?

13 Q. Above the road. I have to
14 look at my notes, too.

15 A. Okay. Well, according to the
16 information I had, it went ---

17 Q. Went down?

18 A. --- down below, because we
19 found that to be the case when we
20 checked the ground field here a
21 couple of weeks ago. And that was
22 not done on the initial setup.

23 Q. I know there was some
24 additional work, ---

25 A. Yes.

1 Q. --- either above or below.

2 A. Yeah. And it might have been
3 above and below.

4 ATTORNEY SCOTT:

5 Okay.

6 BY MR. COLLINS:

7 Q. And, Dave, I think we were
8 talking about the investigation and
9 your participation in the
10 investigation.

11 A. Yes.

12 Q. And to what capacity have you
13 been participating in the
14 investigation?

15 ATTORNEY BASARA:

16 Excuse me. Could you
17 clarify what --- what are you
18 talking about?

19 MR. COLLINS:

20 I'm talking about the
21 investigation that's being
22 conducted at the Sago
23 Mine, ---

24 ATTORNEY BASARA:

25 By?

1 MR. COLLINS:

2 - - - the same day, by
3 the state and federal - - - .

4 ATTORNEY BASARA:

5 Okay.

6 MR. COLLINS:

7 And I seen Dave working
8 there. And I asked what
9 capacity has he been working
10 there.

11 A. Through the company, meaning
12 ICG - - - or ICG and their legal
13 people, John asked that I aid them in
14 trying to determine the cause of this
15 explosion.

16 BY MR. COLLINS:

17 Q. And have you determined the
18 cause of this explosion?

19 ATTORNEY BASARA:

20 We're not going to
21 answer that question. That's
22 protected by attorney/client
23 privilege. We're not
24 answering those questions,
25 questions of those sort.

1 BY MR. COLLINS:

2 Q. Have you also been traveling
3 with the inspectors, ---

4 A. Yes.

5 Q. --- during this?

6 A. Well, for example, part of the
7 inspection, John has been involved
8 in, part of the work that I have
9 done, Monty has been involved in,
10 part of the work Russell has been
11 involved in. So part of the work I
12 have worked on myself. It hasn't
13 entirely been with --- I'll say with
14 you folks. So it's been a joint
15 effort, I think probably would be the
16 best way of wording it.

17 Q. Okay.

18 A. I've worked with other folks
19 on the investigative team as well.

20 MR. COLLINS:

21 Okay. Thank you, Dave.

22 MR. DRESCH:

23 Okay. A couple of
24 other questions.

25 BY MR. DRESCH:

1 Q. We've talked about the
2 re-closure at the Anker substation.
3 You said it has a switch.

4 A. Yes.

5 Q. Do you know what that switch
6 should be set at?

7 A. I think it --- are you asking
8 my opinion or the law or what? What
9 are you looking for? In other words,
10 it's not a device that feeds
11 underground, therefore it can be set
12 on the re-closure mode.

13 Q. Okay.

14 A. How Anker has elected to set
15 it, I don't know that. I don't know
16 if that answers your question or not.

17 Q. It does. That's fine.

18 A. Okay.

19 Q. The lightning arresters, the
20 last one at the portal, ---

21 A. Right.

22 Q. --- how is it grounded?

23 A. To the equipment ground at the
24 base of the pole.

25 Q. Butt ground on the pole?

1 A. Yes. Uh-huh (yes). Yes.

2 Q. And ---.

3 A. And I confirmed that. You and
4 I had, I think, a discussion when ---
5 I don't think you were there, but
6 when we did the substation checks, we
7 took a bucket truck down and
8 inspected the high-voltage cable.
9 And at that time I confirmed, with
10 Jim Honeker (phonetic) that the
11 grounds were all made at the base of
12 those lightning arresters. I think
13 maybe there was some question when we
14 were down there looking at it. And I
15 did check that with Jim.

16 Q. Okay. When you were
17 helping with the people that were
18 drilling, ---

19 A. Yes.

20 Q. --- could you describe what
21 you were doing?

22 A. Yeah.

23 Q. We talked a little bit about
24 that.

25 A. Mainly the locations were not

1 in areas where there was adequate
2 lighting, so we had generator power
3 available for these folks, and light
4 plants available. There was no
5 connection to any of the utilities
6 because of the urgency of the work,
7 so we brought portable equipment out,
8 whether it be a light plant or a
9 generator. And then that was
10 basically the extent of my
11 involvement, other than if the
12 drillers needed parts or needed
13 something, needed somebody to run and
14 get something, I think I did a fair
15 amount of running. And that was
16 pretty much my involvement.

17 I was not involved in the
18 actual drilling. There were deep
19 wells, of course. And we don't have
20 the ability to do that.

21 Q. Were you involved in finding
22 the location to drill?

23 A. No. The surveyors did that
24 part.

25 Q. What training did you receive

1 at the Sago Mine?

2 A. Prior to the investigation, we
3 sat through the hazard training and
4 were hazard trained to work on the
5 property, if that's what you're ---?

6 Q. Yes. What day was that? Was
7 that in between when the accident
8 occurred and you went underground?

9 A. Well, let me back up. I mean,
10 every property that we work on, we
11 are hazard trained on.

12 Q. Okay.

13 A. Okay? So I have been hazard
14 trained on that property from prior.

15 Q. Do you have any idea the ---?

16 A. The date?

17 Q. The date.

18 A. No. I'd have to get the ---

19 Q. The month?

20 A. --- card, the pink card. But
21 a lot of the folks that were involved
22 in the investigation did not work at
23 the mine or had never been to the
24 mine. And the mine had a hazard
25 training class. I don't remember the

1 day, but I sat in on it as well.

2 Q. Okay. Can we get a copy of
3 the --- I guess of both of them?

4 A. Yeah, sure.

5 Q. Do you feel the training was
6 adequate?

7 A. Yes. Yes, it was probably the
8 most informative training session
9 that I had ever set through, and I've
10 set through quite a few of them. So
11 I thought it was very adequate. And
12 the nature of it was a lot of the
13 folks were not at all familiar with
14 the mine. So, yes, I felt like it
15 was a very informative training
16 session.

17 MR. DRESCH:

18 Do you have anything?

19 MR. COLLINS:

20 Just to clarify, if I
21 might.

22 BY MR. COLLINS:

23 Q. Dave, the rest of the
24 questions that the state had was
25 concerning the explosion, and

1 particularly a possible ignition
2 source. And since it's my
3 understanding that you don't want to
4 answer those type of questions
5 because of --- did you say
6 attorney/client privileges?

7 ATTORNEY BASARA:

8 It's privilege that's
9 involved, yes.

10 MR. COLLINS:

11 Between his attorney
12 and him or between ---?

13 ATTORNEY BASARA:

14 Well, he's been
15 retained by Counsel for
16 purposes of assisting in the
17 investigation. The privilege
18 doesn't exist with him to
19 waive. He can't waive it
20 personally. It has to be
21 waived by someone else other
22 than himself. He doesn't own
23 the privilege.

24 MR. COLLINS:

25 So we don't have any

1 other questions.

2 ATTORNEY BASARA:

3 Thank you very much.

4 ATTORNEY WILLIAMS:

5 We have a closing we
6 need to do, plus he may have a
7 couple more questions.

8 BY MR. DRESCH:

9 Q. Has anyone offered you
10 anything or made any promise to you
11 in exchange for appearing here today?

12 A. No.

13 Q. Do you have anything that you
14 would like to add that may be
15 relevant to the investigation?

16 A. No, I don't feel, at this
17 point.

18 MR. DRESCH:

19 Okay. On behalf of
20 MSHA, I'd like to thank you
21 for appearing and answering
22 questions today. Your
23 cooperation is very important
24 to the investigation as we
25 work to determine the cause of

1 the accident. We ask that you
2 not discuss your testimony
3 with any person who may have
4 already been interviewed or
5 who may be interviewed in the
6 future. This will ensure that
7 we obtain everyone's
8 independent recollection of
9 events surrounding the
10 accident.

11 After questioning other
12 witnesses, we may call you if
13 we have any follow-up
14 questions that we feel that we
15 may need to ask you. If at
16 any time you have additional
17 information regarding the
18 accident that you would like
19 to provide to us, please
20 contact us at the contact
21 information that was
22 previously provided to you.

23 The Mine Act provides
24 certain protections to miners
25 who provide information to

1 MSHA, and as a result are
2 treated adversely. If at any
3 time you believe that you been
4 treated unfairly because of
5 your cooperation in the
6 investigation, you should
7 immediately notify MSHA.

8 If you wish, you may
9 now go back over any answers
10 that you've given during this
11 interview and you may also
12 make statements that you would
13 like to make at this time.

14 A. I have none, no statements
15 that I would like to make.

16 MR. DRESCH:

17 Okay. Again, I want to
18 thank you for your cooperation
19 in this matter.

20 A. Yes, sir.

21 * * * * *

22 SWORN STATEMENT

23 CONCLUDED AT 12:43 P.M.

24 * * * * *

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