EXAMINATION UNDER OATH

OF

JOEY ANTHONY DAVIS

Taken pursuant to Notice by Autumn D. Furby-Pritt, a Court Reporter and Notary Public in and for the State of West Virginia, at Department of Environmental Protection, 1101 George Kostas Drive, Logan, West Virginia, on Thursday, March 9, 2006, at 1:33 p.m.

A P P E A R A N C E S

WILLIAM J. FRANCART, P.E.
Mine Safety & Health Administration
Pittsburgh Safety and Health
Technology Center
Ventilation Division
P.O. Box 18233
Cochrans Mill Road
Pittsburgh, PA 15236

KEITH E. BELL, ESQUIRE
U.S. Department of Labor
Office of the Solicitor
1100 Wilson Boulevard
Arlington, VA 22209-2296

KENNETH MURRAY
District Manager
U.S. Department of Labor
Mine Safety and Health Administration
Coal Mine Safety and Health
District 6
100 Fae Ramsey Lane
Pikeville, KY 41501

A P P E A R A N C E S (cont.)

WILLIAM TUCKER
West Virginia Office of Miners'

Health, Safety & Training
142 Industrial Drive
Oak Hill, WV 25901

ANTHONY BURKE
CMS&H Inspector
U.S. Department of Labor
Mine Safety & Health Administration
Whitesburg Field Office
704 Highway 2034
Whitesburg, KY 41858

DOUG COON
Sales/Engineering Director
Pyott-Boone Electronics, Inc.
A Fetterolf Group Company
P.O. Box 809
Route 650 Wittens Mill Road
Tazewell, VA 24651

A P P E A R A N C E S (cont.)

ALSO PRESENT:
EUGENE WHITE
BETH SPENCE
DENNIS BEITER

CHARLES POGUE

STEVE COX

ANTHONY WEBB

RONALD STAHLHUT

DANNY COOK

C.A. PHILLIPS

I N D E X

WITNESS: JOEY ANTHONY DAVIS

QUESTIONS

EXHIBIT PAGE

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P R O C E E D I N G S

MR. FRANCART:

My name is Bill Francart. We met at the mine before. I represent the Mine Safety & Health Administration, which is an agency of the United States Department of Labor. I'm a member of MSHA's accident investigation team that is charged with the investigation of the accident that occurred

at the Aracoma Coal Company, Inc., Aracoma Alma Mine Number One, on January 19th, 2006.

This is a joint investigation that MSHA is conducting with the State of West Virginia. I'll be asking the questions today for MSHA. Here with me today are other members of MSHA's team and the State's team. MSHA's team

includes various specialists and members of the Solicitor's Office in Arlington, Virginia.

At this time, I would like each of the members of MSHA's team to identify themselves to you and for the record. We'll start with Keith.

ATTORNEY BELL:

Hi, Joey. I'm Keith Bell, from the Solicitor's Office in Arlington, Virginia.

MR. WEBB:

I'm Anthony Webb with MSHA in Pikeville, Kentucky.

MR. POGUE:
Charlie Pogue with MSHA in Hunker, Pennsylvania.
MR. STAHLHUT:
Ron Stahlhut, MSHA, Vincennes, Indiana.
MR. BEITER:
Denny Beiter, Triadelphia, West Virginia.

MR. MURRAY:
Kenny Murray, Pikeville, Kentucky.
MR. BURKE:
And I'm Tony Burke, MSHA, Whitesburg, Kentucky.
MR. FRANCART:
Joey, here also today is a representative from the State of West Virginia. Mr. Bill Tucker will be asking the questions for them today, and he'll provide you an opening statement also.
MR. TUCKER:
The West Virginia Office of Miners' Health, Safety & Training is conducting this interview

session jointly with MSHA, and we are in agreement with the procedures outlined by Mr. Francart.

However, let me make it clear that the Director

reserves the right, if necessary, to call or subpoena witnesses or require the production of any record, document, photograph or other relevant materials necessary to conduct this investigation.

Joey, my name is Bill Tucker. I'm with Miners' Health, Safety & Training and work out of the Oak Hill office.

MR. COOK:

I'm Danny Cook, electrical inspector out of the Danville office.

MR. PHILLIPS:

C.A. Phillips, Miners' Health, Safety & Training, Charleston, West Virginia.

MR. COX:

Steve Cox, Region Three.

MR. WHITE:

Eugene White, District Inspector, Region Three, Danville.

MS. SPENCE:

Beth Spence, with the Governor's Office.

MR. FRANCART:

Joey, this investigation is being conducted by MSHA and the State of West Virginia to gather information to determine the cause of the accident and to help prevent this from happening in the future. The interviews that we conduct are important parts of the investigation.

After we complete the investigation, MSHA will issue a written report detailing the nature and causes of the accident. We make those reports available to the public in the hope that

greater awareness about the

causes of the accidents can reduce their occurrence in the future. Information obtained through witness interviews is frequently included in these reports and your statement may also be used in other enforcement proceedings.

I thank you in advance for your appearance here today. We appreciate your assistance in this investigation. And the willingness of anyone that has any information associated with this accident is critical to our success for making the mines safer.

This interview with Joey Davis is being conducted under Section 103(a) of the Federal Mine Safety & Health Act of 1977, as part of an investigation by the Mine Safety and Health

Administration into the conditions, events and circumstances surrounding the fatalities that occurred at the Aracoma Alma Mine Number One, located at Route 17 North, Bandmill Hollow Road, Stollings, West Virginia, 25646.

This interview is being conducted at the West Virginia Department of Environmental Protection, Division of Mining and Reclamation, in Logan, West Virginia, on March 9th, 2006, and the current time is approximately 1:37 p.m.

Can I call you Joey?

MR. DAVIS:

Yes, sir.

MR. FRANCART:

Joey, this interview will begin by asking you a series of questions. Feel free at any time to clarify

any statements that you make in response to any of the questions that we ask. After

we finish asking the questions, you'll have an opportunity to make a statement of your own and provide any other information you think may be valuable to the investigation.

You are permitted to have a representative with you during the interview, and you can consult with him at any time. You may designate any person to be your representative. And following the questions by both MSHA and the State, your representative will be given the opportunity to ask questions for the purpose of clarification on anything we've discussed.

Your statement is completely voluntary. And you

may refuse to answer any question, and end the interview at any time. If you don't understand a question, let me know. We'll rephrase

it and clarify that for you.

You may request the opportunity to make a confidential statement, which we will withhold from the public to the extent allowed by law. Should you desire to make a confidential statement, you should advise me before I begin your interview so that we can reschedule in order to properly consider your request. Would you like a confidential interview?

MR. DAVIS:

No.

MR. FRANCART:

We do have a court reporter here today recording your interview, and later

there will be a written transcript of the interview produced. So we ask that all of your answers be stated verbally because we can't record gestures such as nodding your head or shaking your head no.

Neither the transcript nor the contents will be released to the public until the MSHA investigation is completed and the accident report is released, or required by court order, or if public hearings on the accident are held.

If any part of your statement is not based on your own first-hand knowledge but on information you've learned from someone else, please let us know that, too. We may not ask all the questions to learn exactly what you know about

this incident, but if you have information, please don't feel limited by the questions that we ask, so that we get the complete picture of what happened here at Alma.

Do you have any questions about the manner in which the interview will be conducted?

MR. DAVIS:

No, sir.

MR. FRANCART:

We'll ask the court reporter to administer the oath.

JOEY ANTHONY DAVIS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

BY MR. FRANCART:

Q. Joey, can you please state your full name and address for the record.

[redacted]

Q. Joey, are you appearing voluntarily at this interview?

A. Yes, sir.

Q. Has anyone made any promises to you for giving this statement or offered you any rewards in exchange for making your statement?

A. No, sir.

Q. Has anyone threatened you or warned you not to provide this statement?
A. No, sir.
Q. Do you understand that you may refuse to answer any question or terminate this interview at any time?
A. Yes, sir.
Q. And do you have a representative with you today?
A. Yes, sir.
Q. And would you please identify

him?
A. Doug Coon.
MR. FRANCART:
Welcome, Mr. Coon.
MR. COON:
Thank you.
BY MR. FRANCART:
Q. Joey, most of my questions are going to deal with technical details of the Pyott-Boone system, but we also have some other questions for you, so please bear with us as everyone here is really wanting to know some of the technical details of things that we've learned in the

investigation.

For the record, though, can you tell me who is your employer?

A. Pyott-Boone Electronics.

Q. And what is your current job title?

A. Computer technician.

Q. And how long have you had that position?

A. Two years.

Q. And what type of work do you do in that position?

A. I do computer repair. I do computer service in the field.

Q. Can you tell me, what is your company's relationship with Alma Number One Mine?

A. They're a customer of Pyott-Boone, which use our products for monitoring underground.

Q. Can you specify what products they use?

A. CO monitors, belt bosses, UPSs.

Q. Did you assist in any of the installation of that system?

A. No, sir.

Q. Have you assisted in similar

systems in other mines?
A. Yes, sir.
Q. Now, what was the last time you visited the mine?
A. Aracoma Alma?
Q. Yes.
A. Last Thursday. I don't know

the date.
Q. And what was the purpose of that visit?
A. It was to meet with you guys to archive the event log to the jump drive for purposes for you to look at on the event log.
Q. And can you explain for the record what you did to accomplish that request?
A. At the mine site?
Q. Yes.
A. When I first arrived, I checked the software, which wasn't the latest version of the software to archive. So I had to put the event log .dll in the new one, which would let you archive it. Once I did that, I went to the event log to retrieve the information, and it wasn't there.

Q. In your experience, have you seen this happen before?
A. No.
Q. Do you know what would cause those files to disappear?

A. No, sir.
Q. Would a person have to physically remove those files from the computer system?
MR. COON:
May I speak with him a minute?
MR. FRANCART:
Sure.
MR. COON:
Go off the record, please.
WITNESS AND REPRESENTATIVE CONFER
BY MR. FRANCART:
Q. I'd like to rephrase that last question for you. Do you have any idea how files can be lost from a computer system?
A. No.
Q. As you may know, the computer at Alma Number One that is connected to the Pyott-Boone system was taken into evidence. And we are having

that computer looked at to see if there's any way we can recover those

files that were missing. If we do find those files, are we going to need you to download those for us so that we can use those files? Or is it something that we'll be able to do ourselves?

A. You should be able to do it yourself, I mean, if you have any idea of how to use a computer. It's very simple.

Q. There's no special software we'll need to extract that?

A. No, sir.

Q. Okay.

A. If you use the jump drive, it's just --- you have to use the letter drive that's indicated on the machine, like D drive or E drive. But if you use a CD and burn it to a CD, it has to be formatted, a formatted CD.

Q. Thank you. The day that you came to extract those files for us, after MSHA and the state representatives left the mine, did

you do any further work on the system?

A. You mean after they took the computer?

Q. No. Before the computer was taken, we were there and we found that the files weren't on the computer. Then we left the mine. But you remained at the mine. Did you do any more work on the computer?

A. No, sir.

Q. Did the company ask you to work on the computer at all?

A. No, sir.

Q. Thank you. Did they show some concern over the files being missing?

A. Yes.

Q. Did anybody from the company interview you regarding what you found?

A. No, sir.

Q. Did you speak to anybody about what happened?

A. I spoke with someone on the telephone, but I don't remember who

it was, and he asked me about what was missing. And I told him that the

log file was missing. But I don't remember exactly who it was.
Q. You don't remember the name?
A. No.
Q. If we said a name, would you recognize the name?
A. Maybe. I don't --- I mean, I don't remember right off hand, I mean.
Q. Would it be Mark Heath?
A. It don't sound very familiar.
Q. Dave Hardy?
A. No.
Q. Okay. Thank you. We have a lot of technical questions for you. The first one, on calibrations of sensors and whether or not --- if you do calibrate a sensor, is that an event that is logged into the file?
A. Yes, sir. If their event log is running on the machine, if they calibrate a unit, it will show on the event log that the unit was

calibrated, the beginning calibration when it was calibrated and end calibration.
Q. And that calibration, is that

something that the company could disable so that that would not show up on the record?

A. No.

Q. So if any sensor was calibrated, it would show up in that log?

A. Yes, sir, if it's actually communicating to the system.

Q. And that calibration, it does --- like you said, it shows the start and stop and also shows a concentration of CO calibrated to. What does that mean?

A. What that does, it just --- you calibrate it to whatever the parts per million the gas bottle you use. It can be calibrated at 25 parts per million or 50 parts per million.

Q. Now, what would you expect to

see on a typical calibration as far as that value?

A. Well, normally you would see the beginning calibration, which would show you zero, and then it would show next the calibrated to. If they was using 25 parts per

million gas, it would show 25 parts per million, and then on the event log it would show end calibration.

Q. What would you expect to see cause for a message such as calibrated to zero parts per million?

A. If it says calibrated to zero parts per million ---

Q. Yes.

A. --- during calibration?

Q. Yes.

A. Possibly not any gas being put on it or --- I don't know.

Q. Would you expect that to be a proper calibration?

A. No.

Q. In one of your answers you said if an event log is running. Can

you explain what that means?

A. If they have actually added that module to the master database, which means address it and --- because if you don't add it, the event log, I mean, if it's not there, it's not going to be recording data. So I mean, if you remove it, then you're not recording any data.

Q. So can the system be operated without the event log being created? If you hook up a sensor and didn't have it addressing the event log, could it still operate?
A. You should have a printer, and the printer will give you the same information the event log does. It just prints it out then, when it happens. All the event log does is just store the information.
Q. Thank you. Is there any way the company can change the programming --- I may have asked you this before --- change the programming on the calibration so it

would have to show up on the log?
A. Yes, sir.
Q. Thank you. One feature that we noticed on the printout was expired calibrations. And I think that's a real nice feature. So after 30 days, you get a message that a sensor needs calibrated; is that correct?
MR. COON:
I've never seen an expired calibration.

A. Can you rephrase that? Can you say that one more time?
BY MR. FRANCART:
Q. Yes. I think I have a page here that was printed out with that message. I thought I did. Yeah, there it is. So this is something new for you, huh? Maybe this is something the company did somehow. I don't know. This is a copy of the Alma printout that we got from them. And I think you downloaded this for them at one point. See the bottom of

this page --- and I'm going to mark that page with a red X so we can identify it in the record.
REPRESENTATIVE AND WITNESS CONFER
A. That's the first time I've seen it.
BY MR. FRANCART:
Q. The first time you've seen that?
A. The first time I've seen it.
MR. COON:
We'd have to talk to our ---
A. Software engineers.

MR. COON:

--- software people to find out if this is valid.

MR. FRANCART:

Okay.

MR. COON:

We don't know.

A. No, I can't say. I've never seen it before.

BY MR. FRANCART:

Q. Thank you. I did go back and

look and it seems like it does, after 30 days, give you this message after previous calibrations. Maybe we can contact you later about that. Thank you.

Ruins four of my questions. Let's go on to the remote alarms that you put on the sections. You have an 805C alarm unit. Now, when that's hooked up to the system --- first of all, are you familiar with the set-up on the longwall at Alma, how that alarm is hooked up?

A. The 805C?

Q. Yes.

A. Yeah.

Q. Do you know if it goes through

a Blue Outstation to go to that alarm?

A. I'm not for sure. I don't ---.

MR. COON:

All we can say is it's supposed to.

MR. FRANCART:

It's supposed to.

BY MR. FRANCART:

Q. You have never looked at it, though, to see ---?

A. I've never been underground there.

Q. Okay.

MR. COON:

Now, is this the headgate?

MR. FRANCART:

Yes.

MR. COON:

It's in a return area?

MR. FRANCART:

It's within 150 feet of the face.

MR. COON:

Okay. Then it should

be through a Blue Outstation.

MR. FRANCART:

It should be through a Blue Outstation.

BY MR. FRANCART:

Q. But I wanted to know if you

had actually seen their installation?

A. I've never been underground there.

Q. Well, I'll explain it to you, how it's hooked up. They have a line coming into a junction box and then a line comes out of the junction box, into the alarm unit, from the alarm unit into a sensor on the headgate. Now, as far as that particular alarm unit is concerned, what sensors would activate that alarm?

A. If they have the section alarm set up, then whatever section alarm --- I mean, whatever COs they have in that section alarm module will set off that 805C.

Q. So that would be something that the company would have to program themselves?

A. See, the 805 --- I mean, the section alarm is in the software.

They can add it if they want to use it. Then they just add the source of this which is the COs outby that they

want to set that section alarm off. And then they would have to give it a target device, which is the actual unit that the 805C is hooked to.

Q. What would that alarm activation look like on a printout; do you know?

A. No.

Q. I have another exhibit here we'll mark as Exhibit B. The last printout we looked at was Exhibit A Davis.

(Davis Exhibits A and B marked for identification.)

BY MR. FRANCART:

Q. This is another page from that printout that you downloaded for us. If you could just look at --- I'm going to show you an area here to look at. You probably don't know where these sensors are underground, but sensor number 82, which is indicating an alarm, has gone into

the alarm state. Sensor 102 is at

the headgate and the alarm is hooked up through that sensor. And what our question is, is this a typical response to indicate that the alarm unit has been activated?

A. That one would lead to the alarm. This one would have been the section alarm.

MR. COON:

102 is part of the alarm system is what you're saying?

A. No. That is the section alarm.

MR. COON:

That would be the section alarm.

A. And that's one 805C would be ---.

MR. COON:

And you can see that ---.

A. The alarm that sets.

MR. COON:

See, it's zero parts

per million. So some other CO

set it off?
A. That's saying that that section alarm --- and that's on the target source list because it set it off, because it's telling you the reading is zero that it's getting.
BY MR. FRANCART:
Q. So sensor 102 is at zero parts per million at that point?
A. Yes.
Q. And the 82 sensor has activated the section alarm?
A. Yes, sir. Because it's telling you right here, the alarm --- it's in alarm, but it's reading parts per million.
Q. Okay. Very good. We see in that same area that I've marked in pen it says alarm latch set. Can you tell us what that means?
A. Well, alarm latch set deals with setting the 805C off.
Q. Okay.
A. Once that's set, the 805C will

be going off.
Q. And how is that alarm reset? Is that something ---?

A. As long as these units are still in alarm, this will stay in alarm.
Q. Is there any way to silence that alarm at the headgate?
A. Not as long as these are in alarm.
Q. Okay. Do you see any place on there where the latch is reset?
A. Alarm latch reset.
Q. When we've got that message, does that mean that the sensors that have activated the alarm are no longer in alarm?
MR. COON:
Here's 82.
A. Okay. I see it. Now it's resetting. Alarm cleared.
MR. COON:
I don't see where 82 has been reset.
A. Uh-uh (no).

MR. FRANCART:
We'll go off the record.
OFF RECORD DISCUSSION
BY MR. FRANCART:
Q. Just to be clear, on the

calibration messages that we saw, you're not aware of the calibration expiration message being part of your package that you sell, the computer software?

A. No, sir.

Q. When you install a junction box on the inby side of the Blue Outstation, do you still maintain permissibility as far as the evaluation and classification of the sensors?

A. I don't know that answer.

Q. You don't know --- is a junction box permitted to be on the inby side of a Blue Outstation?

A. I don't know.

Q. Okay.

MR. FRANCART:

Bill, do you have some questions?

MR. TUCKER:

I believe we do have a few.

BY MR. TUCKER:

Q. Is it normal to only get one or two warnings and alarm messages if

the CO sensor is --- or if CO is present?
A. Repeat that.
Q. If CO is present, is it normal to only get one or two warnings or would you continue getting warnings as long as that CO is there at the sensor? How does a system work like that?
A. You would continuously get warnings as long as there was CO in that area.
Q. Under normal operating conditions, should a sensor show CO if CO is present at time it's scanned. Basically, I guess I'm repeating that question. Every time

it scans, if you've got CO at that should it show the ---
A. Yes, sir.
Q. --- levels of CO?
A. Yes, sir.
Q. How often does it scan, this particular system?
A. I'm not a hundred percent sure what the default settings is for the scanner. I would have to look and see.

Q. Do you know what the average scan rate is, typically?

MR. COON:

Does this have to go on the record?

MR. TUCKER:

We can go off.

OFF RECORD DISCUSSION

BY MR. TUCKER:

Q. So if you're looking at the system and it shows CO only one or two times, then if you're looking at that, would that lead you to believe that the CO level had dropped and

it's no longer a problem?

A. Repeat that.

Q. If a sensor showed --- at the master station showed CO only one or two times that it scanned, would that lead you to believe that the CO level had dropped below the warning level?

A. If the CO on the master station is reading below a warning level and depending on, you know, the situation that was scanned, yeah.

Q. Could you see this as a safety issue?

A. No.
Q. Do you mind explaining for us how the auto/manual reset feature works?
A. On the CO?
Q. Yes.
A. I really can't explain it because I mean, ---.
Q. Okay. That's fine if you can't.
A. No.
Q. Would a scope meter be

required in some instances to troubleshoot this particular system?
A. For troubleshooting data, yes.
Q. So would you say there would be some problems that you couldn't find if you didn't have a scope meter or would be difficult to find without one?
A. Yes.
Q. Have you ever done any training with your system at Aracoma?
A. I haven't.
Q. Do you know if any of your people have?
A. Yes.
Q. There has been some training?

A. Oh, yeah.
Q. Do you know who that was with?
A. I don't, because I didn't do the training, so ---.
MR. TUCKER:
Thank you.
BY MR. FRANCART:
Q. Joey, we're going to go back onto this Exhibit A that we looked at

before. I marked a page with a blue X. And this page was from data that was obtained by the system long after there were a number of communication failures and communications dead and there was a power stoppage. But in the printout we see that --- if you look on the date and time, the dates have been intermingled, go from 1/19 to 1/20 to 24 and then back to 1/19. And there seems to be some jumbling of the data points. Have you seen this happen before?
A. I can't say that I've seen it happen before, but now you can get on the event log and look through the dates, I mean, by certain --- when it's clipped. You know, it clips it

at 1.4 meg. Then you can --- and every time it clips it, it'll put it in the archive file span, and you can go through there and arrange your event log and look at current dates by moving to the top or ---.

Q. Those event logs, is there any

way people could go in and change those logs to make them different than what they actually were?

A. No.

Q. Okay. Thank you. I think we discussed this one other time, but for our entire team, could you clarify the old faithful key switch, the one that's installed underground at Alma, at the head drive, is in the on position when the key is removed. But if the key is removed, does the alarm --- visual and audible alarm still work?

A. Yes.

Q. You also have, I think, built into the system an automatic alarm when you have two sensors, two consecutive sensors in alert; is that correct?

A. Double warning section alarm.

Q. That alarm, is it picked up in the system the same way as a regular alarm would be then? So you would have to program your sensor to signal

the section?
A. The way that is based off is --- it's the same thing. It's a section alarm. It's just that if you have any two consecutive COs that goes into a warning will set the section alarm off. The same as if you have one that goes into alarm. So if they have two consecutive COs in warning, it will set the section alarm off.
Q. Is that any section alarm or just ---?
A. Whichever section alarm they have it tied to.
Q. Are you able to calibrate the CO monitors from a surface location or do you have to actually go to the sensor?
A. You have to actually be at the physical unit.
Q. Do you know if anybody from Pyott-Boone has been to the mine to

calibrate any CO sensors recently?
A. No, sir.

Q. Are you aware that the date of the fire was January 19th?
A. I'm not aware of that.
Q. That's the day that the fire occurred. And the CO system worked very well in detecting the initial CO levels. And we feel that the system did an excellent job, in fact, what it was designed to do.
We did have an occurrence on December 23rd where sensors number 81 and 82 detected CO and the section alarm was activated. On the day of the fire, sensor 82 did not set off the section alarm. What would you expect to be the reason for that?
A. If the unit is not communicating, it will not set the section alarm off because the section alarm is based off of communications and if they have it in the source list to set that section alarm off.
Q. What would cause the change from December 23rd to January 19th; do you know?

A. I have no idea.
Q. So if sensor 102 was not communicating with the computer, that alarm would not activate?
A. No, sir. The section alarm is based off of communication.
Q. On every page on this printout, I believe every page, we see a message, queue set to print. Can you explain that to us, please, what that means?
A. What that does is once the printer receives --- the print module basically is printing out a page of data. So once a page of data gets filled up, it will say --- it will tell you that the print queue is printing.
Q. Is that something that you can adjust?
A. No, sir.
Q. Is it based on the printer that you have installed with the system?
A. Well, the way the new print

module is, it will fill --- once a page of data gets filled up, ever how

many lines it is, then it will print a page, unless you ask it to print what's queued up. For example, if there's 15 lines on there, on a print queue, and you want it to print those 15 lines, you'd put print queue, and it will print those 15 lines. But other than that, it bases itself off the lines. So however many lines it gets to fill a page, it will print.

Q. If I were to go and ask to have a page printed, say I had, like you said, 15 lines, so I had a print queue, and then 15 lines later I had another print queue, would that be recorded as an event in the event log?

A. I'm not a hundred percent sure.

Q. We did notice that --- and we've had reams of paper to look through on this, but we have noticed that a couple of times where we've

seen that message just a few lines apart. Would you suspect that that would be that somebody ---

A. Possibly.

Q. --- requested to print?

A. Yeah.
Q. Can you tell us what type of file is the log file itself? Is it a file that you would open in Notepad or Word or Microsoft software program?
A. If you archive it, you can open it in Notepad or whatever. But I don't know as far as opening it --- you can save it as a text file, but I'm not for sure about that.
Q. Okay. Have you had any complaints from Aracoma about a high number of nuisance alarms that aren't related to CO?
A. I haven't.
Q. Have you had any complaints about a lot of communication failures from them?
A. I haven't.

Q. Would you know if anybody else has at the company?
A. I wouldn't. They haven't said nothing to me.
Q. Would there be one person at Pyott-Boone that they would contact in particular?

A. No, sir.
Q. We talked before about the alarm not being recorded for sensor 82 on the section alarm. How would we be able to tell --- if we went back into the event log, is there any way we could tell whether or not that sensor was communicating with the system that day?
A. Yes, sir.
Q. And how would we do that?
A. You could look through your event log and see if there was 82 come up and said communications dead or communications gained or ---.
Q. Number 102 you mean?
A. Yeah, whichever one you wanted to see. If it was communicating, it

would tell you on the event log, you know, that it actually was communicating or lost communications.
Q. So if we lost communications, and we didn't get a message communications restored, then we would have to assume that that sensor was not connected ---?
A. If I --- yeah. If I seen where it said communications dead and

didn't see any other, I would assume it was not communicating.
Q. Is there any way that we can tell which sensors are programmed to indicate that that section alarm should be activated, from the printout?
A. I don't think there's any way, to my knowledge, that you can tell by the printout which ones will activate the section alarm, because that's just based on the section alarm module itself.
Q. So to do that, we would have to physically go to the mine and

click on those sensors and determine that?
A. You would click on the section alarm module. And in that section alarm module, you'd go to your source list and your source list would give you every CO they have wanting to set that target device off, which is the section alarm.
Q. Would that also include the double alert or the consecutive alert signals?

A. They would have to have it checked to use the double warning section alarm module. And once you clicked on the section alarm module, it would be checked to use a double warning section alarm.

Q. I think we talked before about that. To do that, you would have to have them programmed consecutively. If you would go back and add a sensor in between two other ones, that would really screw you up?

A. You'd have to --- yeah, you'd

have to be in consecutive order, as they are underground. Or if not, it wouldn't work correctly.

Q. We had a message on one of the printouts that said 1.14 UPS alarm. Can you tell us what that means?

A. It just says 1.14 alarm?

Q. UPS alarm. Is that a battery backup feature?

A. The UPS supplies the voltage to the COs underground. Unless it had a power loss or --- I mean, I don't know why it would have had an alarm. If it lost, you know, 110, then, you know, it could give you an

alarm of power loss.
Q. What does UPS stand for?
A. Uninterruptable power supply.
Q. We have a message on one printout that says last obtainable relative CO data is invalid. That came after a period where we had lost communication with a sensor. Do you have any idea what that would be in reference to?

A. No, sir.
Q. On the 805 remote alarm unit, there's a button for audible alarm and visual alarm. What are those buttons for?
A. For test purposes, to make sure your audible is --- you can actually test your audible at the unit to make sure it's working, and your visual.
Q. To clarify, the download that you obtained prior to those files being lost, could we have obtained this file had the event log been erased at that time?
I guess the question is, can you get this printout without the

event log?
A. No, sir, unless they have the printer working and the actual printer is printing. The printer will print off the same data that the event log is. But if the printer is working, it will give you the same exact printout that the event log

would receive.
Q. But that would give you a printout one time. You wouldn't have it recorded anywhere to go back and recover it?
A. No.
Q. Do you go underground to do any testing, or are you mainly on the surface?
A. Mainly on the surface.
Q. Have you gone underground, though, to test sensors?
A. Yes, sir.
Q. This is another question on scanning. If we have a sensor that goes into alarm on a scan and it's acknowledged by the person on the surface, they actually turn off their alarm, does that message come through on the event log a second time that

that sensor is in alarm or does it have to go out of alarm and come back in to get another print?

MR. COON:

If it stays in alarm?

A. I don't think. It will have to go out.

MR. COON:

It will have to go out of alarm ---

A. It would have to go out of alarm ---

MR. COON:

--- and come back.

A. --- and then come back in alarm before it will actually begin another printout on the event log.

BY MR. FRANCART:

Q. So if I get an alarm on 82 sensor right now and as the operator on the surface, I acknowledge it and turn my alarm off, I won't get another activation unless I go out of alarm and come back in? Even if it's scanned again and it shows alarm, it won't give you that second alarm?

A. As long as that unit stays in

alarm.
Q. Okay. Is there anything in the program that would reactivate the

visual and audible alarms on the surface?
MR. FRANCART:
Go off the record.
WITNESS AND REPRESENTATIVE CONFER
BY MR. FRANCART:
Q. When you do get a warning level or an alarm level of CO, do you have to scan that a number of times before you get an actual signal, like you do the communication failure, or is that a one-time thing, you don't have to go back and scan it?
A. Immediate.
Q. Immediate. What about for communication dead, CO off or any other messages, would it be multiple scans get that?
A. (Indicates yes.)
Q. So the alarms and the warnings are the only ones that are immediate?
A. (Indicates yes.)
COURT REPORTER:
You have to say it out loud.

A. Yes.

MR. FRANCART:

Thank you.

BY MR. FRANCART:

Q. The source list you talked about for the sensors to be activating the section alarms, is that something that we can download from the computer?

A. No. You can't actually download the source list. The only way you can see the source list is actually going to the section alarm and click on the source list to see actual units in the source list.

Q. Is that something we'd have to run a print screen on to get a listing if we wanted to do that?

A. Yeah. You'd have to actually be in the open software to see.

Q. I'm not sure I understand this question, but I'll read it to you and see if you can. If you have airflow reversed in an airway and your alarms are activated in reverse order of

normal, would you expect this to

affect the alarm on a section?
A. Are you referring to the double warning section alarm?
Q. Yes.
A. I don't know.
Q. Is that something perhaps you could test for us, also? Is that possible?
MR. COON:
We'll ask about it.
MR. FRANCART:
Bill?
BY MR. TUCKER:
Q. I got a couple questions for you, Joey. If a message, belt stopped from a remote station, shows up, does that mean that the belt is shut off from the master station on the surface?
A. Yes, sir.
Q. Do you recall when you were at the mines last prior to January 19th?
A. No, sir.
Q. Have you ever noticed any time

differences on the system as far as the time that it shows on the printout compared to your time, say on your watch?

A. I haven't noticed.
Q. If you did have a problem, if the time was off, how would you reset it, the clock?
A. The time is based off the PC's time. You would just have to adjust the time on the computer.
Q. Okay.
MR. TUCKER:
That's all I have.
BY MR. FRANCART:
Q. Just one last question, Joey. How is the source list stored in the computer?
A. It's stored in --- it saves it in the section alarm. It's in the master database. It saves it in the configuration file.
Q. I guess the question is, how does the system know when it gets --- I'm sure there's some kind of logic

built in there when you get those alarms that set these section alarms off. Can you explain to us how it knows whether or not it's supposed to, when you get an alarm, activate a section alarm, the process it goes

through in the program, or do you know?

A. I don't know the process that it goes through. All I know is that if it's in that source list and that CO goes into alarm, then whatever the target device is, then it sets that target device off. I don't know the logic that it goes through.

MR. FRANCART:

Thank you. Do you have any questions?

MR. TUCKER:

No.

MR. FRANCART:

Joey, do you have anything else you'd like to add to the conversation?

A. No, sir.

MR. FRANCART:

Mr. Coon, do you have any questions or comments?

MR. COON:

No, sir.

MR. FRANCART:

On behalf of MSHA and all of our investigators, we thank you for appearing here

today, Joe, and answering all our questions and sharing your information about the mine. Your cooperation is very important to us as we work to determine the cause of the accident and prevent accidents from happening in the future.

Again, if you wish, you may now go back over any answer you've given during the interview and make a closing statement if you'd like to on any points that you believe we should talk about.

A. I don't have any closing

statements.

MR. FRANCART:

Thank you. We do ask that you not discuss your interview today with any persons who may have already been interviewed or may be asked to give a statement in the future. This will ensure that we obtain everyone's independent memory of the

events surrounding the accident.

After questioning other witnesses and obtaining additional information, we may be asking you back for further questions. If at some point you have additional information you think that we should know about, if you could contact either Mr. Kenny Murray or Anthony Webb --- they're in our Pikeville office. They'd be more than

happy to hear from you.

The Mine Act provides certain protection for individuals who participate in accident investigations. If at any time you believe you've been treated unfairly because of your cooperation, please contact Mr. Murray or Mr. Webb.

And Bill, you have a statement, also?

MR. TUCKER:

Just on behalf of

Miners' Health, Safety and Training, we --- well, I can express to you we really appreciate y'all coming out and answering our questions. And we also have protection if you ever feel like you've been discriminated against over safety issues. Here's one of my cards and here's C.A. Phillips' card. He's our

Deputy Director, out of our Charleston office.

A. Okay.

MR. TUCKER:

Thank you.

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EXAMINATION CONCLUDED AT 2:44 P.M.

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