EXAMINATION UNDER OATH

OF

JESSE J. JUDE, II

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 Tuesday, February 28, 2006, at 7:59 a.m.

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

ALSO PRESENT:
RONALD W. STAHLHUT
C.A. PHILLIPS
EUGENE WHITE
BETH SPENCE
DENNIS BEITER
CHARLES POGUE

ANTHONY BURKE

DANNY COOK

MIKE FINNIE

I N D E X

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P R O C E E D I N G S

MR. FRANCART:

Good morning. My name is Bill Francart. I represent the Mine Safety and Health Administration, which is an agency of the U.S. Department of Labor. I'm assigned to the Pittsburgh, Pennsylvania office. I'm a member of MSHA's accident investigation team that is charged with investigating the accident that occurred at the Aracoma Coal Company, Incorporated,

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 will be asking the questions for MSHA in this interview. Also here today are other members of

both MSHA's and State investigation teams. MSHA team members include various specialists and members of the Solicitor's office from all over the country. At this time, we would like to ask each one of the members of MSHA's team to identify themselves for the record. Let's start with Anthony.

MR. WEBB:

Anthony Webb, Pikeville, Kentucky.

MR. STAHLHUT:

Ron Stahlhut, Vincennes, Indiana.

MR. POGUE:

Charlie Pogue, MSHA,

Hunker, Pennsylvania.

MR. FINNIE:

Mike Finnie, MSHA,

Madisonville, Kentucky.

MR. MURRAY:

Kenny Murray,

Pikeville, Kentucky.

MR. BURKE:

Tony Burke, MSHA,

Whitesburg, Kentucky.

MR. BEITER:

Denny Beiter,

Triadelphia, West Virginia.

ATTORNEY BARISH:

Dan Barish, Solicitor's

Office, for MSHA in Arlington,

Virginia.

MR. FRANCART:

Also here today

representing the State of West

Virginia is Mr. Bill Tucker.

Mr. Tucker will also be asking

you questions. At this time,

I'd ask Mr. Tucker to make an

opening statement for the

State of West Virginia.

MR. TUCKER:

Jesse, 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. Again, my name is Bill Tucker, and I work out of the Oak Hill office.

MR. COOK:

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

MR. WHITE:

Eugene White, district inspector, Region Three.

MR. PHILLIPS:

C.A. Phillips, safety

director, Charleston, West

Virginia.

MS. SPENCE:

Beth Spence, Governor's Office.

MR. FRANCART:

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 similar accidents from happening in the future. These interviews are an important part of the investigation.

After the investigation is completed, MSHA will issue a written report detailing the nature and the causes of the accident. MSHA accident reports are made available to the public in the hope that a greater awareness about the causes of accidents can reduce

their occurrence in the future. Information obtained through witness interviews is frequently included in these reports. Your statement may also be used in other enforcement proceedings.

On behalf of the accident investigation team, I thank you in advance for your appearance here today. We appreciate your assistance in this investigation. The willingness of miners and mine operators to work with us is critical to our success in making the nation's mines safer.

This interview with Mr. Jesse Jude is being conducted under Section 103(a) of the Federal Mine Safety and 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 office in Logan, West Virginia, on February 28th, 2006. The current time is approximately 8:02.

Mr. Jude, the 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 the questions. After we finish asking you questions, you will also have an opportunity to make a

statement of your own and provide us with any additional information that you believe may be important to the investigation. You are

permitted to have a representative with you during this interview, and you can consult with your representative at any time. You may designate any person to be your representative. Following the questions by MSHA and the State, your representative will be given the opportunity to ask questions for the purposes of clarification on any area already discussed.

Your statement is completely voluntary. You may refuse to answer any question and you may end your interview at any time. If you do not understand a question, please

tell me so I can clarify the question for you. If you need a break at any time for any reason, please let me know.

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 give a confidential statement, you should advise me before I begin your interview so that I can reschedule your interview in order to properly consider your request. Would you like to have a confidential interview?

MR. JUDE:

No.

MR. FRANCART:

We have a court reporter here today to record your interview and we'll later have a written transcript

produced of the interview. I ask that you state all of your answers verbally because the court reporter cannot record gestures such as nodding your head or shaking your head no. Neither the transcript of the interview nor the content will be released to the public or the media until MSHA's final

accident report is issued, except as required by court order or until a public hearing may take place.

If any part of your statement is based on information that you learned from someone else, please let us know. Please answer each question as fully as you can, including any information you may have learned from someone else. We may not ask all the questions needed to learn all the information you know, so

don't feel limited by the questions that we ask you. If you have information about the subject area of a question, please provide that to the investigation. Do you have any questions about the manner in which the interview will be conducted?

MR. JUDE:

No, sir.

MR. FRANCART:

At this time, we'll ask

the court reporter to administer the oath.

JESSE J. JUDE, II, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

BY MR. FRANCART:

Q. Mr. Jude, please state your full name, address and telephone number.

A. It's Jesse James Jude, II, [redacted]

A. It's J-U-D-E.

Q. Thank you. Are you appearing voluntarily at this interview today?

A. Yes, sir.

Q. Has anyone made any promises to you for giving a statement or offered you any reward in exchange for your statement today?

A. No, sir.

Q. Has anyone threatened you or warned you not to provide a statement?

A. No, sir.
Q. Have you discussed this accident with anyone already interviewed by MSHA and the State of West Virginia as part of this investigation?
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. Do you have a representative with you today?
A. Yes.
Q. And could you identify him, please?
A. It's Dave.
Q. The full name, please.
A. What is your last name?
ATTORNEY HARDY:
Hardy.
A. Dave Hardy.
BY MR. FRANCART:
Q. Thank you. Are you aware that you may designate any person of your choice as your representative?
A. Yes.
Q. Have you been told by any

person that you need to designate a particular representative?
A. No.
Q. Did you feel in any way coerced to select Mr. Hardy as your representative?
A. No.

Q. Before selecting your representative, were you contacted by anyone from the company regarding who your representative should be?
A. No.
Q. Have you signed any documents regarding your representation in this interview?
A. No.
Q. When did you first meet Mr. Hardy?
A. When the investigation --- right after the fire, they came to make copies of some documents and stuff at work. I met him then.
Q. Are you being charged any fees for being represented today?
A. No.
Q. Did Mr. Hardy tell you how this interview would be conducted?

A. Yes.
Q. Did he tell you what questions would be asked?
A. No. Just about the CO system and whatnot.

Q. And have you been interviewed by the company regarding the accident on the 19th of January?
A. I've talked to Dave once about it.
Q. Dave?
A. Hardy.
Q. Anybody else from the company?
A. No.
Q. Were any representatives from MSHA or the State of West Virginia present at that time?
A. No.
Q. Was there anyone else present?
A. What was the other guy's name?
ATTORNEY HARDY:
The other lawyer?
A. Yeah.
ATTORNEY HARDY:
Mark Heath.
A. Mark Heath.
BY MR. FRANCART:
Q. Have you been made aware that

Mr. Heath and Mr. Hardy also represent the company in this matter

and that there's a potential for conflict of interest between you and your company --- between you and the company to arise as a result of this investigation?

A. Yeah. I don't believe there's any conflict of interest.

Q. Do you want to proceed with Mr. Hardy as your representative?

A. Yes.

Q. Thank you. How long have you worked at Aracoma?

A. Since August of 2001.

Q. 2001. And what's your current job classification there?

A. Outby electrician.

Q. And what was your job on January 19th?

A. January 19th, we had a roof bolter down at Ten headgate that hoot owl had run over the cable for approximately nine or ten breaks, and it was ground faulting, and I was repairing the cable, trying to get the roof bolter back in service.

Q. Which shift did you work that day?
A. First.
Q. That starts at what time?
A. I start at 6:00 in the morning.
Q. And you finish at?
A. It's supposed to be 4:00.
Q. Four o'clock?
A. Uh-huh (yes).
Q. What time did you finish that day?
A. It was 4:00.
Q. Four o'clock?
A. Uh-huh (yes).
Q. Are you considered to be a manager at the mine?
A. No. I'm an hourly employee.
Q. How many total years mining experience do you have?
A. I think I have five. Right around five.
Q. Who was your supervisor the day of the accident?
A. I was working with Chris

Herndon. He was supervisor of the outby crew. They was setting a new

mother drive.
Q. Was he your immediate supervisor?
A. My immediate supervisor is Jimmy Wells, chief electrician.
Q. Is Jimmy your normal supervisor?
A. Yes.
Q. I'm going to have to ask you to speak up a little louder so they can hear you at the back of the room, if you don't mind.
A. Okay.
Q. Thank you. Who is Mr. Wells' supervisor?
A. Robert Ellis.
Q. Robert Ellis. And what's his position?
A. He's the maintenance superintendent for Logan County.
Q. And what's Mr. Ellis' supervisor's name?
A. Keith Heiner.

Q. And his position?
A. He's the maintenance manager for Massey Coal Services.
Q. Do you happen to know Mr.

Heiner's supervisor?
A. I assume Don Blankenship. I don't really know.
Q. Thank you. For clarification, did you say you were working at the Number Ten headgate mother drive?
A. Yeah. We was down probably 20 breaks in, Ten headgate.
Q. And you were working on a bolter?
A. Uh-uh (no).
Q. On a cable?
A. Yes, sir.
Q. Thank you. Were you at the mine at the time of the accident?
A. No. I left right at --- probably 15, 10 'til 5:00 I was gone.
Q. You went home for the day?
A. Uh-huh (yes).
Q. When did you learn about the accident?

A. I had the neighbor call me. She had a scanner on. She said she heard the fire department talking about a belt fire at Aracoma Coal.
Q. What did you do at that time?
A. I called the mines to see if they needed any help. They said no.

And then I guess it was about eight o'clock that Minnes Justice from MSHA called and said he'd like to have me come to the mine site.

Q. What did he have you do?

A. We walked downstairs and we looked at the CO system, which they all was alarming and showed 107 on every one of them toward the Two section and down toward the wall. He took the sheet of paper out of the printer and we went over it. He took it with him and I went back upstairs.

Q. So Minnes Justice took just one sheet of paper?

A. Uh-huh (yes).

Q. Was that something that was already printed out on the system?

A. Yeah, it was printed out. It was the one that showed the --- I think it was 530, 536 alarm by the mother drive.

Q. What are your responsibilities regarding the Pyott-Boone monitoring system?

A. If a CO quits working, I will go see what's the matter with it. If

it's a cable problem, I've got close to 15, 20 miles of cable that runs that system. It just goes all over the place at the mines. So if you get a nick, a rock cuts it, someone puts a phone in on it, anything can cause a data loss parity error. And if the CO itself is going bad, it can cause you trouble. Just change them, fix them. The monthly calibrations, I put them on the computer outside.

Q. You said that if somebody puts a phone in the line ---?

A. It's a six-pair cable. And if you actually open it and then you got to find the data line as the number

one power for the system, as number two, which is 24 volts DC. Three is our remote line. Four is the telephone line. So they have to find pair number four, if they put a phone in it. A lot of times they'll maybe nick number one. You won't know it. The shield will touch it. It will cause a parity error on the line, which is a little bit of noise. It gets aggravating.

Q. Would it be better if we had

those cables separated?
A. They're going to be.
Q. Are they? Who made that decision?
A. I did.
Q. Do you also install the CO sensors?
A. Yes.
Q. Do you install any other types of controls or sensors on the system?
A. Not on the Pyott-Boone system. We use Pyott-Boone on some of the --- like the mother drive for the slip

sequence, which is a speed guard box. That's the only other Pyott-Boone, really. We got the Pyott-Boone belt boss systems on the four-foot belts, install those.
Q. For clarification, can you tell us what a parity error is, please?
A. A parity error is just --- most of the time when I find one that does give a parity error, it's usually the shielding in the cable actually touching the copper that would transmit the data line, the

data back to the computer.
Q. Can anyone install a phone line on a system or does it have to be an electrician?
A. I ain't sure about the law, but about anybody that wants to. There's no --- really no voltage on the line or anything.
Q. Do you install or maintain any electrical controls or fire suppression systems at the mine?

A. I installed the fire suppression controls.
Q. And how are they installed relative to the belt operation, fire suppression and alarms on the ---?
A. Well, the one on the mother drive, the way it was installed, we had a --- it's called an old faithful box. And you got a sensor, a flow switch that mounts in line with the water and the water hangs over the belt and the motors. And it's a normally open sensor. And then from there, you got your power course going --- 120 volts going to the system. Then you got a normally closed set of contacts that goes into

the starter box, which that's what the starter box is looking for, is a closed sensor. And when there's a fire, it burns the sensors on the fire line, which there's always water in the line. And when it burns the sensor or the sprinklers, the fire would actually burn those and water

would start to flow. That flow switch sits in line and the water would push it. And as soon as --- they're highly sensitive. As soon as the water starts to flow, then it shorts the normally open sensor, and the normally closed contacts open up and stops the belt.

Q. Do you also have an alarm on that?

A. Yeah. The old faithful is an audible and visual alarm. It buzzes and flashes red.

Q. Is there also a key switch on that alarm unit?

A. Yeah.

Q. And what's that switch for?

A. I really couldn't tell you. It don't affect anything. It's some

kind of valve. It's for a different type system. I mean, you can turn it and it won't do nothing. It will still alarm and shut your belt off and all that.

Q. Okay. For clarification, does

that sensor line have a diode in the sensor line at the end of the line?

A. Which part?

Q. On the fire suppression.

A. No. No, it's just a flow switch is all the sensor really is on it.

Q. So it's a mechanical device more than electrical?

A. Yeah, that's really all it is, is just a little piece of metal that hangs down in the line. And like I said, as long as the water is not flowing, it just sets in the line straight down. But as soon as the sensors would burn open and the water would flow, it would just push the piece of metal up. Changes states on the contacts.

Q. Have you ever found the waterline for fire suppression without water in it?

A. On the mother drive --- as long as the miner section is running, there's a pressure pump at the bottom

of the hill and it's tied into the miner section waterline, which I don't do the fire suppression checks on the mother drive. That's the longwall electrician's duty. So I don't, you know, go around and check their water system. But as long as the pressure pump is running and the miner section has water, then there's water on that system.

Q. Is there any particular way a parity error would be indicated on a CO printout?

A. Yeah. It will just say parity error.

Q. It does say parity error?

A. Yes.

Q. That wouldn't be a communication error then?

A. It's more or less a communication error. It's noise on the line is what it is. And it can cause your sensor to come on and off, on and off. It will still function

properly, but when it's off, of

course, it won't. But most of the time it's on for five minutes, off for two seconds. I mean, it's just real quick. It causes the printouts to be super, super long.

Q. Is that something that could be reported as a communication error?

A. Yeah.

Q. You said you also did the calibrations for the system?

A. Uh-huh (yes).

Q. How often do you have to do those?

A. Every 31 days.

Q. And do you have a record book that you keep calibrations in?

A. Yeah.

Q. I also noticed on the printout, and we'll get into that a little later, about calibration expirations that come up.

A. Yeah.

Q. Is that something programmed into the system?

A. Yeah, that's programmed into

the system, what --- there's --- I

don't know, some of them --- I calibrated some about --- I guess the 20 some this month and printed out a printout. And it actually showed one of them, the calibration expired. And don't ask me why it showed that. I just calibrated it and it was showing calibration expired. I went back to it and calibrated it again, and it was fine. I don't understand why it would do that. But most --- I have probably gone 40 days without calibrating them. I mean, I get kind of busy, you know, but they are calibrated monthly, like I say, but I may calibrate it --- we calibrated the system, the complete system, in mid-December. And then I went over the system with an MSHA rep. We went over it with a fine-toothed comb mid-part of December. And that was the last time the whole mine was calibrated, was probably mid-December.

Q. Who was that rep that you went through with?

A. That was the Minnes Justice.

Q. Minnes Justice?
A. Uh-huh (yes).
Q. Did he make any comments on any deficiencies in the system?
A. There was one CO, 75 --- I had it mounted on the starter box at Two section's Number Two head, and he wanted me to move it about 20 feet behind the motors. And that's the only problem we had with it.
Q. Did he tell you why he needed you to do that?
A. He just said that since there was belt air in the face, he'd feel more comfortable with it being located behind the motor so if something would happen to the motors, the sensor would pick it up better, which it was directly across from the motor is where it was.
Q. So let's go back to the waterline one time just for

clarification. If a miner section, the Number Two section, is not operating, do you have water on the fire suppression on the mother drive?
A. Yeah. We leave the pressure pump on and water stays in the line

and just deadheads or ends up there at the miner section. They just don't use it.

Q. Why was the CO system installed?

A. It's to pick up belt fires or fires along the belt line. Everything that I've ever heard, which I'm not a scientist or anything, but they say like a smoking belt, like if it's rubbing against a frame, it doesn't have carbon in the smoke. I don't know how true that is. They say it's hard for a CO system just to pick up the rubbing of a belt. It actually has to catch the grease or the coal or something on fire, which I don't --- you know, I don't know if that's true or not

about the CO system, it might be. But just a smoking belt, it don't pick up.

Q. Were you employed at the mine when the mine first applied for a Petition for Modification to use belt air?

A. I don't know when they applied

for that. I know they told me, you know, the longwall, we have to install the sensors every thousand feet because they always used belt air in the face. And then they told me I need to go back and change it for the miner section, put them every thousand feet going toward the miner section because they were starting to use belt air in the face.

Q. When did they start to use belt air at the face?

A. That I ain't sure of.

Q. Do you know when they told you you needed to add the extra sensors?

A. Not right off the bat.

Q. Was it December ---?

A. No, way before that.

Q. Is there anyone else responsible for calibration sensors besides you?

A. No.

Q. How many sensors do you have in the mine?

A. Approximately, I would say 70.

Q. Seventy (70) sensors. And how many do you do each week or do you spread them out during the month?

A. Yeah, I spread them out.
Q. So you average how many a week?
A. I try to break them down into like if I have to go to Rum Creek for a reason or if I have to change a sensor somewhere or if I have a problem with the line, I'll take it, just --- I try to do it monthly. That's why I say sometimes it may be 30 days, sometimes it might be 31, sometimes it might be 20 days, but I calibrate them monthly. And they're also calibrated before I put them in

line. I calibrate them outside, check them out to make sure they are working.
Q. Number Two section, is it currently using belt air?
A. Yes.
Q. Number Three section?
A. No.
Q. It's not?
A. No.
Q. Do you know why they're using belt air on the Number Two section?
A. No.

Q. Do you know if there are any CO alarms on the sections?
A. Alarms as if ---?
Q. Alarm units, something that would give you an audible and a visual?
A. There's one on the longwall.
Q. And what does it look like?
A. It's about a foot by eight-inch box that has a --- it's called an 805C alarm, and then it has another box right beside of it that's

got lights that go around it and a speaker in the center of it. It's located on the backside of the headgate box, below the cables. It's mounted on a magnet on the back of it.
Q. Is that something that can be seen and heard by the headgate operator?
A. Yes. Yeah, it is. They actually decided where they wanted to put it, where would be the best place for them to have it. And like I say, you can see the flashing lights --- you can't see it directly, you see the light off the rib, but you can

hear it. It's extremely loud.
Q. 805C, is that a ---
A. That's a Pyott-Boone number.
Q. --- Pyott-Boone number? How much of your time each month do you figure you spend on the Pyott-Boone system calibrating?
A. At least three, four days.
Q. A month?

A. Yeah, yeah, a month.
Q. And you do all 70 sensors in that time?
A. Yeah. It don't take long to do them.
Q. Do you think you have enough time to maintain that system allotted to you for allowing you to do that work?
A. I'd like to have more, but I don't know --- that part, the calibration, yeah, you have plenty of time. Just the --- it's a full-time job keeping up with that bunch up there, like I say, cutting into the phone line or rocks falling and hitting the line. So that's ---.
Q. Do you have any idea what date

the system was installed in the mine?
A. No. It was --- they started the CO system on the six-foot belts probably --- it was right after I came, the guy that was doing it at the time started installing them. So it was probably September or October

of 2001. But they already had --- the Pyott-Boone system was on the 48-inch belt. They was already using them.
Q. You said you had an alarm on the longwall. Is there one on the Number Two unit also?
A. No.
Q. Do you know if one is required there?
A. I've since found out we need one.
Q. Who told you that?
A. I think Robert. I wouldn't swear. Robert Ellis.
Q. Robert Ellis?
A. I wouldn't swear to it.
Q. Did Minnes Justice ever mention to you you needed an alarm on that section?
A. No. No. We had a --- we got

the CO, it sits on the backside of the curtain. And that's where the CO --- that's the extent of the COs going toward the Two section. That's

where it ends.
Q. Behind the curtain, what do you mean by that?
A. At the feeder.
Q. Is there a curtain at the feeder?
A. Uh-huh (yes). Yeah.
Q. How are you using belt air with a curtain?
A. I'm sorry. There is no curtain up through there. That's the curtain on Three section.
Q. Okay.
A. Yeah. It's --- that's what I got --- they wrote a violation on that one time for the simple fact that on Three section, the air comes back down the belt. So the system has to be on the other side of the curtain. It was on the wrong side of the curtain at the time.
Q. So your sensor was on the inby side of the curtain, rather than

outby ---
A. Yeah, one time.

Q. --- on Three section?
A. Yeah.
Q. Do you have any idea if the alarm unit on the longwall activated on the 19th?
A. I don't have a --- no, I don't.
Q. Is that an automatic program?
A. Yeah.
Q. What sensors would set that alarm off?
A. Eighty (80) --- the way that it was programmed there, sensor 82 and 83 --- it's any sensor going down on the mother drive belt. Any two sensors go off in a row, then it activates that system. So like if 80 would go off or 82 and 83 would not, then it wouldn't alarm on the longwall. It takes two consecutive sensors in a line to alarm it.
Q. Is that for the warning or is that for the alarm?
A. That's for the lights to flash and the alarm to make noise.

Q. So if you had your --- what are your alert and alarm settings on the system?
A. Five parts per million, a warning, and ten parts will alarm.
Q. We saw a lot of alarms at nine parts per million. Is that ---?
A. That's just the system picking up. It eventually went to ten. Just right there.
Q. Okay. So if you had ten parts per million on one sensor, you wouldn't get an automatic alarm on the longwall?
A. No. It's two consecutive sensors.
Q. Okay. What about the sensors in the north mains belt? Do those sensors also activate that section alarm?
A. Not the longwall alarm.
Q. Does the air off the mains, on the belt in the mains come into the 72-inch belt, Number Seven belt?
A. Off of which --- off of

the ---?
Q. North mains, Number Six belt.

A. The air going up Six belt? I mean, I don't know. I mean, the belt air I guess starts outby, but they have two intakes that run up, and then, you know, it splits and goes through the cut-through and then over through the double door, up the top of the hill and back down the belt, and then ---.

Q. So you don't know if the air coming up Number Six actually comes across Seven onto the longwall?

A. Yeah. It really --- a little may, I mean, just from bleed-through, but not directly.

Q. Is there any reason that it wouldn't flow that direction?

A. Seven, that's the --- let me think here. Seven is pretty --- it was isolated pretty good from what I can remember. Seven is.

Q. What do you mean by isolated?

A. The travel road from as soon

as you top out on the hill down to the first set of doors, I believe they got stoppings and stuff built; don't they? I ain't going to swear to it, though. It's been so long

since I've been up there now.
Q. Well, the mine did apply for a petition to use belt air in 2004. That petition went away as a result of the new belt air regulations. Did you make any changes to the system as a result of those regulations coming into effect?
A. No. But as far as I know, our system is completely right with the law. I mean, once you reach the Three way at our mine, there's a --- going right handed of the system is every 2,000 feet to Rum Creek, out the other way, and that's all --- that's neutral air down through there. And once you turn left handed at the Three way, then it starts every thousand feet from there to Two section into the longwall. And then

it's every 2,000 feet on Three section, is where the sensors are located.
Q. And why is there a difference in spacing; do you know?
A. That's the belt air law, the regulations that became law. If you

use belt air in the face, you got to have them every thousand feet.

Q. So for clarification, which sections were using belt air on the 19th?

A. Two section was the only miner section, and then the longwall always has belt air, I guess.

Q. Who is responsible for ensuring that the sensor spacing doesn't exceed a thousand feet?

A. I would assume --- I put the sensors in. I don't know if anybody else goes back and checks. That's one of the checks that the beltmen are supposed to make. Because a lot of times when I put them in, the breaks ain't numbered. You know, I

could possibly make a mistake and put one a little farther or a little shorter than what it needs to be if I would count wrong on the breaks.

Q. Do you know if anybody moves those sensors once you put them in, besides the ones at the tailpieces?

A. They shouldn't.

Q. When you install them, do you tell somebody in engineering to mark

that location on a map?
A. I don't talk to anyone in engineering.
Q. How do they get the information to locate those sensors on the CO map?
A. I had a map on the computer outside. I tell the dispatcher where they're at. That's the only person I tell. I've printed them out, I don't know how many sheets of paper, and actually wrote break 18, break 20, whatever it is, and gave it to him. I don't know if they still have those or what. But when I had a new CO on

the system, I usually print out a new map on the system that's in there, and I'm sure, you know, a lot of them seen it. It's been in there --- when I print it out, then I'll take a pencil and just write break one, break 18, tailpiece. And I don't know how many times I did that.
Q. Do you know if the system has been very effective for detecting fires?
A. Oh, yeah, it's highly

effective. They found a fire a few months ago, two guys did. It's been here recently. I ain't sure of the date, but it was Karl White and Junior Robinson, I believe is their names, they had a belt that actually had some shavings come off of it and then a roller went down and the roller caught the shavings on fire, and that's the way they discovered that. It was a small containable fire, and they had to walk quite a ways to get to it. So it picked up

real quick on the ---.

Q. The system picked it up?

A. Uh-huh (yes).

Q. Any other fires that you know of?

A. That's the only fire I'm aware of.

Q. Do you know any fires that weren't detected by the system?

A. Not personally I don't.

Q. Just belt fires. Were there fires in any other parts of the mine that you know of?

A. I don't know.

Q. How do you indicate the

airflow directions on your CO map?
A. As of now, there was no --- I didn't know I was supposed to on the map for the dispatcher. But I actually drew some arrows on it now, since all this happened.
Q. Is that on the computer screen?
A. The computer, yeah. But they also put a map like the one you have

behind the dispatcher now that has all the CO locations. It has the direction of airflow.
Q. Do you know if those locations were correctly identified on that map?
A. Yeah, they're right. There was a few missing on the one down there. We went back with a pen and added them.
Q. Do you communicate warning alarms to the sections at all? Do know if the dispatchers call them when they get a warning?
A. They're supposed to. I'm not the responsible person. That's the mine foreman. He --- if there's a

warning or alarm, like I say, I do other things besides that, so I'm around the system, you know, every day or whatever. I go in in the mornings and I look in there, and if they're all green, then I'm kind of happy. You know, I go and do the rest of my jobs. And if there is a

malfunction, say a cable is cut and the COs go down, then the dispatcher would get ahold of me and say, hey, I've got a line cut or, you know, something's the matter, you need to go look at it. But if there's actually an alarm or a warning, then he gets ahold of the responsible person, which is the mine foreman on duty.

Q. So you only work dayshift. Who works the other shift that would be responsible for responding to those types of problems with a system if you have communication failures?

A. A lot of times it's a telephone call to me in the middle of the night.

Q. Oh, no. So is that common for you to be on call 24 hours?

A. If they can't fix it, Bill Hall and Fred, the second shift mine foreman and second shift chief, they do take care if some of the --- just the communications, like if one --- a

nuisance alarm would happen or something, they would go to it and fix that. But most of the time, if there's a cable that would be cut and they couldn't find it or a nicked place, you know, they call me.

Q. And who are those people on the other shift?

A. Fred, he's the second shift mine --- Horton.

Q. Fred Horton?

A. Second shift mine foreman. And Billy Ray Hall, second shift chief.

Q. Thank you. Do you know what kind of communications the mine has in place for shutting down power to the sections or shutting down belts, what that would mean to them?

A. To?

Q. To the people on the sections.

A. I don't understand the

question.
Q. If I'm running the section, I'm the face boss on Number Two

section and my belt goes down, does that mean something to me?
A. A lot of times, if they want to get ahold of somebody real quick, you can shut a belt off and that will bring them to the phone fairly fast.
Q. Everybody wants to know why the belt went down?
A. Yeah.
Q. Do you monitor the belt operations with the Pyott-Boone system also?
A. The four-foot belts. The six-foot belts are on the Allen-Bradley system, which they're a monitor only. They don't store information or anything like that. It's just, more or less, to start and stop the belts is what that's for. It actually does monitor like why it would go off, say a tilt switch or a landmine or a fire suppression, you know, anything like that it would show why they went off. That's about the extent of what our six-foot

monitoring system is for.
Q. Let me sort these out a little bit here. Are there any other functions that the Pyott-Boone system monitors besides the belts and the CO?
A. No.
Q. That's pretty much it?
A. Uh-huh (yes).
Q. Do you use it to monitor fans at all at the mine, main mine fans?
A. No. You check those daily. Visually check them.
Q. How do you believe the CO system performed in the fire on the 19th?
A. From everything I seen, it did exactly what it was supposed to do. You can actually --- if you look at it, you can follow the way the smoke traveled. I mean, you can see what it did, where the first sensor, it bled over onto the four-foot belt, all the way up through there. Like I said, when I got there that night, me

and Minnes went down and looked at

them and you could see all the systems from the mother drive down to the longwall had 107, and from --- I'm thinking, I ain't going to swear, from sensor 71 on the four-foot belt to the feeder all showed 107, which is the max that those show.

Q. I looked at those same numbers and I had a question in my mind about how the smoke got from the longwall mother drive to the 48-inch belt without traveling around and catching the other sensors in the belt. Do you have any idea how that smoke got into that 48-inch belt?

A. Well, if you look on a map, the sensor --- the first sensor it picked up is almost straight across from where the mother drive is located. I mean, it wouldn't pick up on the other system --- the other sensor on the 48 --- the first sensor on the 48 belt. It's a --- you'd have to go through mandoors and

actually fight the air that's going this way. You would have to fight the air that's going back down. So I mean, it bled over to the first

sensor and then up the belt, and that's exactly what it should have did, I mean.

Q. But that smoke would have to cross over an intake to get into the other belt; is that not right?

A. I don't know what it would consist of to get over there. I mean, maybe --- just bleed through some of the --- I know we're having to fix some stopping lines right now. Maybe it just bled through.

Q. Does somebody tell you when to install sensors or tell you when they're required to be put in or do you have to do that yourself?

A. Yeah, that's --- both. I mean, if no one tells me, I kind of keep a look on the map, and as they advance farther, then I can see, you know, once they get so far to the

system. Because they got the one on the feeder that they advance with them. And then once that one gets beyond the thousand-foot range, then you go up there and install another one.

Q. How long is that cable that's on that spool; do you know?
A. They're 500-foot rolls is what they come in. And then the hoot owl will add cable to it as they need it to advance.
Q. So the sensor that you advance to the section is on a 500-foot cable, and then can you describe what's on the other end of that cable?
A. It's just a spool of cable. You know, you got two ends. The end that --- one end is tied into a junction box, and then out of a junction box you got your CO, your remote switch and your phone. Then the other end, it just ties back to your cable going on down the belt

line.
Q. So the cable and the phone line are both in the same bundle; is that correct?
A. Yes.
Q. When you install the CO sensors then, do you position those sensors based on the airflow direction?

A. Yeah.
Q. And what is the airflow direction in that Number Seven belt?
A. On the Number Seven belt, it should be going toward the tailpiece.
Q. Of the mother drive?
A. Uh-huh (yes).
Q. To the head at the mother drive?
A. Toward the mother drive, yes.
Q. Would you mind coming up to our map for just a few minutes and mark it up for the record?
(Jude Exhibit A marked for identification.)
MR. FRANCART:

This map is marked Exhibit A, Jude.
BY MR. FRANCART:
Q. And what we'd like you to do, Jesse, if you don't mind marking the air directions on all of the belts that you see on this map. If you need any help identifying them, let me know.
A. These red lines are all belts; right?

Q. Yeah, that's the belts.
WITNESS COMPLIES
BY MR. FRANCART:
Q. So then that air in the 48-inch belt travels the whole way from the north mains to the Number Two section; is that correct?
A. Uh-huh (yes). Yes.
Q. I don't know if you can remember offhand where the number 81 and number 82 sensors are or where they were at the time of the fire.
A. Eighty-one (81) is right here, the tailpiece. Eighty-two (82) is

motors --- right there is the motors. Eighty-two (82) is right here by the door. And then 83 was at the end of the storage unit. I don't know if that's one or two breaks down, which the law doesn't require 83. That's just something I put in extra at the end of the storage unit to kind of keep an eye on it. It was somewhere I think --- I ain't real sure where it is. One or two breaks down. I think it's right here.
Q. Do you know where the fire originated in relation to that

sensor?
A. To this one?
Q. Yes.
A. I'm assuming right here somewhere. Somewhere in the storage unit there is what I've heard.
Q. That the fire was outby sensor 83?
A. It was in between the two sensors here.
Q. Which two sensors would that

be?
A. Eighty-two (82) and 83.
Q. Okay. Thanks, Jesse.
MR. FRANCART:
For the record, we have air moving in the north mains belt, Number Six belt, on the inby direction, also moving inby on the 48-inch belt, Number One, Two and Three, the Number Seven belt inby toward the longwall, and on the longwall belt and inby toward the face.
A. Now, that's a normal flow right there. I mean, there's things

that can change that.
BY MR. FRANCART:
Q. What would change that flow?
A. Well, if there was a stopping that would be knocked or someone would open a set of doors or, you know, then the airflow would be different from what you see there.
Q. Is that common for that to

change?
A. It's not common, no.
Q. Have you seen it change before?
A. If someone leaves a set of doors open, yeah, you can see it change. So that's something you got to watch. I mean, it could be an accident. But it's not common. No, it's not a common occurrence, but I have seen it once.
Q. Where the doors were left open?
A. Yeah.
Q. Which doors are you talking about there?
A. At the mother drive right there. It actually made my air come up the longwall belt instead of going

down the longwall belt like I have it marked.
Q. So actually reversed the airflow when those doors were open?
A. Uh-huh (yes).
Q. And those doors, are those the

airlock doors on the travelway to the Number Two section?
A. Yeah.
Q. Why would those doors be installed; do you know?
A. I don't --- you know, I don't have nothing to do with the ventilation. I don't know anything about that.
Q. Do you know why they would be left open?
A. Just a mistake, I mean. The time I seen them left open was a motorman had came through and he told the beltman to shut them. The beltman was busy. He was going to shut them, but he left them open for two or three minutes, you know, and I went ahead and shut them.
Q. Do you know which sensor indicated CO first on the day of the

fire?
A. Eighty-two (82).
Q. Eighty-two (82)?
A. Uh-huh (yes).

Q. And then 81 came sometime after that?
A. Yeah, 81 was the next one.
Q. And what would that indicate to you?
A. To me, I don't know. It just --- to me, 83 should have been the next one.
Q. Did 83 alarm at any time on the day of the fire?
A. I don't remember. It would have to. Like I said, they all eventually were showing 107, so I don't know what order it actually alarmed in.
Q. But you don't know why you wouldn't have had CO on the longwall the day of the fire?
A. CO gas actually going down the longwall belt?
Q. Yes, up on the face, why it never got there.
A. No.
Q. At least while the people were

up there on the face?

A. Yeah.
Q. Okay. Do you have any idea what the minimum velocity is in the belts?
A. The minimum has to be 50 feet per minute.
Q. And do you know how that's measured?
A. The way that --- any time that I've seen an inspector come to the mines, they would take the gas tube --- this is the way that I've seen them do it. They would break the gas tube and then they would just make sure the air was moving, and they would actually tie one on and watch. And you know, if it moved so fast, they said, well, that's plenty of air.
Q. Would they time those smoke clouds?
A. Yeah, from one point to another point.
Q. What about examinations? Do you do examinations at all on shift,

pre-shift?
A. I have.
Q. Have you measured air velocities?
A. The only --- not up on that end, no. I've had taken --- the only on-shift I've ever did was over on the Rum Creek side, on the six-foot belts.
Q. How do you measure air velocities?
A. I do it the same way. I would do it with dust, just --- but I didn't measure the actual number. I would make sure there was a pretty good movement of air, you know, clap your hands and make sure the dust would fly, just --- but you don't have to worry about that at Rum Creek. You've got plenty of good air.
Q. Plenty of good air?
A. Yeah. You've got really good air over there.
Q. Do you know how the other

examiners measure air velocities?
A. No. No, I sure don't.
Q. Do you have any areas where 50

feet a minute on the belt is difficult to maintain?

A. Not that I'm aware of. We --- I think at one time they had a little bit of trouble, not a lot, on the 48-inch belt there. But I think Minnes --- I ain't going to swear to it, I believe he helped them out on getting some air on the belt. It picked up pretty good.

Q. Do you know if MSHA has ever written any citations based on air velocity?

A. I don't know anything about that.

Q. If you don't mind, I'm going to give you an exhibit here. We're going to mark it Exhibit B, Rose.

(Jude Exhibit B marked for identification.)

BY MR. FRANCART:

Q. What this is, is a copy of

part of the computer printout. I'm sorry, Jude. Mr. Rose was here the other day. B Jude is the Exhibit Number. And I have a few questions for you. This is, of course, the day

of the fire. And if you notice, you have sensor number 75, and you mentioned before ---.

A. Yeah, I noticed that when they showed me --- on the CO 75, as you can see, that's every one second. I mean, a lot of those right there would go unnoticed by the dispatcher. It would actually stay green. They wouldn't even know. It would just --- it would flash. If you look at the screen and you actually pull up 75, you may see a no reply flash up real fast. But if you're just sitting there and you're monitoring the system, no, you wouldn't even notice that.

Q. So is that more of a pulling problem, that it maybe missed the pulling of the sensor, or is that an

actual malfunction?

A. That's just a system --- or a sensor that I would change just so it would quit printing so much paper out. And that still monitors, it still works. It just has a communication problem, a slight glitch on it you'd call it, that it

would lose and come back within a second. And there it was gone for 20 seconds, but it would still --- when it would gain communication, say there was a smoke or something there, then it would show it as soon as it regained its communication.

Q. Do you know if sensor 75 responded the day of the fire to that smoke that traveled down the 48-inch belts?

A. Yeah, I believe it did. I wouldn't swear to it, but I believe it did. CO 75 and 72 are within 40 foot of each other. I mean, they're really close to each other.

Q. And they're at one of the

drives?

A. Yeah. Seventy-two (72) was at the tailpiece, and then right on the other side of the motors was 75.

Q. And that's the one that Mr. Justice had you move?

A. Yeah.

Q. So you're saying that sensor 75 would properly indicate both a warning and alarm?

A. Oh, yeah. Yeah.
Q. Even with these communication ---?
A. I don't have no doubt about that.
Q. How would you know if this was occurring? Would you have to go down and look at the printout or would somebody report this to you?
A. This would probably --- something like that, eventually, like on the 20-second delays, it would actually show dead, and the dispatcher should tell me. But like I said, this day right here, they

probably couldn't even get ahold of me. I was down at Ten headgate, running back and forth on the cable. So I honestly don't know if they tried to or if they didn't try.
Q. So if it would show dead, would you get an audible signal from the system or just a visual indication on the screen?
A. It would make a noise, and he'd look over and see it would be gray.
Q. So he would then do what when

he got that signal?
A. I would assume that he would holler at the mine foreman or try to get in touch with me and you know, say, hey, we got a problem with one of them sensors up there and need to go look at it or tell Dusty that something was wrong.
Q. Is it real common to get these? You said if you had a nick, somebody tried to put a phone in. But besides that and a fall, do you

have a pretty dependable hardware system here?
A. Most of the time. The new 1711s I've had more trouble with than the 1709s. But all in all, you don't have much.
Q. When you do get a sensor that goes dead, is that sensor replaced immediately?
A. Yes, as soon as --- I'm on foot. I walk. I don't have a ride. So I mean, it takes me a while. Where if I can get someone to bring me one up, it would be immediately. But if there is one that goes down, I

think Dusty usually has somebody monitor that area. I mean, I ain't going to swear that's what he does, but that's what he's supposed to do.

Q. Do you ever monitor when those sensors go down or is it somebody else?

A. It would be somebody else.

Q. Somebody else would have been responsible for that. I see in here

every once in a while a gob switch indicated. What exactly happens when you get that signal?

A. A gob switch would be on the 48-inch belts for this system here. And that would be either a landmine or a tilt switch on the head area itself. A rock would maybe fall on it, somebody stepped on it. But they're located inside the rock box and they hang down too. If a belt would shut off and it would pile up with coal, then it would knock the other belt off that's feeding it. Or if a rock would get fouled and be laying there and coal would be piling up, it would turn it off. Or if rocks were actually coming back on

the bottom belt, then the landmines would pick them up.
Q. Okay. I think on one page here --- if you don't mind, I'll show you. On this page --- on the chart we don't have them numbered. This is a printout we got from the company

regarding the alerts and alarms. But on this particular page you have Six, Eight and Seven belt bosses indicated. What do these particular addresses indicate?
A. Those are the 48-inch belts for Two section. That would be Number One, Number Two and Number Three belts on Two section.
Q. Do you know which belt is which, according to the belt boss address?
A. I would have to look. I think --- I'd have to look on the computer. I ain't real sure what the address was.
Q. But those aren't the Six, Seven and Eight 72-inch belts?
A. No. They're not monitored with the Pyott-Boone system.

Q. Okay.
A. Just the 48-inch belts.
Q. Okay. That's what we needed to know. Thank you. The communication problems that we talked

about on the 75 sensor, you say a lot of those wouldn't be indicated by a tone but some of them would be, depending on the length of the time?
A. The length, yeah. If it's just a one-second --- just a quick pop-up, no, it wouldn't.
Q. Is there something built into the system to try to sort those out?
A. I'm not following on that.
Q. You have like one second that won't set off the alarm, but then if you have 20 seconds, it would. Is there some ---?
A. Oh, yeah, that's internal into the program.
Q. Do you do that programming?
A. No. That would be internal to however Pyott-Boone sets up their --- because I know a lot of times when I do get like a parity error or something of that nature, you can go over there and click on one of the

sensors and it will just flash real fast. That's one of the problems you

have when you're trying to fix it. You have to have somebody outside to actually sit there and stare at that system to say, okay, whatever you did just --- it cleared it up. And then you can go from there, because it happens so fast.

Q. Let me see if this has other signals on it I wanted to talk to you about. I do have another one, I think. This does show the alerts --- or the warning and alarms for the day of the fire. And if you could, could you see if 75 sensor responded the way the other sensors did? You may have to come back up the other way. I don't know.

A. Here's the first one.

Q. Yes.

A. No, sir, I do not see it. No.

Q. Okay. I need to number these pages for you so we can better identify them. So this document, which is Exhibit B, has five pages. And the signals for the fire begin on

page three, which I've noted in the lower corner of the page for you.

A. Page four.

Q. Is it page four?

A. Yeah.

Q. I'm sorry. Okay. I'm sorry. That's my mistake. Page four. So you did not see a response for the 75 sensor on this one?

A. No. No, I didn't.

Q. Did that cause you any concern?

A. Makes me wonder why it didn't.

Q. Do you think it may be related to that communication problem?

A. I don't know. Common sense would tell you probably, I mean.

Q. Okay. Thank you. What's your authority to purchase at the mine? Do you recommend, approve or do you specify purchases at any time on CO systems?

A. I can ask if I need something.

Q. Have you ever been turned down for any purchases for a CO system?

A. Not turned down. Sometimes the Pyott-Boone only runs certain

times of the week. And if it --- you need something, you know, you might have to wait until Tuesday to get it.

Q. Have you ever recommended an alarm to be installed on the Number Two section?

A. No, I have not recommended it.

Q. Are you familiar with the requirements of 30 CFR, part 75350, use of belt air, and 351?

A. I haven't read it, no. I just --- like I say, on that area right there, on like a --- that --- I don't.

Q. Do you know whose responsibility it would be to assure that there's compliance with those sections of the law?

A. No.

Q. All computers have a time associated with them. Do you know what the relative difference in time between the computer to the

Pyott-Boone system is and the actual time?

A. No. I heard someone say after the fire, they was looking at it as

18 minutes, 15 minutes. It was off a little bit than what the dispatcher had on his.
Q. Do you ever reprogram that time and reset it?
A. Pyott-Boone has got an administrator password on that computer. I can't change it. If I can, I don't know how.
Q. Is there anybody at the mine who has that authority to change the programming?
A. Not that I know of. I mean, if they wanted to, I'm sure they could, but I don't think they know how.
Q. Are you the most familiar with that?
A. Probably. Yeah, probably.
Q. So if you have a problem with the system, you have to call

Pyott-Boone in to do any work on programming?
A. Pyott-Boone won't come in. They give you technical support over the phone and you can try and fix it yourself like that, which most of the time you can. I haven't ever had any

trouble that couldn't be fixed.
Q. Is it pretty user-friendly, the system?
A. Yeah.
Q. Are you familiar with the CO logbook that the dispatcher maintains?
A. I know they got one. That's about all I can say about that.
Q. Do you ever look at it?
A. No.
Q. Don't go back and see what kind of problems might be occurring?
A. I don't even know where they keep that. I know --- they're good about telling me, you know, when I come in if there's something wrong, you know, hey, that CO drove me crazy

last night. It turned on and off ten times. Then they go look at it.
Q. Do you know if your supervisor reviews those books at all?
A. I'm not sure who does, you know.
Q. Do you know what the purpose of that book is?
A. No. The law says you got to

keep one.
Q. That's the best reason to keep it up-to-date, I'm sure. But do you think the company can see any benefit to keeping that book?
A. I'm sure there probably are some benefits.
Q. But you say you've never looked at that book?
A. I've seen it. I mean, you know, I'm not going to say I come in and look at it every day, but I have seen it. I mean, it's a little black and white checkered book that he keeps in a drawer somewhere.
Q. We did get the book from the

company and we have a copy of it here.

MR. FRANCART:

If we can mark that as an exhibit.

(Jude Exhibit C marked for identification.)

BY MR. FRANCART:
Q. I'm going to have you look at something. Your name is in here quite a bit, by the way. I don't know if you knew that or not. Let's

go back and look at the date of the fire. On the very last page, and that's been marked by Aracoma with a sticker, the number 002846. And it does have an entry for the fire on the 19th. And you say you haven't looked at this book. Then you probably haven't seen this entry.
A. Uh-uh (no). No, I haven't seen that.
Q. So you don't know what's required to be written in this book?
A. I think the time, date, the

problem and who they sent to fix it, I believe.
Q. Okay.
A. And I guess what CO it was.
Q. The sensor --- these are all sensor addresses located in the second column on this page; is that what you gained from that?
A. Yeah, it would be the sensors.
Q. Are you aware of any other problems in the longwall headgate area that were picked up by the CO system within the last couple months?
A. Like what?

Q. Any CO alarms?
A. Not that I'm aware of. I mean, if someone is cutting or torching around them, they're going to get an alarm.
Q. And what happens when that occurs?
A. The dispatcher usually hollers at them. Mike Brown, I believe his name --- most of the time he's the one that gets stuck with those

because it's usually on third shift, when the belts are all shut down, that they do the cutting and torching and all that.
Q. Okay. Let's go back and look at page --- one page before this one. 002845 is the Aracoma designation on that page. If you look on 12/23, we had in the same headgate area sensors 82 and 81 and fire written in the column next to it. Do you have any familiarity with that event, what happened that day?
A. No. I was on vacation.
Q. Oh, you were on vacation?
A. Yeah.
Q. Okay.

A. Yeah, that was Christmas vacation there.
Q. Did anybody report this to you after you came back?
A. No.
Q. Did you hear anything about it at the mine?
A. No.

Q. The boss never told you anything about it?
A. Uh-uh (no).
Q. Do you know who Brandon Conley is?
A. He was a beltman.
Q. So that's who would have gotten the call about this alarm?
A. Yeah.
Q. I see a lot of entries in this book written fire. And if you go back and look in the printouts, a lot of times you'll see fire written on the message. What does that mean?
A. If it gets up over ten parts per million, that's what it will print out, fire.
Q. So it either could say alarm or fire?

A. Uh-huh (yes).
Q. Who made the choice on those terms? Did you have anything to do with that one?
A. I believe when it gets over ten parts per million, it always says

fire, I'm believing.
Q. Okay.
A. That's just, I guess, the way it alarms.
Q. So if fire is written in here, does that mean that there was a fire or was ---
A. No, not necessarily.
Q. --- the signals ---?
A. There was numerous things that can cause that. I know even on some of the systems --- or on some of the boxes, the test button for some reason will short out. And that's a big thing that I have trouble with sometimes. It will actually show 107. It will shoot it way up to 107 and say fire, and you can go to it and change that sensor out or somebody cutting with a welder would cause the sensor to go up or just a malfunctioning sensor, all of a

sudden, it would just go crazy. It will count up or count down or, you know, other weird things.

Q. Do you ever get a sensor go negative on you?
A. I've had one go --- I mean, like on the ambient areas, go like negative one.
Q. Thank you. Were you aware of any problems on the mother drive prior to the fire?
A. Not that I'm aware of.
Q. Any problems with electrical breakers or belts shutting off?
A. They had trouble with a breaker knob on the takeup. That's all.
Q. On a belt takeup?
A. Yeah.
Q. Do you know when that was?
A. No, not right offhand I don't.
Q. Do you know where that breaker was located?
A. On the starter box --- no, not the starter box, on the KVA box.
Q. KVA?
A. Yeah.

Q. On your calibrations, can you

describe to us your procedures for calibrating a sensor?
A. Yeah. I got two containers, one with zero air and one with 25 parts per million air. And the first thing you do is you take it --- you hold the calibration button in and it will flash three times and will say air. When it says air, you put your air on it and turn it on. It should stay zero. Take it off, then you put your 25 parts per million on it next and it will say gas. Put your 25 parts per million on and turn it on and it will run up to 25 and turn it off. Very little calibration to it. Once you calibrate them one time, they're pretty good about staying at calibration.
Q. There's no adjustments you make, it's all electronically controlled?
A. If you have to. Say it would go to 23 or 25 or something like that, yeah, you can run it up to 25.

Q. That's a pushbutton. You

don't have to turn screws or anything?

A. No, there's no turning screws. No.

Q. So it's all keypad?

A. Yeah.

Q. Okay. Do you get any kind of an indication on the surface when you do a calibration?

A. If everything is functioning right you should.

Q. What would you gain on the screen outside?

A. Well, I really never looked at that, honestly.

Q. Do you get anything on the printout on calibration?

A. I'm sure you do.

Q. Do you know if they get alarms on the surface when you do a calibration?

A. No. When they're in calibration mode, I don't think you get alarms. It's --- on the program

itself, I think it's got a time limit you can set to it won't alarm for like two minutes after your

calibration is over.
Q. So usually by that point, the CO is cleared from the sensor?
A. Yeah, it clears in just a couple seconds usually when you take it off.
Q. Just to be clear on the KVA box, the belt takeup breaker on the KVA box is what was knocking?
A. Yeah, it was the takeup breaker for the starter box on the wench.
Q. On the wench?
A. Uh-huh (yes). Yeah. It was the cable going from the KVA box over to your red box that goes to your wench.
Q. And what fixed the problem on that; do you know?
A. I believe they switched the --- on your breakers you got a polarity switch, and I believe they

just flipped the polarity switch on, which that's for like a ground monitor. And I don't know the hundred percent workings behind that, but I can say when you go to a splitter box or something, you got a

polarity switch on it, and you can watch your needle. When they start something up on the wall and your needle goes this, that's the way you want it to go. If it goes bounces backwards, it's going to knock your breaker when you try starting something up. So you flip your polarity switch and it will jump the other way. That's more or less what that switch right there does for your breaker.

Q. Do you know who made that repair?

A. I think Billy Ray and Fred may have went up there and flipped it. I ain't real sure. Chad Neal was up there that day, too.

Q. What shift was that?

A. That was the second shift when they went up there, I believe.

Q. Do you know what shift it was repaired on?

A. I think it was the second shift.

Q. Second shift?

A. I ain't going to swear to it.

Like I said, Chad Neal was up there. They had some trouble with it that morning knocking, and I think he may have fixed it, went up there and flipped the switch.

Q. I'm going to give you one more exhibit here, Exhibit D Jude.

(Jude Exhibit D marked for identification.)

BY MR. FRANCART:

Q. And on page ten there's a code message written out, fire, fire suppression activated. What does that mean?

A. That is if --- that means the flow switch is actually --- came on. And that can be from somebody turning

the water hose on on the belt and making the flow switch activate or it can be one of the sprinklers got knocked off, or it can be a fire that's burning into it. Like I say, we haven't had a fire, so that's not the case on that.

Q. So what would be most likely, if somebody turned a hose on?

A. Yeah. I would probably say that somebody turned the hose on,

they hit it when they walked by. Because you've got a --- at the end of the line, the way we do it monthly, you test them --- I'm sorry, weekly you test them. And you actually go to the hose and turn it on and it will shut your belt off. And if they hang down, so they're easy access to get to, you can hit them or, you know, maybe the --- I don't know if the belt was running that day or not. Maybe they was just using it as a liquid shovel, you know.

Q. To clean up?
A. Yeah.
Q. So the only alarms you would get on the screen in the dispatcher's office would be for warnings, alarms and for belt operations; is that correct?
A. Yeah. Yeah.
Q. On the KVA repair that we talked about, that was the second shift, but ---
A. No, that's what ---.
Q. --- first shift?

A. I'm going to say it was Chad Neal on dayshift that actually fixed the problem.
Q. Do you have any idea what time?
A. No.
Q. Thank you. Go back to the same Exhibit D that you were on on page ten again. On the 29th, is this the fire you talked about that you had with Junior and ---?
A. Yeah, I believe it was when I

was off ---
Q. Okay.
A. --- is when they had it. And it's right around --- yeah. I guess 94 is at the tailpiece, located on the Five belt, and that's where it originated.
Q. Okay.
A. And then as you can see, the air was moving up the belt, and they went off in order.
Q. Did you ever go back and look at the records to see how the system performed that day?
A. No. No. Mike said it did real good. That's ---.

Q. Were you curious?
A. No.
Q. No? That's your baby; isn't it?
A. One of many babies.
Q. It did seem to perform rather well. Do you know if this fire was reported to MSHA or the State of West Virginia as a reportable fire?

A. I don't know. Like I say, I don't know how big it was or anything. I just know that Mike said the COs did good. He said, they caught that fire down there. He said, them boys went there and put it out.
Q. Good. Do you have any idea how long it lasted?
A. No.
Q. Thank you. On your CO installations, you have them in the belt entries. Do you have any other entries that are monitored by the CO?
A. I got the --- let's see. Well, the first split of longwall air is monitored on the intake, but they had moved and that CO had not been

reinstalled in the intake somewhere. I had to find out where it needed to be.

Q. In the intake? What do you mean by in the intake?

A. From looking at the map there ---?

Q. Would you come up and mark that for us? We'll use a different color this time, though. We'll use red this time.

A. I'm thinking --- see, I ain't real sure because they may have already moved past where I needed. See, I used to have one right through here, back down here, and they moved. And I needed --- see, I need to see where the longwall is actually located.

Q. Let's say the longwall is probably around 17 break.

A. I think actually the longwall is up here now. The longwall may be down there, but the power center and stuff is what I'm talking about.

Q. Okay.

A. And if they're up here, then I think they have to come right here,

which the CO --- we was in the process of moving one right there. It's probably still hanging up there, truthfully.

Q. Would that be at the power center?
A. No. I got one at the power center. I got one 50 feet inby the mule train.
Q. Is that sensor number 88; do you know?
A. Yeah, sensor 88. And 102 is at the gate box.
Q. So you would have another one in the intake? Is that the escapeway or ---?
A. The only --- when your tail is blocked --- if your tail is blocked, then they make you put one over there. They said they got blocked one day, so they was going to ask me to put one in.
Q. Do you know when that blockage occurred?
A. No. No.
Q. Do you know when they told you you had to put that sensor in?

A. They just told me I needed to get one in case it blocked again.

That way they'd be, you know, legal for it.
Q. Okay.
A. And that's what we was in the process of doing, is going to put one in the intake somewhere.
Q. So number 88 sensor is not intended to comply with that?
A. No. The number 88 sensor is 50 foot inby the power center and the mule train. I guess the power center would be sitting right here and the sensor would be, say, right here. That sensor would be like right there or whatever. It's just 50 foot in case there would be a fire at the power center. You know, it would blow --- should blow up over the power center and into that CO --- the CO that I was talking about. At the time, the tail wasn't blocked, so it didn't need it. It got out and it came open. That's when they told me, they said, we probably need to put one up there just in case we do get

the tail blocked.
Q. Well, the longwall face right now, from what we've seen, is at 17 and a half crosscut. So that would be off this map, just off the map. So where would you position that intake sensor? Would you mark that on the map for us, please?
A. Yeah.
WITNESS COMPLIES
A. Probably right anywhere through here. Anywhere along that area.
BY MR. FRANCART:
Q. Just mark on there intake sensor.
A. That's if the --- that's if my power center is not past this point.
Q. We're assuming the power center is down here.
A. That's right here.
Q. And that's inby that location.
A. If headgate and if tail is blocked.
Q. Thank you. You can go ahead

and sit back down. Do you know who requires that sensor to be in place,

what regulation?
A. I guess that's the law.
Q. Is it the State or MSHA
or ---?
A. I ain't real sure. I just
know that that's --- that's what they
said, you know. They said if the
tail is blocked, we got to have a
sensor on the intake side. It wasn't
blocked at the time. It blocked and
then it came open. They said, well,
if it does get blocked, then we'll
need one there, so you need to go
ahead and put one in. We was in the
process of putting a CO sensor over
there.
Q. You're the only one that
installs the CO sensors?
A. Yeah.
Q. I know when I walked up on the
longwall, there was a brand-new
sensor in a box. Do you know why
that was there?

A. Yeah. I walk a lot, so I laid
it down there, so ---.
Q. Did you?
A. Yeah.
Q. Were you intending to install

that somewhere?
A. I was going to. That's the intake sensor I was talking about. You probably seen there's a cable that runs down the belt line with that, that would be the --- I had the third shift run the cable. They run it to the wrong place, so I was going to have to go back and change the cable.
Q. Did you have a sensor in the intake at any time before that?
A. Yeah. We had one down when it was first started.
Q. Was that because of the tailgate being blocked?
A. It wasn't blocked. It was just in case.
Q. Was it functioning and in the intake escapeway?

A. No, it wasn't functioning at the time. It was in the intake, but we didn't have it hooked up. But it was there, ready to go, in case they had it blocked.
Q. Do you know if the longwall was using belt air at that time to

ventilate the face?
A. I'm assuming the longwall always uses belt air.
Q. You said that Brandon Conley worked on the belts?
A. Uh-huh (yes).
Q. Are you aware of a radio interview he did in January regarding an incident on the 23rd that was in the book?
A. I've heard, you know, that he said we had trouble with that mother drive, but that's --- I haven't heard the interview or anything or seen it.
Q. Have you talked to him about that at all?
A. Uh-uh (no).
Q. That day of the fire, was

there a sensor in the intake escapeway on the longwall?
A. The day of the fire, at the --- the 29th?
Q. Nineteenth (19th).
A. Oh.
Q. January 19th. I'm sorry.
A. No, that was not one.
Q. So you were preparing to put one in?

A. Yeah. That's the one you found laying there.
Q. Okay. Have you ever been trained on extinguishing fires?
A. No.
Q. Have you ever had to put a fire out?
A. Uh-uh (no). No.
Q. Are you required to respond to warnings and alarms?
A. Again, that falls back to when a warning or an alarm comes, then they notify the responsible person and he tells who to go fight the fire or check it out or ---.

Q. So if there was a call to the dispatcher from the system to take some action, ---?
A. Yeah, he should get ahold of the mine foreman.
Q. If it's a malfunction, would he contact the mine foreman also?
A. He's supposed to, but most of the time he tries to get ahold of me.
Q. Do all the sensors respond in a similar manner when you calibrate them?

A. Uh-huh (yes).
Q. But you're not sure what the printout says?
A. Uh-uh (no).
Q. You told us you use a 25 part concentration?
A. I have used a 50 before, but most of the time it's 25.
Q. Is it a smart sensor, it can recognize the concentration, ---
A. Yeah.
Q. --- or you just ramp it up?
A. It --- yeah, it knows what it

is.
Q. Do you know where the record book is kept for the CO calibrations?
A. Yeah. It's in the belt book.
Q. In the belt book?
A. It's labeled number Four and number six-foot belts is the record book.
Q. So you don't have a separate calibration book, it's in with the ---
A. Uh-huh (yes).
Q. --- other examination book?
A. Yeah.
Q. Okay. That's why we couldn't

find it. We didn't look there. The printout from the computer on the Pyott-Boone system, do you maintain a copy of that somewhere on the property?

A. Yeah. When it prints out, the dispatcher usually grabs it and just throws it in a little tray.

Q. Do you know what he does with it when that tray fills up?

A. No.

Q. Could that printout be used as a record of calibration also?

A. I don't know.

Q. Do you know if all of your calibrations come out on that printout?

A. I don't know.

Q. You haven't looked at it to know? How do you know if you've had a successful calibration when you finish a sensor?

A. It just --- as long as it reads --- if I put my gas on it and it goes up to 25, then that's good. It don't have to be adjusted or anything.

Q. Do you get any messages on the screen, on the sensor, if you have a bad calibration or if your calibration fails?
A. Uh-uh (no).
Q. You never had that happen before?
A. Uh-uh (no). It just --- it

won't read. I mean, I've had sensors where you put them on there and you turn it on and not do anything, and you have to change them. A lot of the Pyott-Boone --- I've got some here lately that you actually hook up and it says factory calibration, and those we have to send back and let them do something to them. That's the only trouble I've had, actually, you know, with any type of calibration.

ATTORNEY HARDY:

Could we take a five-minute recess?

MR. FRANCART:

Sure.

SHORT BREAK TAKEN

MR. FRANCART:

Mr. Tucker will

continue with the questions
for the State now.
BY MR. TUCKER:
Q. I may be, you know, bouncing
around a little bit on the questions,

so just bear with me. Is this the
only mine that you've worked at?
A. I worked at Solid Energy in
Kentucky for five months as an
electrician trainee, but that
consisted of shoveling belt.
Q. Okay. Other than that, as far
as West Virginia, ---
A. Yeah.
Q. --- is Aracoma Mine ---?
A. Yeah.
Q. Okay.
A. I worked outside of the mines.
Sparta Coal, I worked outside just
doing stuff for them, not
underground.
Q. Right. You mentioned you do
some preshifting. Is that just of
the belts or do you do other fire
bossing?
A. I have belts and travelway for
the Rum Creek side. Usually if they

don't have a certified man or something that they can use, they'll holler at me.

Q. Okay. Do you carry an anemometer with you if you're fire bossing?
A. No. I carry a spotter only, a 270 spotter. Like on Rum Creek, you know, it's required, a movement of air, at least 50 feet per minute. And like I say, you don't have to --- you can hit your hands up and dust is gone.
Q. Right. Okay. When did you start your vacation period?
A. I'm going to say the 22nd maybe.
Q. I think the 23rd was the Friday before Christmas.
A. Yeah, I took that Friday off. So I started that Thursday.
Q. You took that Friday off?
A. Yeah.
Q. How would you normally know if the tailgate is blocked?
A. They would tell you. Someone would tell me.
Q. Just one of the foremen, ---

A. Yeah, one of the ---.
Q. --- somebody in management?
A. It usually probably would be C.W. or somebody like that outside, the longwall coordinator or something, Rod maybe, Rod Morrison.
Q. As far as that sensor in the intake that you mentioned you were in the process of installing, ---
A. Uh-huh (yes).
Q. --- is that something that's done after the fact, as far as the tailgate being blocked?
A. I ain't real sure. We try to keep one in there. I mean, it's just --- the way --- this panel was weird. The way it's set up, you had the different --- you know, you had your air coming up down here first, and then as I pushed it up, the air moved up, and then it's going to move up again. And it was just a little hard to do. I wasn't, you know, really sure where to even put this one here. That's why when I had them boys run

the cable, they ran it to the wrong

place. And I talked to John McNealey (phonetic), and he kind of straightened me on where it needed to go, and that's what we was doing.

Q. Who told you originally that you need to put one in the intake?

A. I ain't real sure. I don't remember who told me. I just remember they said it needed to be in case the delta gate got blocked.

Q. Do you know when that was, approximately?

A. No. I forget.

Q. You don't know if it was last week, the last two weeks, last month?

A. No. I couldn't even tell you.

Q. The sensor that you mentioned --- Bill mentioned he saw one when he walked up the longwall, there was a sensor laying there.

A. Yeah. That's where the cable originated from. It came out of that junction box there and went down the belt I think two breaks and then

over. And they didn't take it over to the actual --- where it needed to go. They ran a break short, I believe is what it was.

Q. And where exactly is that? The sensor that he mentioned that he saw there, you said that's the one you were going to ---?

A. Yeah, it should have been at --- he should have found one laying right there underneath 83.

Q. Okay.

A. There was a spool of cable, I think, and there should have been a box laying there with one in it.

Q. Do you recall working on that 83 sensor recently?

A. Yeah. Eighty-three (83) was changed. I had one in there that worked, but it --- the zero on it would disappear, and it looked like it wasn't working. But it just --- the LED in there wasn't --- I took that one off and put a new one in, and then I had that other box laying

there that I was going to put the new one over in the intake in it.

Q. Okay. Do you remember when you was working on that one?

A. I don't remember what --- it was probably late November, I would

say, the 1st of December.
Q. Okay. You mentioned it takes two consecutive sensors to alarm before the audible alarm would go off.
A. Uh-huh (yes).
Q. What if you had a sensor that alarmed and then you had a bad sensor and then you had another good sensor that alarmed, would that trigger ---
A. Yeah.
Q. --- if you had a bad sensor in between?
A. Yeah. On the program it asks you --- you put the COs that you want to actually set the alarm off. And I think if any of those two would go off that's along that line, then it alarms.

Q. So it's along the entire line. It necessarily wouldn't have to be the very next one in line?
A. No, just as long as two go off up the belt line.
Q. Okay. Have you been working at the mine since the 19th?
A. Uh-huh (yes).
Q. What basically have you been

doing?
A. Most of it's been out in the shop, you know, working on scoops or we've went towards Rum Creek and ran some cable that was down, you know, just trying to keep people that are doing stuff --- on the diesel rides and whatnot, keeping all that up. Now, I got my COs back up now going from Rum Creek to Three section, so they can run the belts when they're shoveling.
Q. Okay. To the best of your knowledge, has anybody ever reset the clock on the computer?
A. Yeah. Yeah, it's straightened

up now.
Q. Do you know who did that or who would do that?
A. No. It's right, though. It's with the dispatcher's clock now.
Q. Are you aware of when that was done, ---
A. Uh-uh (no).
Q. --- roughly. Okay. You've mentioned you had a pretty good fire that Karl White and Junior Robinson

had found, and they got called and went up there, and it ended up when they got there, you know, it was flaming, they put it out. Are you aware of any damage or anything that was done as a result of that fire?

A. No. It just burned a couple belt shavings is what it --- I think is what they said. I haven't seen it. I walked down the belt line the other day when we was walking the high line with --- and there was nothing there.

Q. You didn't see where any

cables had to be repaired or anything of that nature?

A. Uh-uh (no). No. You can't even tell there was a fire there.

Q. Okay. You never had to do anything to your system as a result?

A. No.

Q. Okay. When was the last time prior to the 19th that you were in the mother drive area?

A. I'm around there quite a bit. I mean, like I say, I'm always --- I'm on foot. I don't have a ride. So anywhere in that mines I go, I

walk, and that's everywhere. That's up that hill, down that hill. I've walked past it quite a bit.

Q. On the day of the 19th, could you just tell us briefly what you did on that day?

A. On the 19th, let's see, I came in. They said they was having some trouble with a roof bolter that they was using on Ten headgate. So I started up that way. And they said

the breaker knocked on the longwall belt. So I went down there and I put it in and it stayed. And I was going to stay there with it to see what it was doing, and Shiner hollered at me, which is Chris Herndon, he said, that pinner needs to be fixed. Can you come and fix it. So I left there and went down the hill and fixed that pinner. I guess it knocked again, and that's when they hollered at Chad Neal.

Q. Did you ever go back to the mother drive ---

A. Not that day.

Q. --- after that point?

A. No.
Q. Have you been along the takeup area of the mother drive for any reason like on that day, the 19th or say a week prior to that?
A. I'm sure I have a week, at least a week prior to that, but.
Q. Do you recall seeing any fire hose in that area?

A. No, I do not recall. I don't know. There could have been. I don't know.
Q. Do you know what color the fire hose is?
A. It's pink or red, whatever color you want to call it.
Q. Did you see any like laying on the ground or maybe rolled up or anything that maybe you could think of?
A. No, not right off the top of my head.
Q. Okay.
A. I'm not the most observant person that you will find.
Q. Right. When you were there at the breaker, was that a one-shot deal, it had knocked and you put it

in ---
A. Yeah.
Q. --- and then you were called away?
A. Yeah.
Q. No other problems, I mean,

that time you were there?
A. No, it never knocked again. I probably stayed there another 15 minutes before I got called away. And it never had another bit of trouble with it.
Q. Did somebody come and pick you up or did you walk on that Ten headgate?
A. I walked, yeah. You think I'd be slimmer than what I am; wouldn't you?
Q. You say you didn't remember who told you to put the sensor in the intake?
A. No, I don't remember.
Q. You primarily work the dayshift?
A. Yeah, usually, unless there's a problem or something they'd call me up.

Q. Do you ever check the fire suppression system on the belts for the dayshift?
A. Yeah. We check them on

dayshift and on hoot owl. And we do that by running test valves.
Q. And would that require the belt to be shut off then when you open that test valve? How does that usually work?
A. Yeah. It will shut off. But the way that I have been testing it here recently on shift is I can actually stick a jumper in it and do it and see if my alarm opens up, make sure everything comes on right the way it is, and then I take my jumper out and reset everything.
Q. So you don't actually shut the belt off?
A. No. I think then my boys --- I wouldn't swear to it. I think some of them do it on third shift, just to double check me. But I mean, there's nothing that would keep it from shutting off because I actually go make sure the sensor opens up and make sure the contacts would open up.

And the only thing you got from the

contacts this far is a piece of cable. As long as that contact opened up, it has to shut your belt off. I mean, there's no way it cannot.

Q. Okay. Are you aware of any water problems at any of the belt drives in the past or any that comes to remembrance at all?

A. Not that I'm aware of. I know they had some trouble getting water up the belts for a little while until we got the pressure pumps and stuff going, you know, to get the water actually pumped up the hill. That's the only water trouble we really had that I'm aware of. And the pressure pump took care of all that.

Q. Have you ever checked the system and maybe find out that the water had been turned off or anything of that nature?

A. There has been an instance like on the Rum Creek sides where --- on the 48-inch belt. This has

probably been a year ago or something, that yeah, that the water has been turned off. I don't know what reason or another, but yeah it has been turned off, which I think when we found that is with Richard Baugus (phonetic).

Q. Are you aware of where the firefighting emergency materials are located underground?

A. I know where the --- we got fire extinguishers and whatnot at power boxes and like at the pinch breaker. Right there at the mother drive there's a fire extinguisher there and bag dust, but --- then they usually keep the water hoses hung up on the fence somewhere is usually where you'd find those.

Q. At the belt drive?

A. Yeah.

Q. You mean, the fencing at the guarding ---?

A. The screen bolting they put up on the sides. They usually just hang

it on the sides of them.

Q. Okay. Some people sometimes refer to that firefighting emergency

material as barricading material. You know, they'd have maybe like rock dust and so many feet of boards and nails and things of that nature. Are you aware of where anything like that would be located?

A. No, I don't.

Q. Okay. You mention you pretty much --- you know, you do a lot of walking. And if you had an emergency underground, how do you think they could get ahold of you on, let's say, a normal day?

A. On a normal day, usually it's not real hard. We got phones everywhere in that place. But at Ten headgate, they was running phone line down, and it just wasn't down as far as I was.

Q. Excuse me a second. Why would so many communication dead and communication gained entries be on

the CO history?

A. Well, the one on 75, that's just a bad CO. It looked like it needs changed. And then a lot of times, a lot of that is just noise

from where people's cut in phones or they've got a splice wet and --- I mean, all this is general maintenance that we try to repair as it comes along, but you know, you get behind a little bit. But that's --- most of it is --- it's just trouble where people has cut into a cable or something or a rock has fell and hit it and it will give you some communication problems.

Q. Do you use terminator resistors on the CO system?

A. Uh-huh (yes). Yeah, the little small ones, is that what you're talking about? Yeah. Got them at Rum Creek and then there's one on Three Section CO. I think the one on the --- the primary resister on Two head is --- or the Two

section, I think it's gone. I don't believe there's one on it. Now, I don't know about the mother drive.

Q. So if you didn't have one on it, do you think it would cause problems?

A. It possibly could, but --- I've been there, like I say, six

years and probably half of that time or more there hasn't been any terminating resisters on there and it's --- I haven't seen any. The only time I see the problem is when there's something on the line actually itself, and that's usually a cut place, a nick place. When you got 20 miles, 15 miles of cable and something the size of a pinhole is in a cable and it causes you trouble, it's hard to find sometimes.

Q. No doubt. Do you have a scope meter to help to troubleshoot the CO system?

A. No. I use a fluke, a digital meter. I have used a scope now. We

used to have one and the --- the guy that did this before me said it was given to him and he took it with him, so that was the last time I seen the scope meter. And Robert Ellis has one that it's his personal one, that if we get into bad trouble, then he'll end up bringing it.

Q. Since you pretty much maintain it and do most of the work on it, do

you think you need one to troubleshoot the system?
A. I'd like to have one, yeah. That would help out.
Q. Do you have any idea of why that --- or what's your opinion about the calibration history printout? Why do you think that it does not correspond with the CO calibration record book?
A. You know, sometimes I calibrate --- like I say, they're all calibrated. Everything is calibrated before they go into service. So those are not going to be, per se, on

the printout there because I've got a UPS hooked up in the light room. And that's what I do, I calibrate in there. And then another thing is sometimes when I calibrate is, like I say, I got so much stuff going on, that I'll actually calibrate when there's a problem and I'll calibrate them as I'm going along fixing the problem. And a lot of times my communications may be dead, and that's when I'm actually the one monitoring the line. If I got my own

CO monitor or whatever, then I can do it then. I mean, you got to be able to manage --- when you're doing nine men's job and you're the only one doing it, you've got to be able to come up with little tricks of the trade to help you out.
Q. Just when the op ---. Go ahead. I'm sorry.
A. Like I say, when the opportune time comes, yeah. If it's within that time period, yeah, I go ahead

and do it.
Q. That's what I was going to comment on. When the opportunity presents itself, that's when you --- your schedule just changes, depending on what's going on?
A. Oh, yeah. You don't know what you're doing, what's going to happen. I mean, they may tell you something outside and before you get underground, it's changed ten times, I mean.
Q. All right. You've been around the mother drive area a good bit and you've worked up at Ten headgate,

which we was working on the bolter and different things. Do you know why the smoke got from the mother drive area up to Two section?
A. I can only speculate on that. I mean, I don't know the reason.
Q. What would be an opinion or speculation?
A. An opinion would be maybe the doors were open. I mean, that would

be --- that would be my guess.
Q. All right.
A. It shouldn't go up that way. It should go down to the mother drive. It should have went to the longwall, is where it should have went.
Q. Should the master station printout during calibrations correspond with the sensor readout?
A. What do you mean? The master station usually --- it's usually pretty good about showing a lot or everything that happens on that system.
Q. But when you're in --- you said when you calibrate, it goes into calibration mode?

A. Yeah.
Q. So it may not necessarily --- the readout may not necessarily show the CO gas that you put it under when you do the calibration?
A. It will on the sensor, because that's how you can adjust it. That's

all I'm aware of.
Q. But it may not on the printout?
A. Yeah. It may or it may not, depending on if --- like I say, if it was one of the times I'm calibrating and it's one of those dead communication faults because I've got some cable trouble up that way, then it may not.
Q. On the December the 11th, did you have a sensor 188 at the mule train on the longwall?
A. Yeah, that's one 50 foot inby the mule train.
Q. From 822 to 938 it alarmed, nine parts per million on dayshift. Do you recall that event? What do you recall about that?
A. I don't recall anybody that

went down there and looked at it. Maybe they was cutting around it or something.

Q. Okay.

MR. TUCKER:

That's all I have at this time. Your turn. Thank you.

BY MR. FRANCART:

Q. Jesse, I'm going to ask you to go back and look at Exhibit B again. That's one of the CO system printouts again back at the belt boss stop. And you have a message on the first one of the three belt boss stations from master station. What does that indicate?

A. That looks like that is where they stopped the belt from outside.

Q. And how would they do that?

A. Just go to the computer and hit stop, and it would stop the belt. And then the other two would go off in sequence behind them.

Q. So are they all set up to go off together, no matter which one is stopped, or is it one ---?

A. No. It's one right after the

other. If you stop the furthest one out, then the ones behind it will go

off.
Q. So to get this sequence, what would you expect? Which belt would have been stopped? Can you tell us?
A. It looks like Six was stopped first, then Eight and then Seven.
Q. Do you know which belt ---?
A. The way it looks, Six would be one, Eight would be two and Seven would be three.
Q. So the Number One belt, which is the most outby the 48-inch belts, would stop first?
A. Yeah, if that's --- I mean, we could look on the computer and see.
Q. If you stopped the Number Three belt, would they also sequence off ---
A. No.
Q. --- coming outby?
A. No. One and Two would stay running, Three would stop.
Q. Are you familiar with the construction project involving extension of the 72-inch belt in the

northeast mains?
A. Uh-huh (yes).
Q. Do you walk through that area very much?
A. I walk by it, through the double doors there. It's straight on up where I walk the 48-inch belt up.
Q. Have you done any examinations in that area?
A. No.
Q. Do you know who's in charge of that project, installing that structure?
A. The structure would go to Don Haggie (phonetic) and Chris Herndon. They're the construction foremen for outby.
Q. Did you work on that project at all?
A. I'm around them. Like I say, I fix their equipment. That's the two foremen I'm probably around more than anybody. We pair up quite a bit.
Q. Are you familiar with the

ventilation controls in that area?
A. I know the double doors,

that's about --- or the four doors or whatever is right through there.

Q. Are you familiar with the stoppings?

A. Yeah. There used to be a stopping --- see, that's my toolbox that sits in between the doors there. There used to be a stopping right there. They took it out. I don't remember when. And then there was another stopping that was to the right of the KVA boxes back there.

Q. Could you come up by the map and show us those locations?

A. I can try.

Q. First, if you can mark the location of your toolbox.

A. My toolbox set right ---.

Q. Can you label that for us, please?

WITNESS COMPLIES

BY MR. FRANCART:

Q. Now, you mentioned the two

stoppings being removed. Do you know which ones they are?

A. There was a stopping here and then there was a stopping here, I

think.
Q. And those two stoppings are marked in green on the map. The first stopping is to the right of the mother drive in the northeast mains, and the stopping number is 3266, and also to the south of 3266, both marked in green. And the toolbox is also marked in that area below the south stopping. Do you know when these stoppings were removed?
A. Not right off the bat. I think they knocked this stopping here when either they was putting the belt through right there or they set that splitter box right there. I ain't for sure when they removed those. But after they removed them, they went back and hung a curtain right there.
Q. And that's a stopping in the

structure entry ---
A. Yeah.
Q. --- where they're installing the structure?
A. Yes.
Q. Okay. That's to the east of spad 3266?

A. Yeah.
Q. What about this other stopping, do you know when it was removed?
A. No, I ain't sure. They was having some trouble with the heat. That would be the three power boxes right here. They was having some trouble with heat. And I think they said that that was allowed to be removed, so they removed it so they could keep that cooler right there.
Q. Do you know if any of the stoppings between the 72-inch structure and the intake escapeway were removed?
A. I do not know.
Q. Sensor number 75, can you give

us an approximate location on this map where it would be?
A. Is this the belt head right here?
Q. That's an overcast.
A. I need the second belt head is what I need. Do you got a spad number maybe?
Q. I don't. It's just inby that

belt drive, is that where it is?
A. Yeah. It's at the Number Two head on Two section, it would be probably 20 feet behind the motors.
Q. That's all we need to know. You can go ahead and have a seat then. Thank you. Jesse, as far as that heat problem that you had in those electrical areas, was that to the north side of that stopping?
A. Uh-huh (yes).
Q. Where the installation is?
A. Yeah. It wasn't really a problem for me. I mean, the only thing it was doing was on the wench box itself it would say on the fault,

warning, temperature high, enclosure. And it was where it was warm back in there.
Q. That's to the north of the toolbox location?
A. Yeah.
Q. Just to be clear, do you know when those stoppings were removed? Was it prior to the installation of that structure, the belt structure?
A. It was --- I believe it was --- the reason they removed that one

was for the installation of the structure, I'm believing. Had to take it down to put the structure through or they put the splitter box in there. I ain't --- like I said, they hung a curtain back up over it. I don't know --- I don't know which one was first, you know, the splitter box or the structure, but it was all around the same time.

Q. When did you last see a curtain hung in place of that stopping?

A. The next day, I mean --- well, really, just as soon as they got done putting the splitter box in there, they hung a curtain back up and ---. That's why I'm going to get myself in trouble here because I don't --- I ain't real sure, you know, so ---.

Q. That's okay.

A. But it was either the structure or the stopping --- or the splitter box. And then when they got it in there, they put a curtain back up.

Q. Do you know if that curtain

was still in place at the time of the fire?
A. I do not know. Yeah, I do know. It was not there.
Q. It was not there?
A. There was no curtain there at the time.
Q. Do you know when that curtain was in place for the last time, that you know of?
A. No. No, I do not.

Q. Were you through there on the date of the 19th, in that area?
A. Yeah, I was --- I was right by the KVA box when I put the breaker back in for the wench. But the majority of that day I spent probably at about break --- between 20 and 30 on Ten headgate.
Q. Do you know if there was a stopping inby this Number Seven belt tail, to the very inby location? There's one marked on this map, if you notice, right inby the tail of the 70 --- or the seven-inch belt --- Number Seven belt, I'm sorry. Do you know if this stopping was in place?
A. I do not believe there was a

stopping there.
Q. So that's the stopping on this map located between spads 3249 and 3266. The two stoppings that were removed, that you marked in green on the map, what would be the effect on the airflow in the longwall without those stoppings? Do you have any

idea?
A. No. I never really looked at a map. I always thought the double doors kept the air off of it there, but I don't know.
Q. Without those stoppings, what effect would the airlock doors have on the ventilation?
A. Without the stoppings?
Q. Yes.
A. Looking at the map, it looks like it allows the air to go all the way up to Two section.
Q. Do you know who told the people to take that stopping out?
A. No.
Q. You didn't take that stopping out, did you?
A. No.

Q. How did you know that there was no stopping at the tail of the Number Seven belt? Did you walk through that area?
A. Yeah, I've walked through there, and there's no stopping.

That's where the majority of the cables come out of the red starter boxes that's there and they go up that break and down and go over to the motors. Then the other half went down through the double doors.
Q. Do you know who's in charge of making ventilation changes at the mine?
A. The law says the mine foreman. I'm going to assume that's who does.
Q. He doesn't actually make the changes, he directs the changes?
A. Yeah. Yeah, I don't know who would actually make changes on ventilation.
Q. Have you ever asked to have a fluke meter in your possession at all times?
A. The oscilloscope?
Q. Yes.
A. Yeah, I've asked for one.

Supposedly, they're in the process of getting them. If you've talked to anybody there, sometimes our

purchasing ain't the best in the world.
Q. When did you ask for one; do you remember?
A. No, I don't remember. I've asked two or three times, but I don't remember when.
Q. Who did you ask?
A. I've asked Robert and Peanut Sabo (phonetic), the purchasing agent.
Q. Who's Robert?
A. Ellis, the superintendent of maintenance.
Q. Robert Ellis. And what was his response to you when you asked for one?
A. I'll get you one. Like I said, he's got one. And usually if I needed one, he'd bring his.
Q. He uses his personal one, you say?
A. Yes.
Q. It doesn't belong to the

company?

A. No, it's his personal ---.
Q. And somebody had one who retired you said?
A. He left and went to work somewhere else.
Q. When did he leave?
A. It's been a while ago. I ain't for sure. That's been years.
Q. I understand he said it was his, but ---?
A. Oh, yeah, it was the mine's, but he took it.
Q. That happens when somebody retires sometimes.
A. Yeah. They're expensive. They're real expensive.
Q. You've walked the mine a lot. Are you familiar with the escapeways in the mine?
A. Pretty much.
Q. Have you been trained on the escapeways?
A. When you say trained, do I know how to get out? Yeah, I know how to get out.

Q. Do you have drills that you

participated in last year?
A. Have I ever participated in any drill?
Q. In the last year.
A. No.
Q. Do you know if you're required to?
A. No.
Q. How do you distinguish between the two escapeways?
A. There's the reflectors, green reflectors.
Q. What's your primary escapeway designated as?
A. Green. Secondary is yellow.
Q. Do you know if there were any green reflectors in the travelway between the airlock doors?
A. I can't say. I don't --- I honestly don't know.
Q. Do you normally walk through that door? Probably not since you're walking.
A. I walk through it, but like I

told you, I'm not the most observant. If I don't have to observe something, I'm most of the time thinking.

Q. I'm sure you have a lot on your mind.
A. When did you last make the examination of the fire suppression at the mother drive?
A. I don't.
Q. Do you know who does that?
A. That would be Mark Keezer (phonetic). He's a longwall maintenance guy.
Q. Mark Keezer?
A. Keezer, Jr. We got two Mark Keezers at the mines, his dad and him. He's an electrician.
Q. Okay. Thank you. Can you recall any problems with the suppression systems that you've checked?
A. No. They're hard to --- those right there, the ones we used, they're really fail-proof. I mean, as long as you got water in your line

and you don't have any leaks, there's no problem with them.
Q. I think we asked before about who can install phones, and you indicated that just about anybody could; ---

A. Yes.
Q. --- is that right? Have you had any problems with communications failures because of that?
A. Yeah. They'll nick my line occasionally and I'll have to find it.
Q. How about on the phone system itself? Does somebody lose a phone because somebody screwed up, splicing their line?
A. They usually don't --- I mean, we've had instances where, yeah, there's been --- say, they've cut into them or they took a phone loose and shorted the line out or something, and you'll lose phones for --- usually it don't take long to fix that. Those are pretty easy to find.

Q. Do you examine the 72-inch belt where it travels over the overcasts on Number Seven belt?
A. No.
Q. Do you examine any of the belts that travel over overcasts?
A. No. The only ones I examine are on the Rum Creek side. That's

where I fire boss, if I do fire boss.
Q. Do you think that communication errors cause any sense of complacency on the part of the dispatchers because of the number of communication errors that they may get?
A. It don't on --- I mean, we don't have many at all. I mean, it's rare, in a blue moon, that you'll get a communication error that will actually show a fire or something like that. So I'm going to say no because the other ones are --- they're just like, say, the data loss or parity error or something, and those are usually pretty quick. But

again, I can't speak for the dispatchers, you know.
Q. Do you have phones in the belt lines?
A. Yeah.
Q. And how often do you have those installed?
A. You're talking about along the belt line?
Q. Along the belt line.
A. There's a few places, not

--- we got phones at like splitter boxes at the heads. There's usually three located at every head. There's one at the tailpiece, the starter box and the wench box. And then sometimes, like I say, where anybody puts a phone in, if they want one halfway up the belt line or wherever they want to put one, they'll stick one in.

Q. Do you know if the belt regulations require installation of telephones on any regular basis?

A. I do not know.

Q. When you walk through the area of the tail roller, the six-foot belt, what were you doing when you walked through there; do you remember?

A. The tail roller?

Q. The tail roller of the six-foot belt, 72-inch belt, Number Seven belt.

A. Probably just walking. I walked --- a lot of times when I did walk, it seemed like it was a lot easier to walk where the 72-inch belt

was going to go down. That was the easiest way to walk.
Q. There was no specific purpose you traveled through there, though?
A. No.
Q. Do you think you need to be a certified electrical person to install phones?
A. Not really, as long as you watch, you know, what you're doing, don't cut into anything. You know, there's nothing on that cable that

would hurt anybody, you know. You're not going to get electrocuted. You're not even going to get a shock or anything. There's nothing on that line that I would be scared to touch my tongue to, I mean.
Q. Twenty-four (24) volts is the most you have on that line?
A. Yeah, and you can't feel it. I mean, like I say, I'd stick my tongue to it.
Q. You talked about the alarm on the longwall sections before. You have an alarm indicated on the headgate, which you have two sensors that would indicate an alarm; is that

right?
A. Yeah.
Q. Which sensors are programmed to provide that automatic alarm?
A. Eighty-one (81), 82, 83 and 88.
Q. So it's just the sensors that are installed on the longwall belt itself?

A. Yes.
Q. Do you know if the law requires any other sensors to automatically activate that alarm?
A. I was under the impression that was the only one. I don't know.
Q. Why only two consecutive sensors? Is there some reason for that?
A. It's two sensors --- I probably said consecutive, but it's two sensors along the belt line, just any two. I don't --- that's --- I don't know why. That's just the way, I guess, the program works.
Q. Is that from Pyott-Boone?
A. Yeah, it's from Pyott-Boone.
Q. They program it that way?

A. Uh-huh (yes). Yes.
Q. Who do you deal with at Pyott-Boone if you do contact them? Is there anyone in particular?
A. No.
Q. Do you do most of the contact with them when there is discussions

on a system?
A. No, but I haven't --- I haven't contacted them in a while.
Q. If you do have an automatic activation of that longwall alarm, is that on a printout anywhere?
A. Yeah, it should be, definitely.
Q. Do you know what it would be indicated as?
A. No, I don't. Probably --- they're on there. I mean, if 102 is the CO number that would alarm, it would probably show up as that one, if that's what activates that CO right there. It's built --- you know, it ties into the alarm.
Q. I'm trying to find that printout for the 19th. Do you see anywhere on there that the longwall alarm is shown to have activated?

A. No, but I don't believe it would. I mean, from everything that I've heard people say, the air was coming back up the belt. So you're

going to blow past your 83 sensor. It's going to stay clear, and 81 would --- or 82, I'm sorry, would have went off.

Q. So if we had just the two sensors, 81 and 82 went into alarm, ---?

A. I would have to go back and look. I might have said 81. Maybe 81 wasn't on there. Maybe it was 82. Maybe it was down one because 81 was on the tailpiece of Seven belt, so I don't know if it was on there or not.

Q. Okay.

A. But you know, if it was doing what everyone says it was, 83 would have never alarmed. Eventually it probably would have, after it got so smoky up there, but not with fresh air blowing past it.

Q. So you're saying it's possible we could have had those, both of those sensors, in alarm and not had

the longwall alarm go off because of the way it's programmed?

A. Yes, it's possible. I ain't sure if 81 was programmed in or not. I can go back and look. Maybe I got some records laying around the house that I keep to see if I put it in there or what it was.

Q. You have some records you keep at home?

A. Just my little notebook that I, you know --- maybe --- I don't even know if I did. You know, like today I put 80, 81, 82 in the computer. I don't know. I'd have to look to see if I actually got anything that, you know, ---.

Q. Before you said that if there was programming changes, Pyott-Boone would have to come in and help you with those. These changes you're talking about on programming sensors and alarms, you can do that?

A. Yeah, this is different. Yeah. This is --- what it is is an alarm --- and it's not really a program. It's a module, just like a

CO that you put on there. And when you put the alarm on there, then you go inside of that alarm and you ask --- it asks you what do you want --- what COs do you want to activate this alarm. And you put 80, 81, 82, whatever, you know.

Q. So we could check that from the surface?

A. Yeah.

Q. That hasn't been changed since the time of the fire?

A. Yeah. I changed a lot of it yesterday.

Q. Oh, you did?

A. Yeah.

Q. What changes did you make?

A. I accidentally erased my map.

Q. Oh, you did?

A. Yeah, when I was putting the airflow directions on there. So I put it back on there.

Q. Did you change any of the programming of the alarm?

A. The alarm erased. I put it

back on there. I don't --- we can look and see. I mean, I don't know

what changed, if it did change. It may not have did anything.

Q. Okay. What other type of records do you put in your notebook?

A. Just what I do for the day, just my own little personal things. But I don't keep it regularly. But since this happened, I have. If you say hi to me underground, I'm going to write your name down.

Q. Oh, really?

A. Oh, yeah.

Q. Is there a chance we could get a copy of that from you?

A. If I can find it, I'd be more than happy to give it to you.

Q. Okay. The escapeway map on the surface, are you familiar with that?

A. I've seen maps on the surface. Don't pay any attention to them.

Q. Do you know where they're located?

A. There's a map in Pepe's office, and then there was a map in the dispatcher's office, but I believe it was --- it had the Three section in the wrong place. It was

the first projection for it.
Q. If there was a change to the escapeway, how would you know if you didn't pay attention to those maps?
A. Word of mouth. I don't go in every day and look at maps. I mean, that's just not something I'm in the habit of doing. I don't know --- should I be?
Q. If there would be a change in the escapeways, would somebody notify the miners?
A. Oh, yeah, I'm sure they would. We have safety meetings every Monday, I mean, and I'm sure they'd have one --- if they changed anything, they would tell you.
Q. Do you know, has that happened in the past?
A. Not that I'm aware of.

Q. The Allen-Bradley system, you say it does not record any data?
A. It's a monitor only system, just to start and stop the belts and tell you what's wrong with them, if the gob switch is off or whatever.
Q. Are there any records made of

the information that comes across that system by the dispatchers?
A. Uh-uh (no).
Q. So if a belt would go down, they would just know it went down? Somebody called, they would tell them?
A. Yeah, they'd say what belts are off, and you can look on there and say well, Three belt is off on the tail switch, you know, and you get ahold of the beltman. He'd go down there and get a rock out of the rock box, whatever needs to be done.
Q. Would those instances show up on the records that are transmitted from the headgate operator to the dispatcher on the two-hour reports?

A. Oh, yeah. Yeah.
Q. So they would mark on there when ---
A. Yeah, what belt is down.
Q. --- the 72 belts went down?
A. Yeah.
Q. Going back to that escapeway map, is there an area at the mine where men usually congregate before they go underground?

A. Yeah. Where everybody sits or congregates is as soon as you walk out of the bathhouse there's some --- there's a table and some chairs or benches, and everybody sits right there.

Q. Is there a map in that area at all, that you know of, marking the escapeways?

A. They're used to be one on the table with a piece of Plexiglas over it. I don't know if that's still there or not. I ain't paid attention. It used to be right there.

Q. And that had escapeways marked on it?

A. It was a map. I'm assuming, it had red and green lines.

Q. What would the red lines indicate?

A. Or yellow and green, I'm sorry.

Q. Oh, yellow and green?

A. Yes, yellow and green.

Q. Okay.

A. I assume that would be ---.

Q. And what do they indicate?
A. I would say primary and secondary escapeways. But I don't know how old the map was or, you know, if it's still even there. Again, I'll go back to the observant point.
Q. That's okay. On the longwall tailgate being blocked, what exactly was blocking the tailgate to travel; do you know?
A. What I come to is maybe the tail entry wasn't drove as straight

as it should. Sometimes I don't know if they see it. And then when it cut out, it don't cut all the way out and then it falls open or something.
Q. They didn't tell you what was blocking the ---?
A. No. I mean, it was just blocked for a matter of just, I guess, minutes, really. Because they never said that it was blocked. I mean, you know, they said it blocked, then it came open, so we don't need one, but we need to get one up there in case it does get blocked.
Q. Are you familiar with the

alpha reports, the two-hour reports, that come in ---

A. Uh-huh (yes).

Q. --- to the dispatcher? Do they record what time the belts went down on those?

A. Oh, yeah. Yeah, religiously. Trust me.

Q. And that time, does it pretty much match up with the dispatcher's

time?

A. Uh-huh (yes). Well, the dispatcher gets it. That's how the dispatcher gets it. He don't say, okay, three blocks off, write it down. He just --- the longwall would call. I'd say, what's wrong with the belts. And he'll say, 83, there's somebody on their way. And then when they get running again, they'll holler out and say, okay, we're running. And then a lot of time, the foreman up there marks down what time the belt went off and what time they started running. And if that's a 15 or 20-minute time, then he'll say, all right, 15 minutes down on Three

belt.
Q. So we won't know what time the belt was shut off. We would know the extent of the time that it was shut off, is that what you're telling us?
A. You would know. Yeah, you'd know when it shut off. Whenever their belt quits, they'll write it

down.
Q. Okay. If we can go back to the 29th, on Exhibit D, that's the day that we had a fire out on the north mains belt and smoke traveled inby?
A. Uh-huh (yes).
Q. I believe it starts on page ten. I know you don't have a map that shows all the sensors on it, but could you kind of take us through from what you know, where those sensors are on the belts, where the smoke traveled during that fire?
A. Okay. It started out --- 94 is at the tailpiece of Five belt.
Q. Could you come up to the map and mark this one for us? That might be a little easier for you. We'll use a red pen. If you can mark

approximately, if you can --- maybe it's too far south on this map.
A. We will have the ---.
Q. First sensor?
A. And this down here somewhere.

Q. We'll assume that the CO sensor that first went into alarm is south of the map. And what would you say would be the direction of airflow and smoke from that location?
A. North.
Q. So we'll just mark, if you would, a small circle off the actual map to show ---.
A. There's two of them there.
Q. Okay. So we have two sensors that are off this map. If you can go from there?
A. The next one was 50, and that was, that's the one at the motors at Six head. And it's also off the map. And 51, which would be --- 53 would be there, at the end of the Six belt head. And 80 is somewhere from there. It's around the motors on the Seven belt.
Q. On Number Seven belt?

A. Uh-huh (yes). Eighty-one (81) is right here.
Q. Do you have them marked

already? Did 82 get an alarm on there, do you see?
A. Not that I'm seeing here.
Q. How about 83, which is inby both of those sensors?
A. No.
Q. Were there any sensors on the 48-inch belt that had CO on the fire?
A. The 48-inch belt?
Q. Yes. I think 71 is the first sensor inby the drive, Number One belt.
A. No, not that I see in here.
Q. Do you know if there's a sensor inby the tail of Number Six belt?
A. Inby the tail? Yeah, that would be 53. It's actually the tailpiece.
Q. Okay. Can you draw that where it would actually be?
A. Yeah.
Q. Thank you. Do you also have sensoring where this transfer air is between Number Six and Seven belt?

A. Yeah. There's one right here. That's what I'm looking at here. It looks like they had it turned off because they turned it back on right there. It went dead. I don't know why they did that because the belt went off. Yes, at 52.
Q. And do you have any other sensors in this drive area of the Number One belt?
A. Yeah. There's a CO at 70.
Q. This is exact here or Number One belt up here on the 48-inch?
A. I'm off; ain't I? Fifty-two (52) would be here and 70 would be here.
Q. Do we get alarms in either one of those sensors?
A. No, not on 70. Not on 52, that I seen.
Q. Do you have any idea why the sensors reacted that way?
A. It was all the smoke was going up the belts. It just hadn't filtered over because that's --- it

should have, but I don't know why. I

can speculate. Fifty-two (52), looks like they had it turned off. I don't know why they would have. Like I say, I wasn't there that week. I was off for about 14 days in that period.

Q. What about sensor number 82 on that fire, with the airflow directions you indicated, would you expect that one to also have alarmed?

A. Yeah, I would expect it. But without these stoppings, I don't know if I would.

Q. Which stoppings are those?

A. Going to the east and west of spad 3266.

Q. Thank you. Thanks, Jesse. Did you ever receive specialized training from Pyott-Boone on the CO system?

A. No.

Q. Did you receive training from anyone?

A. No.

Q. Is this all kind of

self-taught?

A. Yeah.

Q. You learned basically from the operating manuals, from the ---?

A. Yeah, from the operating manuals and the guy who took the oscilloscope. Occasionally I'd see him and just kind of picked up a little bit of what he was doing.
Q. Did you work with him for a period of time?
A. Occasionally.
Q. Was that considered training by the company; do you think?
A. No.
Q. Since the fire on January 19th, have you been instructed to install or maintain sensors in new locations or in new ways?
A. No. Just the only thing that I've been instructed to do is put the --- from Rum Creek to Three section back on line so they can run the belts.
Q. Who is Chad Neal?

A. Chad Neal is a longwall electrician. I think he does more setup for them, setup electrician.
Q. I have a clarifying question on the calibration of the CO sensors. Could you take us through

step-by-step just to make it clear for us how you calibrate a sensor?
A. Yeah. When you come up to a sensor, you push the calibration button, and it will flash three times. It will say air. You put your air --- your container that contains zero air, put it on there and turn it on, it should stay zero. If it don't, you zero it in, take it off and you put your --- hit next and it will go next and then it will say gas. And you put your gas on there, and it should go to 25 parts, 50 parts, whatever you're using. And if it goes to --- if it don't, then you run it up or run it down until you get to your desired 25 parts per million on it.

Q. And then after that you ---?
A. Then you hit end and it turns off and goes down.
Q. When people are going to do any maintenance on third shift like cutting, using the torches out wherever they're using them, do they notify the dispatcher that they're going to do that work?

A. No. No.
Q. There's no requirement for them to do that?
A. No. That's why I said Mike, he's usually stuck with that. He usually hollers down and sees if anything is going on.
Q. Are people required to let the dispatcher know where they're traveling in the mine when they're going underground?
A. They do. I don't know if they're required to. But I guess everybody got in the habit, when we had rail, to holler for the road, so ---. We don't have rail anymore,

so ---.
Q. The fire that Karl White and Junior Robinson --- or Robertson extinguished, would you consider that to be a hazard?
A. A fire? Any fire, I guess, could be a hazard. I mean, ---.
Q. Would that be something that would be required to be recorded in some kind of a record book?
A. As far as I know, they did

record it in their logbook. I don't know --- I mean, I don't know nothing about that fire. I just know they had a fire and that's really about it. Them two went down there and put it out. Like I said, I was gone all that week.

Q. There was a violation written by the State of West Virginia on inadequate air quantity on the longwall face prior to the fire. Do you know anything about that?

A. Uh-uh (no). No, I don't know anything about that.

Q. Do you know what the purpose of those airlock doors are at the headgate area on the travelway?

A. I figured it was to deflect air where it couldn't go up that way and it would go down the longwall belt.

Q. Once you go through those doors, do you know if you're in the belt or intake?

A. As soon as you go through those doors, you're not in the belt, you're in the entry beside the belt. And I always thought all that was

intake up through there, every bit of it, except for One return.
Q. Are you familiar with the ventilation plan at all at the mine?
A. I'm familiar. I mean, I --- I guess as good as I can be.
Q. Do you know whether or not air from the 72-inch belt, Number Seven belt, is allowed to be used on the Number Two section to ventilate it?
A. From the 72-inch belt? I'm

going to assume it is. I mean, that's why we got the CO sensors every thousand feet, and they use belt air in the face. I mean, that's what they say, they use belt air in the face.
Q. Do you know if it's allowed to be used as part of the primary escapeway?
A. I don't know.
Q. Do you think that the tailgate being blocked would affect the direction of the airflow on that belt on the longwall?
A. It probably could. I mean, that would block your return, I

reckon. That would significantly shut down on how much pull you're going to have, I would assume. I mean, I'm not a longwall person.

Q. Did Inspector Justice ever indicate to you that he needed an alarm on Number Two section?

A. No.

Q. Did anybody from the company

ever suggest that you needed one?

A. No.

Q. Do you think you need one there?

A. I do now.

Q. Why? Why do you think now?

A. Well, they said I do now.

Q. Who said that?

A. I believe Robert told me to put one up there when everything gets back up and running.

Q. Robert is?

A. The superintendent of maintenance.

Q. Last name? Robert Ellis?

A. Yes.

Q. Do you know who trains miners on the basic operation of the AMS system?

A. No.
Q. Do you train anybody on how the system works?
A. No.
Q. Anybody ever ask you what the system is and how it works?

A. No.
Q. Do you have any formal training at all on the CO system?
A. No formal training.
MR. FRANCART:
Do you have some more, Bill?
MR. TUCKER:
Yes.
BY MR. TUCKER:
Q. Do you know who the mine foreman is at the mine?
A. Dusty Dotson.
Q. Now, you mentioned you had fire bossed --- mainly when you do that, it's on the Rum Creek belts. Have you ever had to fire boss a working section or idle section?
A. No.
Q. You marked on the map a couple stoppings that were in the area of

the mother drive at the double doors and at the tailpiece of the Number Steven belt. Did you happen to be there the day either of those were

knocked?

A. I was there. When I went by there, they was up that morning. When I came back, they was gone.

Q. So you had went on inby while that work was actually being performed?

A. Yeah. Yeah.

Q. Where did you go?

A. I don't remember exactly what I was doing or --- I remember being around the area.

Q. Do you know who the foreman was on that particular work that was being done when those were knocked?

A. Probably Chris Herndon.

Q. Have you ever seen like a mine foreman or a foreman walk through that area from the tailpiece on up around the power centers?

A. I've talked to people up in there, mine foremens and whatnot. You know, I've talked to Terry Shadd at the double doors, and Dusty has

drove by. I haven't seen him walking

up through there. I haven't ever talked to him.

Q. While you were working in that area. Have you worked there very often? You mention that that bunch is pretty rough on equipment and you have to repair it. Have you worked in that particular area at the tailpiece at the 107 belt ---?

A. Once I set the mother drive, it becomes part of a longwall. They do all the inspections and checks and upkeep of it, really.

Q. Like when the construction crew is down there working, say, putting in --- extending the belt on up through there if they have a scoop or whatever and it tears up, do you go fix it or ---?

A. Yeah. Yeah. I will.

Q. That was my question, if you worked in that area very much during the construction or ---?

A. No, not that area. What they did, they put the structure up to

that stopping and then they just ---
for a long time they left it --- they
put the structure all the way up.
And then I guess when they was going
to put the splitter or they was going
to extend the construction on through
is when they actually knocked that
stopping.
Q. Right. If you were going to
make a calculated guess on when that
stopping was knocked, what time frame
would you put that in?
A. It's purely a guess, I mean.
Q. Right.
A. November.
Q. Okay. Then we're talking
about the stopping inby the tailpiece

A. Yes.
Q. --- of the Number Seven belt?
A. Yes.
Q. Do you receive like a work
printout each day on your --- and
then have to turn it back in to the
foreman at the end of the shift

or ---?
A. No. We are right now, just
because we're down. But like I say,

the mine changes so much, I'm just Mr. Fix-It on-the-spot kind of ---.

Q. Right. So prior to the January --- or the 19th, you didn't --- you basically got your work orders by word of mouth?

A. Word of mouth, yeah.

Q. Okay. Do you do any weekly examinations of belt boxes, ---

A. Yeah.

Q. --- KVA boxes?

A. Yeah.

Q. And where do you keep those records on your weekly checks?

A. In the 72 and four-foot belt book, electrical book.

Q. Electrical book, okay. You mentioned you've been in the area of the fire on the Number Five belt?

A. Uh-huh (yes).

Q. Do you think that fire should have activated the fire suppression

system?

A. No. That was way far away from the fire suppression system.

Q. Okay.

A. The sprinkler-type system

would actually --- you know, you have to get 150 degrees and melt that stem out in order for it to go off.

Q. Okay. Were you aware the longwall lost communications on the 19th, the date of the fire?

A. No.

Q. Do you know what they used to knock the stoppings out that you've indicated on the map were knocked?

A. I believe the scoop.

Q. Scoop. Where would they get that scoop from?

A. I don't know. If it's a construction crew, they got their own scoops.

Q. They usually keep one with them?

A. Yeah.

Q. Do you know who usually runs a

scoop or is it different people or ---?

A. Different people.

Q. Nobody in particular that runs it more than others?

A. No.

Q. I believe you may have already clarified this, but just for my

memory, the breaker that you put back in on the 19th where they had had trouble with it knocking, exactly what breaker was that?

A. It's the wench breaker.

Q. For the mother drive?

A. Uh-huh (yes).

Q. I know you've had a good bit of discussion on calibrating the sensors, but when you calibrate the CO sensor, do you leave the gas on the sensor long enough for the computer to scan the sensor?

A. I assume.

Q. Basically once it reaches --- say, if you're using the 25 parts per million, once it reaches that, ---

A. Yeah, I take it off ---.

Q. --- as soon as it hits 25, you take it off and hit enter?

A. Yeah.

Q. Okay.

A. And it's got that two minutes where it don't --- I guess it don't scan so it won't alarm outside until it goes back to zero.

Q. Right, until it bleeds back

off. Okay. Should a CO sensor indicate an alarm only once or twice or should it continue to show alarm as long as CO is present?
A. I ain't sure. I think it will just alarm that one time, unless --- so it was to go up and then go back down and then go back into alarm mode again, it would just alarm the one time and stay in the alarm mode.
Q. Would communication problems affect the sensor in the alarm mode?
A. It should not. I mean, it might say alarm and then you might go dead, but as soon as it came back on,

it should show alarm again.
Q. Pick right back up?
A. Yeah.
Q. Do you install the storage units?
A. No. That would be Don Haggie and Chris Herndon that installs the storage units.
Q. So you don't participate in belt setup?
A. No. I'm just --- really just the wiring person.
Q. Are you familiar with the

dropoff trip levers?
A. I'm familiar with them.
Q. Would you know if they would normally be in working order when the unit is installed?
A. Should be. They should be in working order.
Q. Are you aware of any problems at all with the longwall mother belt storage unit?
A. I've --- like I say, I've heard that it's --- the dolly has

actually cocked one time before, and it threw the belt over and it smoked a little bit. And they pulled it back, and it straightened up. But other than that, that's the only problems I am remotely aware of.
Q. On the 19th --- I know you went to reset a breaker, had you heard any discussion at all about the belt running out of alignment on the dayshift?
A. On that day?
Q. On the 19th.
A. No, sir.
Q. Okay.

MR. TUCKER:

That's all I have at this time.

BY MR. FRANCART:

Q. We'll try to get through these as quick as we can, Jesse. I know some of these are clarifying questions, so please bear with us on these. Who would normally examine the area from the mother belt head

drive down the 72-inch belt and in the construction area? Do you know who would do that?

A. Different people. I mean, whoever was the beltman at the time. If the beltman is a certified fire boss, probably him. If he's just a belt man, then it would be Terry Shadd or maybe Shiner, Haggie, Don Haggie, any of those guys would do it.

Q. How would the Number Two section be notified of an alarm?

A. The dispatcher.

Q. And how would he do that?

A. Either he'd shut the belt off or he would holler at them on the phone. They got a light that's if

you push 002, I believe it sets an alarm off up on the miner section, so it's only going to flash.

Q. Are you familiar with the overcasts up at the 72-inch belt?

A. I've seen them, yeah.

Q. Do you know where the doors

are installed on those overcasts?

A. The doors ---?

Q. Man doors.

A. Yeah. If you're going up 72 belt, you have one right behind the head drive itself, and then where the rides and stuff pass by, those two man doors, yeah.

Q. Are those doors normally left closed?

A. Yeah. Yeah, those are usually closed. I know we found them cracked before. You know, like Terry Shadd was up there with me one day we found just a little bit cracked, and he kind of got irate over that.

Q. Do you know which way they open?

A. I'm thinking they actually open with the flow of air.

Q. Can you tell us what the exact location of a breaker for the takeup is that you repaired that day for the fire?
A. I didn't do any repairs on it.

I just set it up. It's a --- if you look at the white KVA box, it's the breaker to the --- there's two. There's a spare and there's that one. I ain't sure it's --- it's the only two round ones on the box. They're round. And that's just to the far left of the one directly beside of that one.
Q. As far as the programming of the sensors, is there somebody that makes the decision on which sensors automatically activate the alarms on the sections?
A. Like I said, I just put the ones that was going down the mother drive belt.
Q. So it was your decision to do that?
A. Yes. I assumed that was what they wanted. I don't know any law or anything on that.
Q. We're going to have to ask you

to come up and mark on the other map here again a couple things just so we

have it on the record, if you don't mind. Sorry I didn't have you do this before. Could you just label the stoppings which you indicated were taken out?

WITNESS COMPLIES

BY MR. FRANCART:

Q. And this stopping that we indicated before between these two spads you indicated was not there, was that not there or was it taken out?

A. I've never seen one there.

Q. What else do we have to label on here? Is there something else you wanted --- okay. One thing we do need is for you to sign this, your name and date it, please, February 28th.

WITNESS COMPLIES

BY MR. FRANCART:

Q. On the overcast and the two doors that we talked about, could you mark that one on here also?

WITNESS COMPLIES

BY MR. FRANCART:
Q. And could you mark for us, just for the record, the air direction on the 48-inch belt on up to the Number Two section?
WITNESS COMPLIES
MR. FRANCART:
Go ahead, Bill.
BY MR. TUCKER:
Q. I just got a couple more for you. On the 19th, when you went and reset the breaker, was there anybody else working in that area? Did you notice anybody else at all?
A. I believe Karl White was up there.
Q. Karl White? Did you notice if that curtain was hung across the entry inby the tailpiece on the 72-inch belt?
A. At the --- the one where the stopping was?
Q. Yes.
A. Yeah, there was no curtain there.

Q. There was no curtain on the 19th?

A. No.
Q. Okay.
MR. FRANCART:
If you don't mind, Jesse, we need to take about a five-minute break and then we'll come right back. Okay?
A. That's fine.
SHORT BREAK TAKEN
BY MR. FRANCART:
Q. Jesse, how often did you travel down through the 72-inch belt to travel inby on northeast mains?
A. I traveled at least a couple times a week, just whatever --- whichever way I was going, if there was something up the section that needed done or something up at the Ten headgate that needed done. Just whenever there was something that needed done up that way.
Q. Okay. Can we ask you to come up to the map just one more time?

ATTORNEY BARISH:
Hopefully.
MR. FRANCART:
Hopefully, yeah.

Thanks, Dan.

BY MR. FRANCART:

Q. You mentioned before that there was a curtain that was installed after a stopping was removed?

A. Uh-huh (yes).

Q. Can you mark on here in black which curtain that would have been?

WITNESS COMPLIES

BY MR. FRANCART:

Q. And that's to the east side of the 3266 spad? Thank you. One last thing on the map then. Just to be clear, this curtain that was installed, was it in place on the night of the fire?

A. No.

Q. Would you please mark that on the map? That was not in the night of the fire, January 19th? Thank

you. One more thing on this map then. When you walked this area, did you happen to check the stopping line south of the travelway?

A. No. The only place I ever paid attention to was right through here.

Q. Was there a stopping there?
A. No.
Q. Would you mark that on there for us, too, please?
WITNESS COMPLIES
BY MR. FRANCART:
Q. And there is some reason that you would pay attention to that particular location?
A. After I hung them cables, the spools were laying there and I kicked them down the hill.
Q. Okay. Good reason. Okay.
MR. FRANCART:
Thank you. I think that's all we have on the map.
BY MR. FRANCART:
Q. Just to be clear on the use of

belt air, did you feel that the air off the 72-inch, Number Seven belt, was being used on the Number Two section?
A. I really never paid any attention, honestly. I just do what I'm told.
Q. Do you believe that the lack of a separation between the 72-inch

belt and that intake escapeway was a hazard?
A. I personally don't believe in belt intake --- I think all belt lines should be isolated, myself.
Q. As far as isolated, do you mean that the belt air shouldn't be used, that it should be isolated to a certain point?
A. Yeah. I just don't think belt air should be used, myself.
Q. Why is that?
A. Just, for one, I mean, you got dust on the belt and the belt catch on fire. I mean, there's just a number of reasons I don't think it

should be. I'm not an engineer or anything. We went to mine school or anything, I always thought that they told you you isolate your belt line with stoppings and put box checks at the beginning and end of the belt line to keep it isolated. And that's just the way I would do it.
Q. What school did you go to?
A. Just the mine foreman class that Massey sends you to if you want to get your papers.

Q. And who teaches that class?
Is it Massey or is a contractor?
A. Ed Tafen (phonetic) teaches
that class. He's a contractor.
Q. Does he teach a number of
mines in the area or is he just
Massey?
A. I don't know what all or who
all he teaches.
Q. Do you know who would have
removed those stoppings that you
marked on the map?
A. I could just assume. I mean,

you know, that's all I could do. I
never seen nobody physically take
them down.
Q. Do you have any idea who may
have?
A. I would assume the
construction crew.
Q. You told us who was in charge
of that crew earlier.
A. It would be Chris Herndon.
Q. And do you know any other
people on that crew and can you name
them?
A. Derrick Vonater (phonetic),

Eric Lester. I know all their first names for sure. I number of them got killed on the drug test, so they're no longer with Massey. Nick, and I ain't real sure of his last name. Richard Williams, he's no longer with Massey. He works for Jupiter now. Greg Hensley, Don Haggie, and then they --- there's more, but I can't picture their names right now. That's the ones I remember off the

top of my head.

Q. Thank you. Do you have any concerns that those stoppings were removed?

A. Did I have any concerns? No, I thought they was supposed to be like that.

Q. Don't get mad at me if I ask you to come to the map one more time; okay? Would you please come to the map one more time?

A. Yeah.

Q. On the 72-inch belt we have a number of overcasts marked on the map. Do you know if all of those overcasts were in the day of the fire?

A. Yeah. As far as I know, they was all in. Let's go through there, the doors. Right there. I'm pretty sure. I'm pretty sure all of them was in.

Q. Do you know if there's any new construction in that area of the airlock doors?

A. Since the fire or before the fire?

Q. Before the fire.

A. Not that I'm really aware of, no. It gets low right there, so I'm pretty sure those two are.

Q. We talked about the fire on December 29th before where the smoke traveled inby on the north mains belt. And we didn't have smoke coming up the 48-inch belt. And you said you could speculate on why that would happen. Could you speculate for us why you think that smoke didn't go up the 48-inch belt?

A. Well, I'm just assuming that it went up to 53 here, so maybe it's going up here and out somewhere.

Q. Do you know how it was going

that way?
A. No.
Q. Do you know of any airlock doors being constructed in the northeast mains after the fire occurred?

A. No.
Q. Thank you. Jesse, could you just mark the area where there was a heat problem where the stopping was removed?
WITNESS COMPLIES
BY MR. FRANCART:
Q. That's just the north side of the stopping that was removed. Mark it in red.
WITNESS COMPLIES
A. That never shut the belt down or caused any problems. It just would cause your light to flash on the boxes like a warning.
BY MR. FRANCART:
Q. The heat from that?
A. Yes, and the --- inside the little box was just hotter than what it was supposed to be, you know, inside the red box. You could kind of --- if you wanted to, you could

crack the door a little bit and it would go away, but that's --- that was the extent of that problem.

Q. Thank you. On the 29th, when you had that fire, do you know what the air direction was on the 48-inch belt?

A. No.

Q. Could it possibly be coming outby in that area?

A. I don't know.

Q. Why did you think that that stopping was removed because of the heat? Did somebody tell you that or did you recommend that?

A. No, I didn't recommend it. When you would go back in there, it was like being in a sauna. I mean, when you got three boxes back in there, and especially your box that's running your motors, it gets warm. And you know, your KVA box gets warm anyway. People cook on top of them if they want to put a --- on about any box, you can put you a frozen TV dinner in a box on it and have you a nice warm lunch if you want. So they

put out heat anyway. It's enclosed

right there and it will all just stay right there.

Q. Do you know who took that stopping out?

A. No.

Q. The Number Seven belt, is it supposed to be common with the northeast mains intake?

A. I don't know.

Q. Are there any other reasons that those sensors in the 48-inch belt wouldn't have gone off on the fire on the 29th?

A. Just if the smoke wasn't reaching. That would be the only reason I would know.

Q. So the air would have to be taken somewhere else other than the 48-inch belt?

A. Yeah, taken somewhere else. Or maybe it was --- I don't know if it could. Maybe it could go higher and go over top the overcast, you know, above the sensor. I don't know if it could or not. The sensor is

about chest level, you know, and the

overcast is --- I don't know.
Q. The 48-inch water sprinkler system, is it provided with a visual and audible alarm; do you know?
A. It don't --- when we buy the system, it doesn't come with one. It comes with two 50-foot joints of hose, a manifold and a flow switch, new, is what they come with. Now, I put the old faithful box on them just so we'll have an audio and visual alarm.
Q. Do you have those installed on the 48-inch belt also?
A. On the 48-inch belts, they go into the Pyott-Boone belt box, the 1010 belt box system. You know, they have an audio and visual alarm on those.
Q. And where are they located?
A. They're on the starter boxes theirself at each head.
Q. Do you know if the doors, the airlock doors in the travelway have

ever been opened to remove smoke from that area?
A. Not that I'm aware of. I

don't know.
Q. Do you know if anybody knew that the air from the 72-inch belt was traveling to the Number Two section?
A. Not that I know of.
Q. As far as the emphasis on safety at the mine, do you think it is secondary to production?
A. It's a safe mine. It's --- I don't feel that it is. They have their safety meetings and they seem like they care about safety. I mean, I'm not scared or anything. It's a good place to work and I --- everything that happened that night in question there is just --- I guess a lot of things had to go wrong or something. I mean, it's just a freak accident. But yeah, I think they're a safe company.
Q. Do you know what caused the

fire?
A. I've heard.
Q. What have you heard?
A. That the belt had rubbed into the structure or to the bearing and caught on fire.

Q. Have you heard why smoke got into the intake escapeway?
A. That I haven't heard.
Q. Who did you hear the cause of the fire from?
A. There's numerous people. I mean, ---.
Q. Just a general rumor?
A. Yeah. Yeah.
Q. What do you think could be done to prevent that type of a fire in the future?
A. If that is found to be the cause?
Q. Yes.
A. I don't know. I mean, that area up there, it was well rock dusted. It looked like it was sitting in a creek bed it was so wet.

I mean, I don't know how it burnt like it did.
Q. I know you don't know how smoke got into the intake escapeway, but do you have any ideas on how we could prevent fatalities like this happening in the future?
A. I'm not --- maybe sitting down

thinking about it a little while, but not right off the top of my head. I mean, from everything that I've heard and talked to the dispatcher, as soon as Bryan Cabell got up there and he seen the fire wasn't going to be containable, they stopped the belts and the section started out. I mean, that's a pretty quick response time, from what I --- I mean, if what I've heard is true, you know. So I mean, they got out quick. Maybe have a rope or something at the section so that the guys can keep ahold of it maybe if they do encounter smoke, you know, a lanyard for each other ---- when they all got off their ride, you

know, everybody hold onto the rope so they could stay together. That's just --- from what I hear, that's what --- how the two guys got killed, is they got --- panicked and separated. I mean, if they had a rope, they could hold onto it.

Q. Do you know if the booster pumps that provide the water to the sections, have they ever not been operated when the longwall has been

operating?
A. No. Them pumps operate all the time.
Q. All the time?
A. Yeah. You don't want to turn them off. You'll get air in your line, and then you go start it back up and you'll blow a line. You want to keep your line full.
MR. FRANCART:
Bill?
BY MR. TUCKER:
Q. Did you happen to attend a meeting at a grade school after the

fire?
A. No, I did not go to that meeting.
Q. Do you know if belt alignment switches has ever been used around the storage unit or the mother drive belt?
A. No, they have not been used.
Q. Did they use them anywhere at the mine, that you know of?
A. No.
BY MR. FRANCART:
Q. Just a couple more clarifying

and I think we'll be finished.
Without the stoppings across the 72-inch, Number Seven belt, why would the equipment doors reverse air on the longwall belt?
A. It just looks --- you see the air coming down through on the crossover right there. To me, you know, --- I don't know. I mean, I could speculate and say stuff, and I don't know. It just looks like if maybe your draw on top of the hill is

greater than the draw on the tailgate side and those doors are open, that's exactly where the air would want to go.
Q. Talking about smoke going over the overcasts on the 29th, do you remember that? Why wouldn't it be picked up further down in the 48-inch belt if it did bypass the first sensor?
A. I don't know if it made it that far. I mean, I don't know where the smoke went or what --- if it went on up the 72-inch belt and out somewhere up that way or --- I don't know.

Q. Did you ever open those airlock doors on the travelway?
A. To travel through them, yeah.
Q. Do you know what the air direction was when you opened those doors, which way the air would want to flow?
A. No.
Q. You never took notice of that?

A. No.
Q. The air direction at 72 belt, you've already marked on here that it was moving inby toward the Number Two section. Was the air coming from the mains, north mains, into the 72-inch belt at the mouth of the northeast mains?
A. Northeast mains? I don't understand.
Q. You've marked the air direction as inby right here at the mouth of the section, ---
A. Yeah.
Q. --- the mouth of the mains. So the air was coming up the north mains and making a turn in here?
A. Yeah, some of it. Some of it

went straight and some of it would have to go that way.

Q. Who determines when the booster pumps should be turned off or on; do you know?

A. No, I do not know that.

Q. Is there any kind of a log

that's kept of that, whether or not they're turned off or on?

A. Not that I know of.

Q. Do you know if anybody keeps a notation on the surface whether or not those pumps have been turned on or off?

A. No, sir.

BY MR. TUCKER:

Q. Just a couple more, Jesse. At the end of your shift on the 19th, how did you come outside that day?

A. I rode out with Shiner --- or with Chris Herndon. We rode out on a 15-man diesel ride. We came through those double doors right there, under the mother drive and outside.

Q. Was there anybody in that area when you all came through that you noticed?

A. I don't know. I don't

remember.
Q. The mother drive area or ---
A. I don't remember.
Q. --- the double doors? Do you

remember, did somebody off of your crew that you rode out with, did they open the doors ---
A. Yeah.
Q. --- or did somebody else open them?
A. They opened the doors.
Q. Do you know about what time that was you all come through there?
A. Yeah. It was four o'clock.
Q. When you come through the double doors ---
A. Yeah.
Q. --- is right at four o'clock?
A. Right at four o'clock.
Q. Did you look at your watch or ---?
A. No. They was making a comment of how fast Haggie was driving because we always get out late when you're up on that section there, ---
Q. Right.
A. --- and we was moving. We was

getting outside.
Q. So is that the construction

crew riding out on that mantrip?
A. Uh-huh (yes), construction.
Q. It wasn't the Two section crew?
A. No, it was the construction crew.
Q. Construction crew. And Mr. Haggie was driving the ---?
A. Yeah, he was driving the manbus.
Q. And you said you all opened the doors yourself?
A. Uh-huh (yes).
Q. So you didn't notice anybody in that area in particular?
A. No, not at the time I didn't. I don't know if Karl was still there or if Bryan was there. I didn't see anybody.
Q. Okay.
BY MR. FRANCART:
Q. One last question --- two last questions. Can you come to the map just one last time? I promise this is the last question. Could you mark

for us the air direction that you would have observed when you walked past the tail of the Number Seven belt? Was it traveling in an inby or outby direction?

A. I really don't know. I never really paid any attention. Just looking at it, it should say it goes that way, but --- I'd just be writing it because that's the way ---.

Q. Logically, you would think that the air would move inby?

A. Oh, yeah.

Q. What about the location of the curtain? When that curtain was in, did you ever have opportunity to walk past that?

A. No. They had that curtain fairly tight. You'd tear it down if you tried to go through it.

Q. Did you notice what kind of pressure was on that curtain one way or the other?

A. Nope, never paid any attention.

Q. Do you have any idea when that curtain was installed?

A. It was installed the day they --- like I said, the day they put that structure there, they put a splitter box in.

Q. A relative date? Can you give us an approximate time?

A. Sometime in November I would say.

MR. FRANCART:

You can have a seat. We'll wrap it up before we get another one. Jesse, first of all, thanks for bearing with us on these clarifying questions. I know it's difficult. It's difficult for us, too, to understand all the time what the questions have answered and fully understand, but it's very important that everybody understands what's happened and what you saw.

On behalf of MSHA, I

thank you for appearing here today and answering all our questions and sharing the information you know about the mine. Your cooperation is

very important to us as we work to determine the cause of the accident. If you wish, you may now go back over any answer you have given during the interview. And if you want to make a closing statement covering any additional points you think we need to know about, please do that now.

A. Talking about the CO system, the mid-part of December, we went over the entire system with Minnes. I mean, we checked the sensors, checked the locations. He made sure air was moving. We didn't take an anemometer or anything like that with us, but we made sure we had air movement on the belt. And the only

problem or the only thing he seen that was wrong with the system at the time was that one CO 75, he wanted it moved behind the motors on the Two section. And that's the only thing that he noted on our CO system that was --- that he seen wrong with it at

the time.

MR. FRANCART:

Do you have any clarifying questions, Mr. Hardy?

ATTORNEY HARDY:

No, sir.

MR. FRANCART:

I'm sorry I didn't ask you earlier. Anything else you'd like to add, Jesse?

A. No, sir.

MR. FRANCART:

We do ask you not to discuss this interview today with anybody that we haven't already interviewed so that they don't get a biased

opinion of what may be asked in the interviews or get your outtake on what you've covered today. We do want to ensure that we obtain everybody's independent memory of the events surrounding the accident.

After questioning other witnesses and obtaining

additional information, we may ask you back for further questions. If at some later point, you have additional information regarding the accident you would like to share with us that we haven't covered today, please contact Mr. Murray, Kenny Murray, he's the chief investigator of the accident, or his staff assistant, Anthony Webb. And they've provided business cards here for you to take with you today.

The Mine Act provides certain protection for individuals who participate in accident investigations. If at any time you believe that you have been treated unfairly because of your cooperation here with us today, please contact Mr. Murray or Mr. Webb, and they'll take care of that for you. Bill, do you have a closing statement?

MR. TUCKER:

Yes. We offer those same protections, Jesse. And we do appreciate your coming here today. You've done a good job trying to answer all of our questions. Here's a card if you'd ever need to contact me about anything.

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EXAMINATION

CONCLUDED AT 11:53 A.M.

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