Transcript of the Testimony of **Michael Adam Godsey**

Date: October 14, 2010

Case:

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STATEMENT UNDER OATH

OF

MICHAEL ADAM GODSEY

taken pursuant to Notice by Beth A. Duzzny, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Thursday, October 14, 2010, beginning at 10:30 a.m.

A P P E A R A N C E S

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I N D E X

EXHIBIT PAGE

NUMBER	DESCRIPTION	PAGE IDENTIFIED
One	Tracking Boss Weekly Checklist	34*

* Exhibit not attached

P R O C E E D I N G S

ATTORNEY BABINGTON:

My name is Matt Babington. Today is October 14th, 2010. I'm with the Office of the Solicitor, U.S. Department of Labor. With me is Jasey Maggard, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the U.S. Department of Labor. Also present are several people --- there's one person from the State of West Virginia. I ask that he state his appearance for the record.

MR. SCOTT:

John Scott.

ATTORNEY BABINGTON:

There are several members of the investigation team also present in the room today. Jasey will be conducting the initial questioning. All members of the Mine Safety and Health Accident Investigation Team and all members of the State of West Virginia Accident Investigation Team participating in the investigation of the Upper Big Branch Mine explosion shall keep confidential all information that is gathered from each witness who voluntarily provides a statement until the witness

statements are officially released. MSHA and the State of West Virginia shall keep this information confidential so that other ongoing enforcement activities are not prejudiced or jeopardized by a premature release of information. This confidentiality requirement shall not preclude investigation team members from sharing information with each other or with other law enforcement officials. Their participation in this interview constitutes their agreement to keep this agreement confidential.

Government investigators and specialists have been assigned to investigate the conditions, events and circumstances surrounding the fatalities that occurred at the Upper Big Branch Mine-South on April 5th, 2010. The investigation is being conducted by MSHA under Section 103(a) of the Federal Mine Safety and Health Act and the West Virginia Office of Miners' Health, Safety and Training. We appreciate your assistance in this investigation.

You may have your personal attorney present during the taking of the statement or another personal representative, if MSHA has permitted it, and you may consult with your attorney or representative at any time. For the record, do you have a personal

representative with you here today?
MR. GODSEY:
No.
ATTORNEY BABINGTON:
Thank you. Your statement is completely voluntary. You may refuse to answer any question and you may terminate your interview at any time or request a break at any time. We also have bottles of water if you'd like one.
MR. GODSEY:
Okay.
ATTORNEY BABINGTON:
Would you like one?
MR. GODSEY:
Yeah, please.
ATTORNEY BABINGTON:
I'll get you one after the script. Your identity and the content of this conversation will be made public at the conclusion of the interview process and may be included in the public report of the accident, unless you request your identity remain confidential or your information would otherwise jeopardize a potential criminal investigation. If you request us to keep your identity confidential, we will do so to the extent permitted by law. That means that

if a judge orders us to reveal your name or if another law requires us to reveal your name or if we need to reveal your name for other law enforcement purposes, we may do so. Also, there may be a need to use the information you provide to us or other information we may ask you to provide in the future in other investigations into and hearings about the explosion. Do you understand?

MR. GODSEY:

Yes, I do.

ATTORNEY BABINGTON:

Do you have any questions?

MR. GODSEY:

The only question I have is all this information is going to be strictly confidential, no public knowledge of this; correct?

ATTORNEY BABINGTON:

Well, the transcript at some point would be released ---

MR. GODSEY:

Okay.

ATTORNEY BABINGTON:

--- to the public down the road.

MR. GODSEY:

Then some of my answers will --- may need

to be stopped at certain points for proprietary information.

ATTORNEY BABINGTON:

Okay.

MR. GODSEY:

Okay.

ATTORNEY BABINGTON:

Okay. And we can talk about that further. If there's proprietary information, we can talk about what we can do with that ---

MR. GODSEY:

Okay.

ATTORNEY BABINGTON:

---- down the road. Okay. After the investigation is complete, MSHA will issue a public report detailing the nature and causes of the fatalities in the hope that 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. Since we'll be interviewing other individuals, we request that you not discuss your testimony with any person aside from a personal representative or counsel.

A court reporter will record your

interview. Please speak loudly and clearly. If you do not understand a question asked, please ask the interviewer to rephrase it. Please answer each question as fully as you can, including any information you've learned from someone else.

I'd like to thank you in advance for your appearance here. We appreciate your assistance in this investigation. Your cooperation is critical in making the nation's mines safer. After we've finished asking questions, you'll have an opportunity to make a statement and provide us with any other information that you believe to be important. If at any time after the interview you recall any additional information that you believe might be useful, please contact any of us or Norman Page at the contact information provided in this letter that I'm giving you now. This letter also explains --- basically goes over what I just went over in this script. Before we start, can we just go off the record for a minute?

OFF RECORD DISCUSSION

ATTORNEY BABINGTON:

Let's go back on the record. Would you swear the witness in, please?

MICHAEL ADAM GODSEY, HAVING FIRST BEEN DULY SWORN,

TESTIFIED AS FOLLOWS:

EXAMINATION

BY MR. MAGGARD:

Q. Could you please state your full name and spell your last name for the record, please?

A. Sure. It's Michael Adam Godsey. My last name is spelled G-O-D-S-E-Y.

Q. And you go by Adam; right?

A. Yes.

Q. Adam, where are you currently employed?

A. I'm currently employed with Pyott-Boone Electronics, in Tazewell, Virginia, and I'm the engineering manager.

Q. Could you give us a point of contact, a telephone number and address for you?

A. Yes. [redacted] , [redacted] . And my phone number is area code [redacted] .

Q. Thank you. How long have you been employed with Pyott-Boone?

A. I have been with Pyott-Boone just over three years. I started there in March of 2007.

Q. And what are your current duties there?

A. My current duties are product development,

managing the engineering department from manufacturing to research and development.

Q. What other places have you been employed? Give me a little background information on your experience and your education, please.

A. Okay. I graduated from Virginia Tech with a Bachelor's degree in electrical engineering in December of '97, after which time I became employed with a company in Pennsylvania called Coulbourn Instruments. And I worked there as a sales application engineer for approximately a year to a year-and-a-half. I was then promoted to engineering department, where I worked there up until I was employed with Pyott-Boone. That particular company specialized in equipment for animal behavior research and biofeedback instrumentation.

Q. As far as your duties at Pyott-Boone, are you familiar --- do you work a lot with the type of system that was used at the Upper Big Branch Mine, the CO system, the mine boss system and the communication and tracking system that they had at the mine?

A. Over the course of the three years I've been there, I have been exposed to it. I'm not going to say that I know all the integral details, but rather familiar with the products we provide and the systems.

Q. Okay. Do you do programming as far as event logging or do you --- how familiar are you with the system as far as alarms and how that works?
A. I'm familiar with that just as much as my technical director has informed me. I've not personally done any of the programming directly, so my knowledge to that is the extent of what I've been explained to.
Q. Okay. Now, on April 5th, on the event log at the CO system at UBB, have you been able to look at the data from that event log that was downloaded from the computer at the mine site?
A. We have looked at it and provided some information --- some feedback to MSHA. We have not done an extensive amount of analysis at this point. Primarily we've been providing data, as has been requested.
Q. So could you tell me what you do know about the system, about the speed of the CO system and the speed of the communication and tracking system as far as baud rates go and the communication?
A. The system installed at the Upper Big Branch Mine, the CO monitor system or the atmospheric monitoring system, as is most commonly termed, was a system set up to run at 320 baud. Our tracking

system, however, is on a separate communications line and it runs at 4,800 baud.

Q. Can you kind of go into a little bit of detail as far as how priorities are set on the event log or how they are recorded, what the software is looking for when an event occurs?

A. Okay. The software logs all alarm conditions. As soon as the data is communicated back to the master station or the computer, that information is logged to the event log. As far as priorities, my familiarity on, you know, the priority levels is limited. However, alarm conditions are a higher priority than just your standard communications. Basically the system, if you look at the tree structure, you have a scanner and you have devices hanging off of that scanner. All those devices that hang under that scanner are communicated with. And depending on if the forms are opened or closed, they will change in priority in terms of at what point they get sampled or scanned. So what happens is, for instance, if an alarm goes off, a window will pop up which will show an alarm condition. That will be logged in the event log, and then the scan priority for that particular device will be moved up in the list.

Q. Okay. Now, as far --- when you're talking about

an alarm event, are you saying that a CO concentration level above the alarm set point is given a higher priority than, let's say, a data loss or a loss of communication?

A. Yes, that's exactly what I'm saying.

Q. Okay. Now, this system probably had over 200 address points with the communications, the tag readers and the COs and the APSs and all that. now, knowing that that system is that large, okay, if an alarm condition occurred, how quick would you predict that alarm would happen? Say that a communication line was severed and you were sitting outside, how quick would you expect that alarm to show up on the event log?

A. Under normal operating conditions, meaning all devices are communicating, everything is intact, a 320-baud scanner should be able to pull 127 devices somewhere in the neighborhood of 32 seconds. And the way our system is architected, that's the maximum number of devices that can be on a given scanner.

Q. Now, let's say that 40 of those 200 devices --- when you cut the line they were was 40 devices upstream from that severed communication line. Would that make that 32 seconds quicker or would it be the same/

A. Actually, it will slow it down. The reason is that the system inherently has means for trying to maintain communication with devices. And there's some settings within the application can affect how long it will take before the system will acknowledge that a particular device is no longer accessible. So in the configuration of the scanner, you can adjust a couple different parameters that would impact that. I think that's about the extent of what I can disclose at this point, but ---.

Q. Okay. So out of one communication port you're looking at 127 devices. And if nothing is going on, no alarms, is it just going through each device, doing a fault tolerant check or how does that work?

A. Within the master database you'll see a tree of devices under a scanner. All those devices are pulled, so you know, the master station will communicate out and expect a response back. And it's sequential, except for the fact that, given priorities, that order of operation changes. So in a given amount of days, you can't really predict what order they're in because different alarms have moved things up in the order of the scan priority, so ---.

Q. Now, let's say that it was scanning a certain device that was --- that lost communications when it

was scanning, how would that work as far as event logging? Would it be looking at that and see it and then alarm or would it wait and go --- how does that work?

A. There's some settings in the configuration for the scanner that addresses how that will be handled. It will attempt to communicate some number of times, after which point it will report to the computer that this device is dead.

Q. So we had an alarm, the first loss of communication that happened at 15:08:01, which was what was on the event log, and then subsequently we had several data loss alarms. If I understand you right, you would say that the best case would be 32 seconds that that alarm would come in, or was that worst case if that was just one device?

A. That's a little bit more difficult. No, the 32 seconds that I alluded to is assuming that all devices are communicating correctly. The time with which it requires the system to go through and scan all the devices is somewhere in the neighborhood of 32 seconds with functional devices. When a device becomes dysfunctional, disconnected, the system tries to maintain communication X number of times. Now, that's what has to be looked at to assess how long that time

frame is.
Q. Okay. So could you say that --- let's say it was the one device now. Let's forget about the 40 --- the 32 seconds, I'm still kind of confused here so you'll have to help me out, is that worst case or is that --- can it be quicker, can it be slower?
A. For one device it will be significantly faster.
Q. Okay. And what's the fastest response you've ever seen from a system probably this size or close to this size?
A. To be honest with you, I'm not at liberty really to answer that. I don't really know. I don't know.
Q. Okay. You said that with 40 devices failing all at once, it would take --- you would --- do you think that you could figure out from this 15:08:01 time a time period prior to that window that maybe that alarm had occurred?
A. If we could assess how many devices in that system were fully functional and active at the time of the incident, we should be able to mathematically approximate what time that happened.
Q. Okay.
A. However, there's a lot of variables there that would have to be taken into consideration because with our system, if there's devices that are on the scanner

that have been taken out of service, that occupies unnecessary bandwidth and so we would need to know several details to be able to do that.

Q. Okay. In your opinion, what would you say would be the worst case? Without looking into it in more detail ---

A. Uh-huh (yes).

Q. --- at this point, something that may help us as far as the investigation goes with the 15:08 time, what would you say that the worst case, you know, just your opinion, that time could have been, that window prior to that?

A. If we make an assumption of, say, one device was still communicating and all the remaining devices were unoperationable or could not be communicated with, it could be up to several minutes, okay.

Q. And would several minutes be two to three minutes, four minutes?

A. It could be in excess of ten minutes.

Q. Okay. But you're saying one device is communicating and all the rest of them are out?

A. Right. That's absolute worst case.

Q. Okay. If half the devices failed or a third of the devices, that window would narrow; ---

A. You can ---

Q. --- is that ---?
A. --- almost linearly approximate that. Okay. The only issue is different devices have different numbers of bytes that they communicate. So to really effectively analyze that, you need to know how many devices were operational and how many went out, and from that data you should be able to approximate.
Q. Now, we've got COs that are at 320 baud, right, and then we've got communication tag readers that are at 4,800 baud. But from the data that we see, we see the alarms for the tag readers come in three minutes after the first CO data loss came in. Could you explain why that could have occurred with the different baud rates that those two parts of the system have?
A. Yeah. The tracking system is on a completely different scanner, so the integrity of its data system is completely independent of the CO. So the correlation between the two is difficult to justify. Plus the tracking system has a tremendous amount of data communicating back and forth as compared to the CO system. That being said, just the amount of data in comparison to what's being received in the tracking versus what's being received in the AMS system, the disparity there between the two is the best

justification I can give, you know, given limited information.

Q. Okay. As far as CO sensors go and say you get a concentration alarm on the screen and it gives you a value, what does that value mean?

A. The values that you read on the event log are what the gas monitor is interpreting the environment to be providing. Now, I had to quantify that because sensors have cross sensitivity to other gases as well and they have reactions to pressures and temperatures. But for the most part, under, say, normal operating conditions, that would be the actual gas concentration that it monitored.

Q. Now, these alarms, if the software is programmed to do it, it will re-launch every five minutes; is that correct? How does that work?

A. There is a --- there's an entry box in the configuration for the COs where you can adjust that, but I believe it does default on five minutes.

Q. Okay. Now, if that gas concentration changed, would you see a change in the value in the event log?

A. Yes.

Q. Okay. And then it communicates to that --- or that CO sensor, it's going out, the software is saying, okay, it's five minutes, I'm going to talk to

this CO sensor at such and such head drive, does it get the value that is currently being shown on the sensor to put it in the event log?
A. It gives the last value that it received when it pulled the device.
Q. Okay. And with the way --- that could be several minutes, is that correct, or am I ---?
A. Yeah. Depending on the condition of the system at the time, yeah.
Q. So it could have went out and grabbed that data three minutes ago from when it puts it on the screen, but it knows five minutes has passed since the last alarm initiation on the event log, and I need to put what I last seen from that device as far as concentration goes; is that correct?
A. I don't think there's that large of a disparity. I think the --- when it presents it is --- when it last communicated. The event log is updated as it receives the information, so it should be relatively consistent with the data logging of ---.
Q. Okay. So are you telling me that if you got that program for five minutes that --- in five minutes from the last event log is trying to communicate with that device?
A. Uh-huh (yes).

Q. For the record, you're indicating ---?
A. Yes. Yes.
Q. Okay. Now, you talked about pressures. Have you --- could you tell me a little bit about what type of CO sensor that you provide for the Pyott-Boone system?
A. We use a sensor manufactured by CitiTech. I don't have with me any details pertaining to that particular sensor, so I can't really elaborate on any specific details. But as far as its performance or its pressure, that would have to be a question probably more directed towards CitiTech.
Q. As far as pressure goes or low oxygen, do you know how oxygen levels affect the CO sensors' capabilities?
A. That's another one that I would prefer to restrict to a discussion with the manufacturer. I can provide you what our interpretation is or opinions. The cell we use is an electrochemical cell, and there is a maximum level of CO that can be --- it can be subjected to. But as far as depleting the cell, it has to be exposed for some period of time, kind of like a fuel cell or something similar, before it's depleted. My understanding is that it will reach a maximum current or voltage that it can produce for a given gas level. And the interpretation of, you know, it being saturated is that it's the maxed level. But

an extended exposure to a high level will definitely deplete it.

Q. If you could, if you could provide the maximum level CO that it will --- concentration that you know that it can operate efficiently?

A. Our monitor is designed to monitor up to 107 parts per million.

Q. Okay. Are these CitiTech CO cells, are they sensitive to hydrogen, the battery charging stations?

A. Yes, they are.

Q. And from your experience, what kind of concentrations have you seen from some of the CO sensors? What kind of --- just, you know, what have you seen, like some of them go up ten parts per million if there's a lot of hydrogen or what do you ---?

A. The manufacturer indicates that the cell we use, given a hundred parts per million concentration of hydrogen, the CO detection will be less than 20 parts per million.

Q. Do you have --- do you supply a sensor that is not sensitive to hydrogen battery chargers?

A. We do provide a hydrogen-discriminating gas monitor. It requires two gas sensors, one for monitoring carbon monoxide and one for monitoring

hydrogen. And then there's' an algorithm that more or less subtracts out the contribution due to hydrogen from the CO.

Q. Could you tell me about the communication and tracking? What's your recommended maintenance procedure for that system?

A. I have with me a checklist. I don't know if you guys would like me to read it or just commit this to record.

Q. Either way is fine with me.

ATTORNEY BABINGTON:

Are there specific things on the checklist you wanted to talk about?

MR. MAGGARD:

If he could read it for the record. It doesn't look like it would be that hard to do. That would be fine.

ATTORNEY BABINGTON:

That's fine.

A. That's fine.

BY MR. MAGGARD:

Q. If that's fine with you.

A. Yeah, that's fine.

ATTORNEY BABINGTON:

Do you mind if we also then get the ---

we'll put a --- if you could read it and then we'll also have a copy ---

A. Yeah.

ATTORNEY BABINGTON:

--- as part of the record.

A. That's fine, yeah. Okay. We put together a tracking boss weekly checklist. This is specifically for Pyott-Boone's tracking system. Okay. This is not pertaining to the leaky feeder. This is just for the track --- the tag readers, okay. And the checklist goes as follows. Check that all tag readers are being detected by the mine boss application. This can be confirmed by checking at all used subchannel tabs within the tag reader module are colored light green from the mine boss desktop. If you're using a mine map for displaying all tag readers, this can be confirmed by looking and confirming the tag reader icon on the mine map are all colored green. The second item is check that tags have been or are being detected by all tag readers. This can be verified by using the history log to confirm that tags have recently been detected by each tag reading.

The third item, check that power indicators are illuminated green on all Model 1925 power supplies. Check that the power indicators are lit green on all

tag readers in the system. If the power indicator is red, confirm there is 24 volts DC at the power input terminals. If 24-volt DC is present at the input terminals, take the tag reader out of service and send it to a service center for repair. Check that the communications indicators are blinking on all the tag readers in the system. If the communications indicator is not blinking, confirm that the tag reader has not been moved and that it is within ten feet of the leaky feeder cable. If it is within the specified distance, take the tag reader out of service and send it to the service ---. Check that the system continues to function when all power supplies are de-energized.

Disconnect AC power to all power supplies and allow the system to run for five to ten minutes with power disconnected. If any tag readers act irregularly, take them out of service and send it to a repair center. Check that the system continues to function when all power supplies are re-energized. Check that an advisory condition can be detected by each tag reader. This can be tested by pressing the push button on a tag while in range of each individual tag reader. Care shall be taken to only be in range of the tag reader in question so as to properly test

each tag reader's ability to pick up the advisory condition. Tags have been known to be picked up at distances up to 700 feet, so use the distances as a gauge to how close you need to be to ensure that multiple tag readers are not within range of the tag.

Q. Okay. And this is considered a weekly test?

A. Yes.

Q. Okay. Thank you. Another question I have is regarding the time that was shown on the CO computer on April 5th. We understand that Wes Leffel and David Childress was there at the site. Have they mentioned anything about they checked the time on the computer with regard to their watches or any other devices?

A. I did ask Dave Childress about that, and truthfully, under the conditions, it didn't even cross our mind to even think about it. They were there more in a support capacity and didn't --- it didn't occur to them to look at that.

Q. The last time that we had discussions with your company we discussed with Gary Sergent about providing us with some purchase order information from the mine site as far as the communication and tracking system went. Did you bring that with you today?

A. Yes, I did. I have two pages here to provide.

Q. I'd like to, with your permission, to be able to

put that in the record.
A. Is this another one of those things that's going to be public knowledge or is this one going to be restricted?
Q. It would be --- if it goes into the record, it would be public knowledge. One think I asked Gary about is not putting any kind of price tags on anything. I just wanted to see when all the stuff was ordered basically and when it arrived, so ---.
A. Okay.
ATTORNEY BABINGTON:
Would you like to hold onto this and then come back and talk about this at the end?
A. Yeah, I think I would.
ATTORNEY BABINGTON:
Let's talk about this ---
MR. MAGGARD:
No problem.
ATTORNEY BABINGTON:
--- at the end of the ---.
MR. MAGGARD:
That's all the question I got right now.
I'll turn it over to John. Thank you very much.
EXAMINATION
BY MR. SCOTT:

Q. Basically you said there was kind of a time delay and that if you had all the information you might be able to come up with a kind of estimated time. Do you have all --- do you need more --- what information --- have you got enough information to do that?
A. I've got some information. I may or may not have all the information I need. And some of it, I may need to speak with the dispatcher that was working at the time to assess, you know, which devices within the system were actually functional and which were not.
Q. Okay. Let's see. Also, see, it's --- the tracking system was basically separate from the CO system. They have different baud rates, different communication cables?
A. That's correct. Yes.
Q. Now, you talked a little bit about bandwidth and you stated that 127 devices, if everything was working properly at the 320 baud rate, 32 seconds was a pretty much good guess at the rate. If you cut that in half, 127 in half, would you cut the time in half also? Would that be a good correlation on that?
A. There's a pretty close linear approximation there. The only difference really is, you know, we have several devices. We got CO, belt bosses, analog scanners, you know. All of them have a different

communication structure. Some require more bytes than others. That's really where the difference would lie. But it probably would be fair to say an approximation of, you know, half device would be half the time. That would be a fair assessment.

Q. And then but also in the same deal, if there was 127 CO sensors or 127 belt bosses, there would be a little bit of difference because of the data needed for each one ---

A. Correct.

Q. --- events or whatever that it actually scans for?

A. Yes, that is correct.

Q. Amount of information it looks at on each device as it scans?

A. Correct.

Q. What I was asking earlier about doing the actual time if you could get a little more information, that wouldn't be a problem for --- I mean, I don't think there's any proprietary or ---.

A. No. I think Pyott-Boone would be happy to support and whatever we need to to help assess whatever needs to be done.

MR. SCOTT:

That's all I have. Thank you.

RE-EXAMINATION

BY MR. MAGGARD:
Q. Well, I'd like to make a request for you to look at the data little bit further and come up with an estimation of the window prior to the 15:08:01 time frame with all the devices that are shown on the screen. I know it may take some time, but I would like any kind of questions you got as far as what I know that may help you with doing the time study. I think this would be very important for us to figure out a time that the accident occurred, ---
A. Okay.
Q. --- to get it closer. So I'd be willing to work both ways to try to figure that out, and I appreciate you all's help.
A. Okay. Well, I'm sure Pyott-Boone is going to be willing to help in any way. The only --- I think really the only assistance we'll need is, as I mentioned, if we can maybe talk to one of the --- maybe the dispatcher or someone that was, you know, at the mine that knew what items were communicating and which were not. With that information, we should be able to get a really good approximation. At the very least, we could possibly give you like a worst case, and it would be somewhere form there or earlier.
Q. Yeah. If you could, okay, just give me the worst

case starting out and then say, okay, if let's say, ten tag readers or 20 tag readers weren't working, ---

A. Okay.

Q. --- what would that do to that window.

A. Okay. Well, if I may propose a suggestion on that. It might be that it will be good for us maybe to provide a table, non-functional devices and functional devices and the estimated time.

Q. Yeah. Now, I know on the --- you know, the tag readers, you could kind of get an idea of which ones might not have been working, you know, as far as the dates that they last read, but you can probably make some assumptions that way. The dispatcher, I know it's been a log time. You know, it's over six months since the accident, so I don't know what he could provide you with.

A. Yeah.

Q. When we get down to that, we can try to work something out and ask him some more questions on that.

A. Okay.

ATTORNEY BABINGTON:

Before we close out, let's go on the record for a quick break.

SHORT BREAK TAKEN

ATTORNEY BABINGTON:

All right. Before we close out, you provided one document to us on the record, the tracking boss weekly checklist. That will be marked A. Godsey One and that will be part of the record of the interview.

(A. Godsey Exhibit One marked for identification.)

ATTORNEY BABINGTON:

We discussed the purchase order before. We're not going to accept that document. You're not going to provide it, and we're not going to accept it at this time because of proprietary reasons.

On behalf of MSHA and the Office of Miners' Health, Safety and Training, I want to thank you for appearing and answering questions today. Your cooperation is very important in the investigation as we work to determine the cause of the accident. We request that you not discuss your testimony with any person, aside from a personal representative or counsel, or in this case, with other representatives from Pyott-Boone. After questioning other witnesses, we may call you if we have any follow-up questions. If at any time you have additional information regarding the accident that you'd like to provide to us, please contact us at the contact information

provided. If you wish, you may now go back over any answer you've given during this interview, and you may also make any statement that you'd like to make at this time.

A. The only statement that I wish to make is that the information provided is to the best of my knowledge. And you know, a lot of the information that I've provided has been in collaboration with my team. So if there is something found that was not a hundred percent accurate, it was not intentional. But for the most part, I do believe that I've answered all the questions as accurately as I could.

ATTORNEY BABINGTON:

Thank you. And again, I want to thank you for your cooperation in this matter.

A. Okay. Thank you.

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STATEMENT UNDER OATH CONCLUDED AT 12:20 P.M.

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STATE OF WEST VIRGINIA)
)

CERTIFICATE

I, Beth A. Duzzny, a Notary Public in and for the State of West Virginia, do hereby certify:

That the witness whose testimony appears in the foregoing deposition, was duly sworn by me on said date and that the transcribed deposition of said witness is a true record of the testimony given by said witness;

That the proceeding is herein recorded fully and accurately;

That I am neither attorney nor counsel for, nor related to any of the parties to the action in which these depositions were taken, and further that I am not a relative of any attorney or counsel employed by the parties hereto, or financially interested in this action.

Beth Duzzny