WEST VIRGINIA MINE SAFETY AND HEALTH ADMINISTRATION

IN THE MATTER OF:

THE INVESTIGATION OF THE APRIL 5, 2010 MINE EXPLOSION AT UPPER BIG BRANCH MINE.

The interview of PAUL R. THOMPSON, JR., taken upon oral examination, before Karen Kay Skeen, Registered Professional Reporter and Notary Public in and for the State of West Virginia, Friday, October 29, 2010, at 8:01 a.m., at the Mine Academy, 1301 Airport Road, Beaver, West Virginia.

JOHNNY JACKSON & ASSOCIATES, INC.
606 Virginia Street, East
Charleston, WV 25301
(304) 346-8340
APPEARANCES:

OFFICE OF MINERS' HEALTH, SAFETY & TRAINING
Barry L. Koerber, Assistant Attorney General
1615 Washington Street, East
Charleston, WV 25311
(304) 558-1425

OFFICE OF MINERS' HEALTH, SAFETY & TRAINING
Terry Farley, Health & Safety Administrator
1615 Washington Street, East
Charleston, WV 25311
(304) 558-1425

OFFICE OF MINERS' HEALTH, SAFETY & TRAINING
John O'Brien
1615 Washington Street, East
Charleston, WV 25311
(304) 558-1425

U.S. DEPARTMENT OF LABOR
Office of the Solicitor
Derek J. Baxter, Esquire
1100 Wilson Boulevard
Arlington, VA 22209
(202) 693-9328

U.S. DEPARTMENT OF LABOR
Mine Safety and Health Administration
Erik Sherer

GOVERNOR'S INDEPENDENT INVESTIGATION PANEL
J. Davitt McAteer, Esquire
316 Washington Avenue
Wheeling, WV 26003
(304) 243-2513
APPEARANCES (continued)

SHUMAN, McCUSKEY & SLICER
Brian J. Warner, Esquire
1411 Virginia Street, East
Charleston, WV 25301
(304) 345-1400

ALLEN, GUTHRIE & THOMAS, PLLC
Pamela Deem, Esquire
Laidley Towers, Suite 800
500 Lee Street
Charleston, WV 25301
(304) 345-7250

ALSO PRESENT:

J.C. Maggard, MSHA
Bill Kelly, MSHA
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PROCEEDINGS

MR. KOERBER: Let's go on the record. My name is Barry Koerber, I'm an Assistant Attorney General. I'm assigned to represent the West Virginia Office of Miners' Health, Safety & Training.

Today is October 29th, 2010. We have two members of the Miners' Health, Safety & Training team here today. I would ask that they identify themselves.

MR. FARLEY: I'm Terry Farley.

MR. O'BRIEN: I'm John O'Brien.

MR. KOERBER: And we also have two other investigation teams present. I would ask that they identify themselves and who they're with.

MR. SHERER: I'm Erik Sherer with MSHA.

MR. BAXTER: Derek Baxter, Office of the Solicitor, Department of Labor.

MR. McATEEER: I'm Davitt McAteer with the Governor's investigation.

MR. KOERBER: Mr. Thompson, we have a court reporter here, and she will
be transcribing everything that's said
today. She's with Johnny Jackson &
Associates. I have a business card here
I'll give to you in a second.

They are operating under a
three-day turnaround as far as preparing
the transcript or getting it in paper
form, which would mean come Thursday
morning of next week, if you choose, you
or you and your attorney can call Johnny
Jackson & Associates at the number here on
the card and schedule a time where you go
into Johnny Jackson's office in downtown
Charleston and will have an opportunity
to -- they'll put you in a conference room
where you'll have privacy, and you can
read the transcript. And if you find any
mistakes, on an errata sheet you can
correct those mistakes; okay?

THE WITNESS: Okay.

MR. KOERBER: I also want to let
you know that if at any time for any
reason today you want to take a break, you
just say so, and we'll take a break; okay?
THE WITNESS: Okay.

MR. KOERBER: We would request that you not discuss your interview with anybody other than your attorney after you leave today, and that's to protect the integrity of the investigation.

I think Derek would like to identify a letter that he has given you. And if he'd like to do that now, he can do so.

MR. BAXTER: Sure, yeah. Before the interview, Mr. Thompson, I gave you a letter discussing the interview today. Do you have any questions about it?

THE WITNESS: No.

MR. BAXTER: It does say at the end that if you later come across or think of any more information you'd like to share with us, you -- or in this case, your attorney -- can contact MSHA. Norman Page is the contact. He's at the bottom of that letter.

THE WITNESS: Okay.

MR. KOERBER: Would you please
swear in the witness.

PAUL R. THOMPSON, JR., WITNESS, SWORN

MR. KOERBER: Sir, would you please state your full name for the record and spell your last name.

THE WITNESS: Paul R. Thompson, Jr., Thompson, T-h-o-m-p-s-o-n.

MR. KOERBER: And would you please state your address and telephone number.

THE WITNESS: Mailing address? Physical address?

MR. KOERBER: Mailing is fine.

THE WITNESS: 

MR. KOERBER: Do you have an attorney with you here today?

THE WITNESS: Yes.

MR. KOERBER: And would you identify yourself and the firm you're with, sir?

MR. WARNER: My name is Brian Warner. I'm with Shuman, McCuskey &
Slicer.

MR. KOERBER: Is Mr. Thompson your client today?

MR. WARNER: Yes, sir.

MR. KOERBER: I also see that we have another attorney at the table. I would ask that she identify herself, her firm, and who she represents.

MS. DEEM: My name is Pamela Deem. My firm is Allen, Guthrie & Thomas, and I represent the company.

MR. KOERBER: Sir, are you appearing here today as the result of receiving a subpoena?

THE WITNESS: Yes.

MR. KOERBER: Would this be a copy of that subpoena?

THE WITNESS: Yes, it is.

MR. KOERBER: Okay. Could that be marked as Thompson Exhibit 1, please.

(Thompson Exhibit No. 1 marked for identification.)

MR. KOERBER: Sir, I'd also like to just provide you with some
information. On this memorandum is the address for the West Virginia Board of Appeals. This was probably given to you at your prior interview; I'm going to give it to you again.

If you believe you are discriminated against for participating in this interview, this is the address of the body charged with hearing those types of cases. The Code Section is 22A-1-22. You can talk this over with your attorney after the interview.

I do just want to caution you, though, that if you do believe you are discriminated against, you only have 30 days from the day of the discriminatory event to file your complaint with the Board of Appeals.

I also have with me two business cards, one for our lead interviewer, Mr. Farley, and one for our lead underground investigator, Mr. Bill Tucker. Should you have any information that you'd like to provide after this
interview is over, please feel free to
call either one of those individuals.

And as I mentioned earlier, I
want to provide to you a business card
from Johnny Jackson & Associates; okay?

THE WITNESS: Okay.

MR. KOERBER: We also have two
other people present in the room. I'd ask
that they identify themselves.

MR. MAGGARD: J.C. Maggard,
accident investigation team.

THE REPORTER: I'm sorry. Your
last name?

MR. MAGGARD: Maggard,
M-a-g-g-a-r-d.

MR. KELLY: Bill Kelly, MSHA
approval and certification.

MR. KOERBER: Mr. Farley, would
you begin the interview?

MR. FARLEY: Sure.

EXAMINATION

BY MR. FARLEY:

Q. Mr. Thompson, thank you for coming back.
We brought you back to clarify a few things
regarding your previous interview and another incident. And let me just get right to it here. And I want to distribute copies of a fan chart here and give everyone an opportunity to see the same thing as we speak.

And now at the conclusion of our interview, we'll enter this chart as Exhibit 1 -- or 2. Excuse me. Beg your pardon.

Now, let me, just for the record, read aloud what we seem to be looking at here. It shows a fan chart here, and we see a line drawn on a Thursday indicating a noon start-up time as indicated by an arrow drawn toward that line. And it reads as follows: "UBB #1 fan, Bandytown. New chart" with the date 4-1-10. It shows a signature, Paul -- I believe that to be Thompson; is that correct?

A. Yes, that's my signature.

Q. Okay. It shows a time of 11:30 a.m. It shows a number below there. What would that number indicate, sir?

A. That's my electrical number.

Q. All right. Now, does that reflect a start-up date for that -- this fan chart?
A. This is when the chart was changed.

Q. Changed, okay.

All right. Now, we'll move, as time passes around, to Monday on the same chart. Now, Monday would, of course, have been April 5th, 2010. We see where the red line, which seems to be fairly consistent as it travels around the chart, at around 3:00 p.m. makes a significant -- marks a significant change. Would that reflect the time of the explosion at UBB?

A. I'm guessing that that's what that is.

Q. At any rate, can you confirm that the chart does show a noticeable change at around 3:00 p.m. on April 5th?

A. Yes.

Q. Okay. Later the same day -- and you may -- I don't know whether we have our microscope there, just in case.

Later the same day, the chart reflects an event somewhere -- it appears to be about halfway between 9:00 p.m. and midnight on April the 5th. And there's an arrow drawn to that point on the chart. And on the same chart we read, "Lightning, power off, back on" and the words what I believe to
be "Automatic start" --

A. Yes.

Q. -- "less than two minutes." Can you explain what necessitated that entry on the chart?

A. Well, there was a scribe on the chart, and there was obviously an event that happened. So it's my belief that lightning -- or not -- either lightning or some event caused the power to trip to shut the fan off. And it's designed to auto restart in less -- in two minutes. It has an auto restart timer.

Q. Now, did the fan automatically restart --

A. Yes.

Q. -- within two minutes?

A. I mean, I wasn't there to see that. But, you know, based on, you know, the weather and things, that's kind of what that appeared to be.

Q. What would have been your actual location at that time, if you recall?

A. I can't remember. I don't know.

Q. Okay. Now, when you have the entry "lightning," is that based on a presumption or theory? I mean, is there an actual factual basis to indicate that lightning caused the fan stoppage?
A. No facts, no. I mean, that's just an assumption.

Q. Okay. Was it reported to you during that evening that there might have been thunderstorms or lightning in the area?

A. I seen some flashing in the sky. It just appeared that that's probably what caused that.

Q. All right. But, again, you know, the entry was based on an assumption?

A. Yes.

Q. Okay. And can you approximate the time of that event on the chart? Let's say it appears to be somewhere roughly halfway between 9:00 p.m. and midnight, but is there a closer estimate on the time that you can give us?

A. No. Just by looking at the chart is all I can go by.

Q. All right. If we want to approximate the time here, again, it appears to be about halfway between 9:00 p.m. and midnight, which halfway between 9:00 p.m. and midnight would be around 10:30 p.m. Is that a fair --

A. Yes.

Q. -- a fair assertion?
A. Uh-huh.

Q. All right. I have a --

A. And I did go and investigate that, and

that's why my initial is there.

Q. At what point did you go and investigate?

A. There was an alarm, I think, at the mine.

The alarms calls the mine, and I did go verify that

the thing was running.

Q. Would that have been the same evening?

A. Yes.

Q. Do you know approximately what time you

visited the fan?

A. No. No.

Q. Do you think it would have been before

midnight or after midnight?

A. It was right after that. I'm not sure

exactly what time.

Q. And at that time, did the fan appear to be

--

A. Yes.

Q. -- fully operational?

A. Yes.

MR. McATEER: Did he testify

right after 10:30? Is that what you
said?

MR. FARLEY: When you received
the alarm.

THE WITNESS: After we received
the alarm, I went to check the fan, and it
appeared to be okay.

BY MR. FARLEY:

Q. Okay. Is it fair to say you received the
alarm at the time of the event?

A. Yes.

Q. All right. Thank you. I want to clarify
some things from your previous testimony. And I
have a copy of the transcript with me. And if
you'd like to follow along with what I may ask
here, you can begin on Page 15.

Okay. At the bottom of Page 15, it reads,
"Question: Now, let me ask you a specific
question. Are you involved with the day-to-day
maintenance of that diesel unit at the Bandytown
location?"

And, of course, the answer is on the
following page. It reads, "I walk a mile every day
but not a lot." Would you clarify for me what you
meant by --
A. Give me just a minute to catch up.

Q. Sure. I'm sorry. Go right ahead.

A. Now, which line are we looking at? Where do you want to start?

Q. Are you on Page -- start at the bottom.

MR. WARNER: If you need to read more to refresh yourself, go ahead.

A. I don't know where that -- I don't remember that answer. Be specific on what you're asking me.

Q. Okay. Well, the question again at that time and now, if we can start over, is are you involved -- were you involved with the day-to-day maintenance of that diesel unit at the Bandytown location?

A. Yes, I'm involved with the maintenance on the compressors.

Q. All right. Now, on the following page, Page 16, about halfway down it reads, "Do you know if there was any problems with those units in the week or so prior to the explosion?"

And the answer reads, "Oh, yeah, there were some breakdowns and stuff, diesel fuel filters or whatever."
Again the answer following, "Just general maintenance. We shut them down to work on them and to check oils."

So you're indicating that there was some maintenance work ongoing during the weekend preceding the April 5th explosion; is that correct?

A. Yes, there was a compressor failure that weekend. But, you know, there is a spare unit there that we can run off of, yeah.

Q. Okay. Do you know if the spare unit was placed into service while the other was undergoing maintenance?

A. Yes.

Q. Okay. So if the spare unit were in service, does that mean that the pumps underground near the Bandytown area would have continued to be in operation?

A. I don't know. I have no way of knowing that. I just know the compressor was on.

Q. Okay. Now, the question at the top of Page 17 from your previous interview reads, "Do you have any records of when those units were down?"

And the answer reads, "None comes to mind, but there's probably something that we can find,
I'm sure."

Now, do such records exist?

A. Yes, I think -- I was trying to think of
the name of the company. Logan Corporation should
have a record where they came to repair the
compressor.

Q. It's Logan Corporation?

A. Yes.

Q. Now, would they have been -- do I
understand you correctly that Logan Corporation
would have been on site during the weekend
preceding the April 5th explosion?

A. No, that was an emergency breakdown, so we
called them to come repair the compressor.

Q. So they were there that weekend?

A. I don't know if it was that weekend or
Thursday or Friday. I can't remember what time.

Q. All right. You think they could --

A. Yeah, they could probably produce
something, some kind of a record. But the spare
compressor, we were running on the spare
compressor.

Q. Okay. Now, do you have a contact name,
phone number and address for someone with Logan
Corporation that we might contact for that information?

A. Yes. Gary Miller, I think, could probably find those records.

Q. And who's Gary Miller?
A. He's a representative for Logan's Corp.

Q. Logan's Corp?
A. Yeah.

Q. Now, Logan's Corp, is this a private company, contractor?
A. Yes, right.

Q. And Mr. Miller is employed by Logan's Corp?
A. Yes.

Q. Do you possibly know a phone number for Mr. Miller at Logan's Corp?
A. Not right offhand, I don't.

Q. Where is the Logan's Corp business location, if you know?
A. They have an office in Huntington, I think.

Q. In Huntington?
A. Yeah.

Q. Do you have contact information for
Logan's Corp at your office?
   
   A. Yes.

Q. Can I ask that you provide that information to us, please?
   
   A. Yes, I can.

Q. I'd like to move now to Page 28 of the same transcript, if you want to take a moment to refresh yourself. I'm looking primarily at the bottom of Page 28 and into Page 29 and possibly Page 30. Take your time.
   
   A. Okay.

Q. All right. On the bottom of Page 28, there's an answer that reads, "Down at the turbine pump, the turbine pump does the primary" -- and then on the following page it reads -- "pumping, you know what I mean, and they used air pumps to pump puddles or whatever to make it travelable."

   And then further down it reads, "Answer: Examiners, if it was roofed, I would think I would have seen it on the fan charts."

   Now, I think we're referring to water in the area of the Bandytown behind the longwall with that question and answer. And, of course, the answer is if the water was roofed, I would think I
would have seen it on the fan charts.

Can you explain how the fan charts, any fan chart, would alert you to the possibility or likelihood or fact that water had roofed at some location in the mine?

A. Again, you know, I don't know what's going on underground. All I can do is look at the chart and just notice an event in the graph.

Q. Sure.

A. The turbine pumps, just to clarify what I said here, does the dewatering for the fan.

Q. Okay.

A. And then the air pumps just make the travel ways friendly for examiners. To answer your question, I guess you want to know how would I know?

Q. Yes. I'm sorry. Let me clarify this. You know, the answer at the time, read again, "If it was roofed, I would think I would have seen it on the fan charts." The question again is just can you explain how the fan chart would tell you that water was roofed, or what about the fan chart might make you believe that?

A. Well, typically, if there's, you know, an
increase in air restriction, you would see an
increase in the fan pressure on the chart, on this
recorded chart.

Q. Okay.
A. And if you look back at the chart, it's
really smooth around through there, and there's
nothing that reflects an increase in pressure
anywhere.

Q. Now, again, the chart we're looking at is
Exhibit 2, which apparently originated around noon
on Thursday, April 1st; is that correct?
A. Yes. Now, just on the fan itself, you
know, it has the capability of doing 24 inches of
water gauge or even more. To me, I don't see any
alarms on this chart.

Q. Okay. Now, prior to the event on April
5th -- now if I remember your previous testimony
correctly, you would have checked fan charts as a
matter of routine; is that correct?
A. Well, there was -- we have an examiner
that checks the fans daily. And he retrieves the
charts and takes it back to the mine. And if I'm
in the area, I always swing by and look at it
myself. But it's not dependent on me to daily
examine those fans.

Q. Okay. Now, prior to April 5th of this year, can you recall a specific instance where you looked at a fan chart and came to the conclusion that water might have been roofed --

A. No.

Q. -- in the mine at some location?

A. No.

Q. Now, I guess the question also is is it entirely possible that water could be roofed in the mine at some location and the fan chart very well would not indicate in any way that that condition existed?

A. I don't know. All I can tell you is the chart doesn't -- I looked at the charts, I checked the fan and didn't see anything wrong.

Q. All right. Very well.

MR. FARLEY: Mr. Sherer, do you have any questions?

MR. SHERER: Sure.

EXAMINATION

BY MR. SHERER:

Q. Mr. Thompson, I'm going to ask some follow-up questions, so I'll jump around a bit.
Just bear with me. The last time we spoke with you, you explained in part what the compressors were at Bandytown, and we've since heard some further testimony that, to be quite honest with you, just kind of confused me.

Could you tell us exactly what the air compressors were at the Bandytown fan prior to the April the 5th explosion?

A. The air compressors provide, I guess, an energy source to run air pumps underground, to remove water, I suppose.

Q. Okay. How did the air get down to the mine? Did it go down the fan shaft?

A. No. There was some holes drilled exclusively for air. There's two of them. One is a spare, and one was being used for the pumps.

So --

Q. What size pipe went down those holes?

A. 4-inch.

Q. 4-inch steel pipe?

A. Yes.

Q. How many compressor units were in operation or that were capable of being in operation prior to April the 5th?
Q. You've been talking about the air compressor and you've spoken about a spare air compressor. So that indicates at least two compressor units?
   A. Yes.
   Q. Okay. Were they both the same type and capacity units?
   A. There was two diesel units of the same capacity, I think they were 1600s. And then there's an electric unit.
   Q. So there were three compressors?
   A. Yes.
   Q. What was the capacity of the various units?
   A. The two diesels were 1600s. The electrical was -- I think it's a 200.
   Q. 200 cubic feet per minute?
   A. I'm thinking that's what that means.
   Q. Okay. The electrical unit, was that powered off the electrical grid, or was that powered --
   A. Yes.
Q. Okay. So you had two big diesel units and one small electrical unit?

A. Yes.

Q. When you talked about the spare unit that was the backup, was that the electrical unit?

A. No.

Q. It was another diesel unit?

A. Yes. We ran a diesel and an electrical together.

Q. Okay. And are you aware of any problem with the electrical unit?

A. From time to time, you'll have to make an adjustment or change a filter or shut it down for maintenance. As far as problems, no.

Q. So the few days prior to the explosion, there shouldn't have been any problem with the electrical unit?

A. There was a problem, but we were still pumping air with the spare.

Q. Okay. So the spare was one of the 1600 cubic feet per minute diesel units?

A. Uh-huh. Yes.

Q. So there was just -- let me try and get this straight. You had a problem with the
electrical unit. Is that what you called the service company about?

A. Yes.

Q. Okay. And you had two diesel units?

A. Yes.

Q. That were capable of operation?

A. Yes. One of them was just setting there, it wasn't even being used.

Q. Okay. Did those units come on automatically?

A. No.

Q. So when one of them goes down, somebody has to go up and physically start another one?

A. Yes.

Q. Okay. Who would do that?

A. There were -- the environmental crew had a guy go over there at least once a shift to check them and fuel them up. And Glen Farley also went. And when I was in the area, I would stop by and check it as well.

Q. This environmental crew, who was that person?

A. They were different ones. They worked for Marfork Coal. They worked for Richie Johnson and
Q. Do you know if they worked over the Easter weekend?

A. I can't remember. I think some of those guys did work. Glen Farley worked, and I worked.

Q. Was there a record of who checked those compressors and when they checked them?

A. No, no record.

Q. Is the only problem you're aware of over the weekend prior to the explosion the electrical compressor going down for some mechanical reason?

A. It went down, but it wasn't a problem because we ran on the spare.

Q. Okay. And the spares were fully functional?

A. Yes.

Q. What about the diesel fuel? Was that maintained over the weekend, the fuel supply?

A. Yes.

Q. Okay. Now, the Bandytown fan, you spoke to Mr. Farley about the two-minute interruption sometime during the late night of the 5th. You say there was an alarm that went off in the mine that you responded to?
A. Yes.

Q. Okay. Did you contact or have any communication with anyone in the command centers for the mine rescue effort about that alarm?

A. It was so crazy that night, I can't -- I can't remember.

Q. Okay.

A. I may have called the fan. You can call the fan anytime you want and verify that it's running.

Q. How does that work, when you call the fan?

A. If you call the fan, it will tell you how much amp draw is on the motors, and it will tell you that all systems are okay and those types of things.

Q. It's kind of an automatic system?

A. Yes, uh-huh.

Q. Did you do that?

A. I can't remember if I did or not. There was so much going on after that event that I --

Q. Okay. Were you aware that we had mine rescue teams underground at that point in time?

A. Yes. I think there were inspectors at the fan, so they should know.
Q. Okay. And that was going to be my next question. When you went up to the fan to check it, was anybody there?

A. There was somebody there, but I can't remember who it was. They were a State or a Federal representative of some kind. As far as names, I can't remember.

Q. Okay. Sure. Did you speak with those individuals about the condition of the fan, ask them did it go down or --

A. I can't remember if I did or not. I just -- the day of this accident, it was just so overwhelming, I can't remember any details.

Q. Okay. Do you recall if there were any Massey employees at the fan site with hand-held radios?

A. No, I don't remember. I can't think of any.

MR. SHERER: Okay. Thank you, Mr. Thompson.

EXAMINATION

BY MR. McATEER:

Q. Mr. Thompson, if I can ask you a few questions. I was not here for your earlier
testimony. I've looked at it, but I just wanted to get some clarification. Because in my mind, I'm a little confused. On the fan chart itself, these initials, PT, is that you?

A. Yes.

Q. They're periodic on the chart --

A. Uh-huh.

Q. -- and then there's another initial here.

A. That's Glen Farley.

Q. Glen Farley. What do these initials represent?

A. That's just -- I just date it up since I was there.

Q. Did that mean you were there on these --

A. Yes.

Q. -- five times?

A. Yes.

Q. So you were there when there was this deviation?

A. When this happened here, this mark on the chart --

Q. Right.

A. -- the day of the accident, Mr. Blanchard sent me over to the fan immediately. And that's
when I dated it up when I got there.

Q. Okay. But the PT that's located nearest to the deviation, this one right here, that's about the 9:30 -- the 10:30 kind of time. Did that indicate that you were there at the time, or did you --

A. Which one? This one here?

Q. This one.

A. This one?

Q. Yes.

A. Yes, that means I was there.

Q. So you were there at the time this thing occurred, this event occurred?

A. No, I wasn't there when that occurred, I was there after.

Q. Okay. So these don't -- these do or don't represent a time sequence or that -- you know, perhaps they represent --

A. These initials represent that I was at that location in this realm of time.

Q. Okay. That's fine. Now, when you testified earlier, there's a little line that comes down from the arrow marking -- the arrow with the words behind it "Lightning, power off" --
A. Uh-huh.

Q. -- there's a little dotted line that comes down right there; do you see that?

A. Could you point to be more specific?

Q. See those red dots there?

A. Based on my memory of what I can --

Q. Okay.

A. -- there was a deflection on the chart.

And it was a -- I don't know the details of those other dots there.

MR. WARNER: Just so the record is clear, can you tell us the time that you're looking at?

MR. McATEER: I'm sorry. It's about the 10:30 time that Mr. Farley had talked about earlier.

THE WITNESS: Oh, you're talking about the 10:30.

MR. McATEER: Yeah.

THE WITNESS: Oh, I thought you was just talking about --

MR. McATEER: No. I'm sorry.

A. Okay. The 10:30, I mean, I'm just assuming that it was lightning. And rather than
not knowing what that mark was, I just made a
reference to it so we would know.

BY MR. McATEER:

Q. Okay. I got you. But was there anybody
there -- of the persons who co-signed the chart,
Mr. Farley, Mr. Williams and BE, did any of them --
A. No. I mean, there were inspectors at the
fan or in that area when this occurred.

Q. Right.

A. But the guys here listed on the chart are
the ones that retrieved this chart.

Q. I got you. Okay. Now, going up to the --
going back for a minute to the compressors and
leaving the chart -- and this is my confusion, so,
please, if you wouldn't mind helping me. There's
the turbine pumps that pump the water directly out
of the mine?

A. Yes.

Q. And where are they located?

A. Really close to the fan.

Q. Okay. And then there's the air
compressors that pump air down into the mine?

A. At the fan, yes.

Q. At the fan. And they're also at the fan?
A. Yes.

Q. But they're separated, I mean, physically?
A. Yes.

Q. And there are two diesel air compressors?
A. We had two diesels and an electric.

Q. Okay. I'm not trying to be tricky.
A. No, I'm following you.

Q. So they've got two diesels, and they're 1600s, and then there's an electric that's 200.

Now, prior to the day of the accident, the explosion, the weekend before, you said you worked that weekend?
A. Yes. I went -- I didn't work, I just went to check the fan and the compressors and just double backed up that they were running.

Q. Okay. Do you remember when that was?
A. No.

Q. So was it morning, afternoon?
A. Afternoon, night.

Q. I mean, it's Easter.
A. Nighttime.

Q. You must have been home for dinner on Easter?
A. Actually, I went to church Easter Sunday
morning.

Q. Okay. And then did you go after church and before dinner, or did you go after dinner; do you remember?

A. It was nighttime. It wasn't during the day.

Q. Okay. So you drove up to the Bandytown fan and looked at it, and you could hear the fan running. And at some point did the fan -- I mean, was the fan running, I should say?

A. Oh, yes. It's -- never was it off.

Q. And did you notice any problems with either of the diesels, or did you --

A. No problems.

Q. Okay. And did you use a spare? Did you flip to the spare or --

A. I didn't myself, no. I think maybe Glen Farley or maybe one of the other guys switched it over.

Q. And when would they have switched it over?

A. I'm not sure. It was either Friday, Saturday.

Q. Okay.

A. But, I mean, we were still pumping air.
Q. Sure.
A. If one of the compressors went down, the other one was still running.
Q. Right.
A. It's not like we were doing without air.
Q. But had they called you at home and said, "We had to switch it over to get to the other compressor"?
A. I got a call that one of them were down, and then I called Logan's Corp to come out. And they did come out and fix it.
Q. When did you call them?
A. I can't remember what date now.
Q. I mean, was it on Easter, or was it on --
A. It was sometime the days before Easter.
Q. Oh, okay. The Friday or Saturday or something like that?
A. Yeah.
Q. So Farley and someone else would have made the switch prior to Easter? It would have been Friday or Saturday or something?
A. Sometime during that time.
Q. And did they catch you at the mine there and tell you that?
A. I think they called me.

Q. Okay. And do you know when Logan's came out?

A. I can't remember. They did come out and fix it. Actually, they asked me if it could wait until Monday, and I said, "No, we need to go ahead and get it fixed." So they came out.

Q. So they came out either Sunday or Saturday?

A. I can't remember what day.

Q. But it was before the explosion?

A. Yes.

Q. And did they call you when they were done and say it's fixed or anything; do you remember?

A. Yes.

Q. At home or at the office?

A. I can't remember. It was --

Q. Now, when you went up to check these air compressor fans -- I'm sorry -- air compressors, did you also check the turbine fans -- turbine pumps? I'm sorry.

A. Yeah, I always check the turbines. Every time I'm in that area, I always check the fans, the compressors, the turbines, and the other guys do
the same.

Q. Right. Anything that you remember about that?

A. No, everything normal.

Q. And did you keep notes about this stuff?

A. No.

Q. As you get older, you'll have to keep notes about this stuff.

A. I know.

Q. Otherwise, you'll just -- sorry. And the pumps underground, were they functioning, or would you have any way of knowing that?

A. I wouldn't know that.

Q. Okay. How would they be checked underground or --

A. They have guys that take care of that underground. I don't know.

Q. Okay. So on the day of the explosion, you went up to the fan multiple times. Would you go back and forth to the mine, or did you stay up at the fan?

A. No, I went back and forth. On the day of the explosion, I went right there immediately and went and checked.
Q. Yeah.

A. I went back that night at some point when they had the event.

Q. Uh-huh. And at the moment of the -- when you checked the fan at the time of the explosion, did you see that deviation?

A. Yes.

Q. And what did you think?

A. I knew something was wrong, and I called back and told them what was --

Q. Okay. Do you remember who you talked to?

A. No, I don't. It was -- I'm not sure who it was. But I did call something back. It was just -- just a lot of things going on.

Q. Oh, sure. No question about it. And who were you with when Mr. Blanchard gave the instructions?

A. Actually, I was -- on the day of the accident, I happened to pull up on the mine bench, I had to look at some parts, you know. And Mr. Blanchard told me to get a spotter and go to the fan and check it.

Q. Okay.

A. And that's what I done, and that's when I
looked at the chart. And then I called back what I saw.

Q. Do you remember what time it was when he called you?
A. No. It was after 3:00, I'm not sure exactly or how long it takes to drive over there.

Q. But it doesn't take 10 minutes; right?
A. No, it takes 20 or 30 minutes.

Q. Oh, is that right?
A. Yeah.

Q. And where were you at the time of the explosion?
A. I was in transition from either Marfork or Elk Run. I was driving.

Q. Okay. So you were on the road?
A. Yeah.

MR. McATEEER: I have no further questions.

EXAMINATION

BY MR. FARLEY:

Q. One little thing here. I think we might have got a little confused here when we were talking about the various compressors. Did you say that both diesel compressors were running when the
electrical compressor shut down?

A. Both diesels, no, no.

MR. FARLEY: Okay. Thanks.

MR. SHERER: I have some questions, Mr. Thompson.

EXAMINATION

BY MR. SHERER:

Q. When you were working on Sunday, did you go to the UBB north or south portals?

A. On Sunday? I can't remember. I think I may have went to both portals.

Q. Did you see anybody else when you went to those portals?

A. I can't -- I don't remember.

Q. Okay. Did you notice any vehicles at either one of those portals?

A. Don't -- no, I don't remember right now. I can't think of anything.

Q. Okay. Do you think that anybody was underground on Sunday?

A. I don't know that.

Q. Okay. How does the Bandytown fan alarm work?

A. The Bandytown fan alarm is an auto-dialing
system that if it shuts down, it calls a series of
numbers and alerts of the event.

Q. So you basically get a phone call when it
goes down?
A. Yes, get a phone call.
Q. Is that through a surface phone line or an
underground phone line?
A. It's a surface phone line.
Q. And it is a hard-wired line, not a cell
phone or anything?
A. Not a cell phone, no.
Q. Thank you. Are you aware of any holes
that were drilled to install electrical pumps
somewhere near the Bandytown fan prior to the
explosion?
A. Yes, there were some holes drilled to
install backup electrical pumps.
Q. Were those pumps installed?
A. No.
Q. Okay. Why weren't they installed?
A. Didn't really need them. I mean, the air,
you know, didn't -- I was going to cancel the
order, actually, and they told me to go ahead and
follow through with it. So --
Q. Who told you to follow through with it?
   A. Blanchard.

Q. Are you aware that MSHA had not approved the installation of those pumps?
   A. Yes. And that was part of the reason I didn't follow through with it.

Q. Was there some problem with one of the holes hitting the mine entry; are you aware of that?
   A. I know they had some difficulty with drilling, but the details, I don't know.

MR. SHERER: Okay. Thank you.

MR. McATEER: I just have one other question.

EXAMINATION

BY MR. McATEER:

Q. Since the explosion, have those diesel air compressors been converted to electrical?
   A. The electric units are there, but they're not being used, and we haven't pumped any air for months.

Q. I understand that. But has the diesel air compressors been converted to an electrical system or substituted?
A. Since the explosion?

Q. Yes, since the explosion.

A. They're in transition of being substituted.

Q. Okay. So the notion is to transfer them to an electrical system?

A. Yes.

Q. Why is that?

A. To just get rid of the maintenance of diesel fuel. And more dependable, and it's better, I mean.

MR. McATEER: Okay. Thank you, sir.

MR. KOERBER: Mr. Thompson, in answering any of the questions from any of the interviewers, did you mark on any of the fan charts that have been identified as Exhibit 2? And the reason I ask is I want to make sure that is the one that's marked as Exhibit 2.

THE WITNESS: I'm not sure I understand what you're saying.

MR. KOERBER: In answering any of the questions, did you put anything on any
of the -- on any fan chart in front of you identifying any particular item pertaining to a question with either pen, pencil or a marker?

THE WITNESS: You mean today?

MR. KOERBER: Yes.

THE WITNESS: No.

MR. KOERBER: Okay. So then any of these fans chart is sufficient to be Exhibit 2?

THE REPORTER: I have one. Thank you.

MR. KOERBER: Oh, you do? Okay.

(Thompson Exhibit No. 2 marked for identification.)

MR. KOERBER: Mr. Thompson, I know that you were recalled a second time today, and I appreciate you coming in a second time. We're approaching the end of the interviews. There is the potential that we may be recalling other people. Obviously, it could still be you again. But I do thank you for coming today.

I also want to give you an
opportunity at this point in time, just
like we did previously, if there's
anything you want to add or anything you
want to state or comment upon, anything
you want to clarify, you have the floor.

THE WITNESS: No comments,
nothing to add.

MR. KOERBER: Okay. Thank you
very much, sir, for coming. And we'll go
off the record.

(The interview of PAUL R.
THOMPSON, JR., was concluded at 8:56 a.m.)
STATE OF WEST VIRGINIA, To-wit:

I, Karen Kay Skeen, a Notary Public and
Registered Professional Reporter within and for the
State aforesaid, duly commissioned and qualified,
do hereby certify that the interview of PAUL R.
THOMPSON, JR., was duly taken by me and before me
at the time and place specified herein.

I do further certify that said proceedings
were correctly taken by me in stenotype notes, that
the same were accurately transcribed out in full
and true record of the testimony given by said
witness.

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

My commission expires the 5th day of May 2012.

Given under my hand and seal this _____ day of
November, 2010.

____________________________
Karen Kay Skeen
Registered Professional Reporter
Notary Public