

STATEMENT UNDER OATH

OF

DAVID MASON

Taken pursuant to Notice by Miranda  
D. Elkins, a Court Reporter and  
Notary Public in and for the State of  
West Virginia, at the U.S. Bankruptcy  
Courthouse, 324 West Main Street,  
Clarksburg, West Virginia, on  
Tuesday, February 21, 2006, at  
11:04 a.m.

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## 1                   A P P E A R A N C E S

2

3           RUSSELL A. DRESCH

4           Mine Safety, Health and

5           Administration

6           District 5

7           Electrical Engineer

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

TIMOTHY S. WILLIAMS, ESQUIRE

Mine Safety and Health Division

U.S. Department of Labor

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## I N D E X

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INTRODUCTION 6 - 16

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WITNESS: DAVID MASON

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QUESTIONS

12

By Mr. Dresch 16 - 30

13

By Attorney Williams 30 - 31

14

By Mr. Dresch 31 - 62

15

By Mr. Collins 63 - 71

16

By Mr. Scott 72 - 74

17

By Mr. Collins 74 - 76

18

By Mr. Dresch 77 - 81

19

By Mr. Collins 81 - 82

20

By Mr. Dresch 83 - 85

21

CERTIFICATE 86

22

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EXHIBIT PAGE

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P R O C E E D I N G S

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MR. DRESCH:

My name is Russell  
Dresch. I am an accident  
investigator with the Mine  
Safety and Health  
Administration, an agency of  
the United States Department  
of Labor. With me is Tim  
Williams, from the Solicitor's  
Office, John Collins and John

1           Scott with the West Virginia  
2           Office of Miners' Health,  
3           Safety and Training.

4                   I've been assigned to  
5           conduct an investigation into  
6           the accident that occurred at  
7           the Sago Mine on January 2nd,  
8           2006, in which 12 miners died  
9           and one was injured. The  
10          investigation is being  
11          conducted by MSHA and the West  
12          Virginia Office of Miners'  
13          Health, Safety & Training to  
14          gather information to  
15          determine the cause of the  
16          accident. And these  
17          interviews are an important  
18          part of the investigation.

19                   At this time, the  
20          accident investigation team  
21          intends to interview a number  
22          of people to discuss anything

1           that may be relevant to the  
2           cause of the accident. After  
3           the investigation is complete,  
4           MSHA will issue a written  
5           report detailing the nature  
6           and causes of the accident.  
7           MSHA accident reports are made  
8           available to the public in the  
9           hope that the greater  
10          awareness about the causes of  
11          accidents can reduce their  
12          occurrence in the future.  
13          Information obtained through  
14          witness' interviews is  
15          frequently included in these  
16          reports. Your statement may  
17          also be used in other  
18          enforcement proceedings.

19                   I would like to thank  
20                   you in advance for your  
21                   appearance here. We  
22                   appreciate your assistance in

1 the investigation. The  
2 willingness of miners and mine  
3 operators to work with us is  
4 critical to our goal of making  
5 the nation's mines safer. We  
6 understand the difficulty for  
7 you in discussing the events  
8 that took place and we greatly  
9 appreciate your efforts to  
10 help us understand what  
11 happened.

12 This interview with Mr.  
13 Mason is being conducted under  
14 Section 103(a) of the Federal  
15 Mine, Safety and Health Act of  
16 1977 as part of an  
17 investigation by the Mine  
18 Safety and Health  
19 Administration and the West  
20 Virginia Office of Miners'  
21 Health, Safety & Training into  
22 the conditions, events and

1           circumstances surrounding the  
2           fatalities that occurred at  
3           the Sago Mine owned by the  
4           International Coal Group in  
5           Buckhannon, West Virginia on  
6           January 2nd, 2006. The  
7           interview is being conducted  
8           at the U.S. Bankruptcy  
9           Courthouse in Clarksburg,  
10          West Virginia, on February  
11          21st, 2006.

12                        Questions will be  
13                        conducted by representatives  
14                        of MSHA and the Office of Mine  
15                        Health, Safety & Training.

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

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

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

18                     MR. MASON:

19                     All right.

20                     MR. DRESCH:

21                     Your statement is  
22           completely voluntary. You may

1           refuse to answer any question  
2           and you may terminate your  
3           interview at any time. If you  
4           need a break for any reason,  
5           please let me know.

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

14                   Also please try to keep  
15         your voice up. Copies of the  
16         written transcripts will be  
17         available at a later time.

18                   If any part of your  
19         statement is based not on your  
20         own firsthand knowledge, but  
21         on information that you've  
22         learned from someone else,

1           please let us know. Please  
2           answer each question as fully  
3           as you can, including any  
4           information you have learned  
5           from someone else. We may not  
6           ask the right questions to  
7           learn the information you  
8           have, so do not feel limited  
9           by the precise question asked.  
10          If you have information about  
11          the subject area of a  
12          question, please provide us  
13          with that information.

14                         At this time, Mr.  
15          Collins, do you have anything  
16          you would like to add on  
17          behalf of the Office of  
18          Miners' Health, Safety &  
19          Training?

20                                 MR. COLLINS:

21                                 Yes. Thank you. Mr.  
22          Mason, the West Virginia

1 Office of Miners' Health,  
2 Safety & Training is  
3 conducting this interview  
4 session jointly with MSHA and  
5 are in agreement with the  
6 procedures outlined by Mr.  
7 Dresch here today. But the  
8 Director reserves the right,  
9 if necessary, to call or  
10 subpoena witnesses or require  
11 the production of any records,  
12 documents, photographs or  
13 other relevant materials  
14 necessary to conduct this  
15 investigation. And also,  
16 after the interview, if there  
17 are additional questions or if  
18 you wish to provide additional  
19 information, here's a card  
20 from Mr. Brian Mills. Thank  
21 you, Mr. Mason.

22 MR. DRESCH:

1                   Mr. Mason, are you  
2                   aware that you may have a  
3                   personal representative  
4                   present during the taking of  
5                   this statement?

6                   MR. MASON:

7                   Yes.

8                   MR. DRESCH:

9                   Do you have a  
10                  representative present here  
11                  today?

12                  MR. MASON:

13                  Yes.

14                  MR. DRESCH:

15                  And who is that?

16                  ATTORNEY BASARA:

17                  George Basara.

18                  MR. DRESCH:

19                  Has anyone suggested  
20                  to you that you use this  
21                  representative?

22                  MR. MASON:

1 No .

2 MR. DRESCH:

3 Are you aware that your  
4 representative may have a  
5 conflict of interest in  
6 representing you while being  
7 provided by someone else, such  
8 as the company?

9 MR. MASON:

10 Am I aware, no, I am  
11 not aware that he has a  
12 conflict of interest in  
13 representing me. I'm not sure  
14 I understand the ---.

15 ATTORNEY BASARA:

16 Well, there's no  
17 conflict of interest.

18 MR. MASON:

19 The magnitude of ---.  
20 He's been retained by me.

21 ATTORNEY BASARA:

22 There's no conflict.

1                   MR. DRESCH:

2                   Okay. Your  
3                   representative ---.

4                   ATTORNEY BASARA:

5                   He's retained me.  
6                   We're by another party. I'm  
7                   his personal --- I'm his  
8                   personal ---. I don't think  
9                   he understood the question.

10                  ATTORNEY WILLIAMS:

11                  I agree. You can  
12                  proceed.

13                  MR. DRESCH:

14                  Do you have any  
15                  questions regarding the manner  
16                  in which this interview will  
17                  be conducted?

18                  MR. MASON:

19                  No.

20                  MR. DRESCH:

21                  Will you please swear  
22                  in Mr. Mason?

1 -----  
2 DAVID MASON, HAVING FIRST BEEN DULY  
3 SWORN, TESTIFIED AS FOLLOWS:  
4 -----

5 BY MR. DRESCH:

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

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

9 Q. And please state your address  
10 and telephone number.

11 A. [REDACTED]

12 [REDACTED] My home  
13 phone number or work number?

14 Q. Home phone number.

15 A. [REDACTED]

16 Q. Are you appearing here today  
17 voluntarily?

18 A. Yes.

19 Q. Do you have any mining  
20 experience?

21 A. Yes.

22 Q. Can you give us a brief

1 description?

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

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

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

18 Q. Okay.

19 A. --- to the present.

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

22 A. Yes.

1 Q. How many employees that work  
2 at coal mining, that go to coal mines  
3 and work?

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

8 Q. No.

9 A. Approximately six. And that  
10 varies with our workload.

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

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

14 Q. What is it?

15 A. Electrotech, Incorporated.

16 Q. And the address and phone  
17 number for Electrotech?

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

19 Q. Telephone number?

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

1 Q. Okay. Was Electrotech  
2 retained by Sago Mine? Do you  
3 contract for Sago Mine?

4 A. Yes.

5 Q. When did this --- when did you  
6 start contracting for Sago Mine?

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

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

17 A. Okay. I believe it would have  
18 been 1999.

19 Q. Okay. And you've contracted  
20 for ICG for longer at other places?

21 A. No, not ICG. They just  
22 recently came into the picture, so we

1 would have contracted for Anker ---

2 Q. Anker.

3 A. --- at other places.

4 Q. Approximately how many years  
5 there?

6 A. TO be honest with you, without  
7 checking the record, I really  
8 wouldn't know, but I would say  
9 probably five years prior.

10 Q. That's fine. Do you have a  
11 written contract?

12 A. No. We have written wage  
13 rates, if you would, for hourly  
14 work, ---

15 Q. Okay.

16 A. --- when called upon, but as  
17 far as any written service  
18 agreements, contracts, agreements,  
19 no.

20 Q. Okay. So what type of  
21 agreement do you have? Is it when  
22 something --- when they need your

1 help they call?

2 A. Yes.

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

5 A. Only when they call.

6 OFF RECORD DISCUSSION

7 BY MR. DRESCH:

8 Q. Who is your contact at Sago  
9 Mine?

10 A. Typically, Dick Wilfong, the  
11 chief electrician.

12 Q. And can you describe your job  
13 duties and responsibilities for the  
14 Sago Mine?

15 A. We would primarily be involved  
16 in their electrical installations for  
17 their outside facilities, including  
18 their substation, their fan, their  
19 office buildings, things of that  
20 nature. We do not typically work  
21 underground, our folks don't.

22 Q. Okay. You said typically.

1 A. No, we don't work underground.  
2 I don't know, to my knowledge, that I  
3 have ever been in that mine prior to  
4 the investigation.

5 Q. Okay. Has anyone from your  
6 company been underground?

7 A. No, not to my knowledge.

8 Q. Do you have any mining  
9 certifications?

10 A. Yes.

11 Q. Describe them, please.

12 A. Well, I have my state card  
13 through the Office of Miners' Safety,  
14 Health and Training, my electrician's  
15 card. And I have my low, medium and  
16 high voltage certification through  
17 the Department of Labor, as my fire  
18 marshal's card for other work,  
19 non-related to mining, through the  
20 State of West Virginia.

21 Q. Do you sign or countersign any  
22 of the required mine records at Sago

1 Mine?

2 A. No.

3 Q. Before the accident, when was  
4 the last time anyone from your  
5 company was at the Sago Mine?

6 A. I'm not sure that I can answer  
7 that without looking at a record, if  
8 you would, because we might have had  
9 a --- Dick could have called and said  
10 that he needed a part or he needed  
11 any type of service. And really  
12 without checking, I don't know that I  
13 could ---. I've been, as everybody  
14 else has been, involved in this last  
15 for the last month and a half or two  
16 months and I've sort of lost track of  
17 time. That would have been prior to  
18 Christmas, I'm going to say, the time  
19 frame that you're speaking of. And I  
20 just don't know off the top of my  
21 head when we would have been out  
22 there. I feel sure that probably

1       some time in the month of December we  
2       probably would have had occasion to  
3       be out, but I do not know that to be  
4       a ---.

5       Q.       Can you give us a copy of  
6       these records?

7       A.       Sure.

8                               ATTORNEY BASARA:

9                               What record are we  
10                              looking at?  A record that  
11                              shows what would have been the  
12                              last time they were at the  
13                              mine?

14                             MR. DRESCH:

15                             Yes.

16                             ATTORNEY BASARA:

17                             Okay.

18                             ATTORNEY WILLIAMS:

19                             And what activities  
20                             would have occurred then.

21       A.       Okay.  Is it as far as  
22       something, and I'll use an example,

1 the bathhouse, something of that  
2 nature or is it something more geared  
3 toward the substation or ---?

4 BY MR. DRESCH:

5 Q. Just whatever it is.

6 A. All right.

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

11 A. Well, ---.

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

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

14 ATTORNEY WILLIAMS:

15 You want to know  
16 between Christmas and the date  
17 of the accident; right?

18 MR. DRESCH:

19 We want to make sure we  
20 know when you were there.

21 A. Right.

22 ATTORNEY BASARA:

1 I think he'd have to  
2 look at his records.

3 A. Yeah.

4 ATTORNEY BASARA:

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

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

9 MR. DRESCH:

10 That's fine.

11 ATTORNEY BASARA:

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

21 MR. DRESCH:

22 Okay.

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ATTORNEY BASARA:

Okay.

BY MR. DRESCH:

Q. How do you operate?

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

I might not be directly involved in it. I might not be in

1 the office at the time. There are  
2 two girls that work in our office and  
3 they might take the call and  
4 indicate, Dave was not in the office  
5 at the time, would you like to speak  
6 to one of the other fellows. And  
7 they might talk to Dick and go out  
8 and take care of whatever he needed  
9 to. And I might not have the  
10 immediate knowledge that day. And  
11 that's why I'm apprehensive to tell  
12 you we were out there the 23rd of  
13 December without looking in our  
14 records. It would be speculation ---

15 Q. Okay.

16 A. --- on my part. I don't know  
17 --- just trying to think back, I  
18 don't know of any work that we had  
19 had ongoing at the mines for some  
20 period of time prior to the end of  
21 the year. So if there were any  
22 activities, it would be very minimal,

1 I would say. But after checking my  
2 records, I can confirm that for you.

3 Q. Okay.

4 A. I don't know if that helps or  
5 not, but ---.

6 ATTORNEY BASARA:

7 Can I ask one question?

8 Who are the other people in  
9 the room?

10 ATTORNEY WILLIAMS:

11 There are people from  
12 MSHA and also different people  
13 from the state.

14 ATTORNEY BASARA:

15 Okay. So these are  
16 MSHA and state-related  
17 personnel?

18 ATTORNEY WILLIAMS:

19 Right.

20 ATTORNEY BASARA:

21 Okay. Because I saw it  
22 wasn't open to the public and

1 I just wanted to know ---

2 ATTORNEY WILLIAMS:

3 Right.

4 ATTORNEY BASARA:

5 --- who else was here.

6 ATTORNEY WILLIAMS:

7 They're all members of  
8 the investigation.

9 ATTORNEY BASARA:

10 Okay.

11 ATTORNEY WILLIAMS:

12 I'm just thinking about  
13 how best to facilitate this  
14 information, if you're willing  
15 to give us the documents that  
16 would reflect what you did at  
17 the mine and when through your  
18 attorney, then you could just  
19 submit those and send those to  
20 us. And we probably, I would  
21 think, then not have to bring  
22 you back and ask you more

1                   specifics about it.

2                   ATTORNEY BASARA:

3                   I guess my question  
4                   would be, though, I'd like to  
5                   be specific as to what you're  
6                   expecting him to provide you  
7                   so we don't have to maybe do  
8                   this dance any number of  
9                   times.

10                  ATTORNEY WILLIAMS:

11                  Right.

12                  ATTORNEY BASARA:

13                  If you could be  
14                  specific, then we would try  
15                  to ---

16                  ATTORNEY WILLIAMS:

17                  I assume you have ---

18                  ATTORNEY BASARA:

19                  --- provide you with  
20                  it.

21                  ATTORNEY WILLIAMS:

22                  --- purchase orders or

1 billings that would have what  
2 you did on a particular  
3 day, ---

4 A. Yes.

5 ATTORNEY WILLIAMS:

6 --- and maybe who did  
7 it and maybe not, in your  
8 company. I guess that's all  
9 we're looking for.

10 ATTORNEY BASARA:

11 And how far back do you  
12 want it to go, the last time  
13 or ---?

14 BY ATTORNEY WILLIAMS:

15 Q. When did you begin working ---  
16 doing any work for ICG at Sago?

17 A. That's a question I can't  
18 answer because I don't know when  
19 ICG ---.

20 Q. Took over?

21 A. Right.

22 Q. Was Mr. Wilfong there prior to

1 when ICG took over?

2 A. Yes.

3 MR. DRESCH:

4 The month of December  
5 to the time of the accident.

6 ATTORNEY BASARA:

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

14 MR. DRESCH:

15 Yes.

16 ATTORNEY WILLIAMS:

17 Thank you.

18 BY MR. DRESCH:

19 Q. Were you at the mine on the  
20 day of the accident?

21 A. Yes.

22 Q. Was that before or after the

1 accident occurred?

2 A. After the accident.

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

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

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

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

19 Q. Yes.

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

22 Q. Okay.



1 things like you said in a  
2 bathhouse, you know, or  
3 something, but we're really  
4 talking about something that  
5 caused this accident.

6 ATTORNEY WILLIAMS:

7 Well, I think his  
8 question is trying to do that  
9 by his ---

10 ATTORNEY BASARA:

11 Okay.

12 ATTORNEY WILLIAMS:

13 --- testifying (sic)  
14 high voltage or grounding.

15 ATTORNEY BASARA:

16 Okay.

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

19 BY MR. DRESCH:

20 Q. Before the accident, ---

21 A. Okay.

22 Q. --- do you remember working on

1 something of significance at the Sago  
2 Mine?

3 ATTORNEY WILLIAMS:

4 With respect to the  
5 grounding or high voltage  
6 system.

7 A. That's what I'm thinking of.  
8 No, not to my knowledge. No problems  
9 associated with the grounding, no  
10 problems associated with the  
11 substation.

12 BY MR. DRESCH:

13 Q. Okay. Did you assist in any  
14 capacity during the rescue operation?

15 A. Yes.

16 Q. Can you describe that?

17 A. Around ten --- I'm going to  
18 say between ten and 11 o'clock, I had  
19 seen on the Internet that there had  
20 been an explosion at the mines. And  
21 I had called out to the mine to find  
22 out, one, the nature of the

1 explosion, and, two, if there was  
2 anything that myself or our company  
3 needed to do to assist the folks.  
4 And I had spoken to Dick, I don't  
5 remember exactly what time. And I  
6 had asked him if it would be of a  
7 benefit for me to come out in case it  
8 would become necessary to make any  
9 changes in the power or shutting off  
10 of the power or anything like that.  
11 And he indicated that, yes, that  
12 would be probably a good idea. So at  
13 approximately ten or 11 o'clock  
14 Monday morning I went out to the mine  
15 site.

16 Q. Okay. Can you describe what  
17 you did, trying to include the day  
18 and the time?

19 A. Well, it would have been  
20 Monday morning, approximately 11  
21 o'clock, and I arrived at the mine  
22 property. And I don't remember

1 exactly how long it was before I had  
2 seen or talked to Dick, because I  
3 know that he was pretty busy.  
4 Shortly after that, there were  
5 discussions of drillings, operations  
6 that were going to begin away from  
7 the mine property out on the  
8 Tallmansville Road.

9           And I questioned Dick about  
10 the possibility of bringing  
11 generators out to the mine in case  
12 there were an interruption in power.  
13 And I think at that point he  
14 indicated that it would probably be a  
15 good idea to bring some generators  
16 out, so I made a trip back to our  
17 shop and brought a generator out to  
18 the facility. And mainly didn't do a  
19 whole lot until later on in the  
20 evening. I think I might have  
21 brought a couple of light plants out  
22 to the property as well. And then

1 the majority of the next couple of  
2 days were spent up on the  
3 Tallmansville Road system and the  
4 drilling operations and getting light  
5 facilities and power where necessary,  
6 to aid in the drilling.

7 Q. Okay. You helped by providing  
8 the light plants?

9 A. Light plants. And I believe  
10 generators as well.

11 Q. Okay. What power company  
12 provides electricity for this mine?

13 A. Allegheny Power.

14 Q. And what voltage level?

15 A. 12,470.

16 Q. Did your company install the  
17 substations at Sago Mine?

18 A. You said substations, plural.

19 Q. Yes.

20 A. We installed the --- what I  
21 consider to be the substation.

22 Q. At the mine site?

1 A. Yes.

2 Q. Okay. You know the mine picks  
3 up power from the French Creek  
4 substation?

5 A. Correct.

6 Q. Have you done anything as far  
7 as installing components with that  
8 substation?

9 A. No, not with the --- when you  
10 say that substation, I take that to  
11 mean the Allegheny Anker substation,  
12 if you will. Is that the same  
13 substation that you're referring to?

14 Q. Yes.

15 A. No, that substation was  
16 installed prior to Anker taking over  
17 that property.

18 Q. Have you ever examined that  
19 substation, the Anker portion?

20 A. Well, I've worked in it. Yes.  
21 Yes, we have done some work in that  
22 area of the substation. I didn't

1 build it, ---

2 Q. Okay.

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

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

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

9 Q. Can you tell us what is there?

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

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

22 A. Oh, I think there are

1 over-current relays. I'm not --- I  
2 can't tell you from memory if they're  
3 General Electric or Westinghouse, but  
4 I know that there are.

5 Q. And they provide overload,  
6 short-circuit ---?

7 A. Yes, ground fault. Yes.

8 Q. Is this a resistance ground  
9 resistor?

10 A. No.

11 Q. Not at this substation?

12 A. Not at the Allegheny  
13 substation. These are a solid  
14 grounded Y system.

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

19 A. That's correct.

20 Q. Okay.

21 A. Adjoining.

22 Q. Yes.

1 A. Uh-huh (yes).

2 Q. The Anker substation, is it  
3 resistance grounded?

4 A. No. It comes directly from  
5 Allegheny's station and there is no  
6 transformation. It's 12,470 solid  
7 grounded Y. And that's part of the  
8 information that I'm not sure who,  
9 somebody within your organization has  
10 requested. And I'm in the process of  
11 compiling that. So that would be  
12 forthcoming.

13 Q. Okay. Is it ground monitored?

14 A. No.

15 Q. Lightning arresters?

16 A. I'm sure that there are, but I  
17 can't --- I've not been in that  
18 station enough to say yes, here's  
19 where they are, but I feel that there  
20 are lightning protection in the  
21 station.

22 Q. Okay. Are there lightning

1        arresters between these two  
2        substations?

3        A.            Between the Anker-metering  
4        station and ---?

5        Q.            And the mine, underground, the  
6        mine substation.

7        A.            Yes.

8        Q.            Do you remember? You don't  
9        remember the last time your company  
10       examined the power line between the  
11       two?

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

14       Q.            Well, ---

15       A.            Prior to that, no.

16       Q.            --- before the accident?

17       A.            No. I have no --- due to the  
18       location of that particular section  
19       of line, that would be not one that  
20       we would routinely walk or inspect,  
21       being as it's down over the hill and  
22       out that old railroad grade.

1 Q. Right. Okay. What electrical  
2 protections are provided at the mine  
3 site substation?

4 A. There is a gang-operated air  
5 switch for isolation purposes. It  
6 offers no over-current protection,  
7 but it offers the isolation for  
8 maintenance purposes in front of the  
9 substation.

10 Q. Right.

11 A. There are three S&C, SM5 power  
12 fuses in front of the main power  
13 transformers for the underground  
14 mining circuit. There are three S&C  
15 15kV disconnects for the fan  
16 transformers. And there are one  
17 disconnect for the utility  
18 transformer in the substation on the  
19 12,000 side of the substation, on  
20 the ---. And when I say the 12,000,  
21 I mean the solid-grounded portion of  
22 the station, differentiating the

1 resistance grounding.

2 Q. The solid grounded feeds the  
3 fan; is that right?

4 A. Yes.

5 Q. Possibly some ---.

6 A. As well as the utility  
7 transformer.

8 Q. Okay. And the  
9 resistance-grounded system, what  
10 protections?

11 A. A Westinghouse PR circuit  
12 breaker, oil circuit breaker.

13 Q. And that provides overload,  
14 short-circuit, ---?

15 A. Ground fault, ground monitor  
16 and loss of voltage, controlled  
17 voltage protection.

18 Q. It does provide overload for  
19 short circuit also?

20 A. Yes.

21 Q. Lightning arresters?

22 A. There are lightning arresters

1 in front of all of the transformers  
2 in the substation, all of them ---.

3 Q. On the primary side?

4 A. Yes. Meaning the fan, the  
5 utility, and the mine transformers,  
6 the large transformers.

7 Q. Can you briefly describe the  
8 electrical protections, why they're  
9 used in the system overload?

10 A. With respect to the  
11 over-current protection? I mean,  
12 there are a number of devices within  
13 that substation that afford different  
14 protection.

15 Q. That's right.

16 A. Which would you like to talk  
17 about?

18 Q. Overload, short circuit, just  
19 briefly describe ---.

20 A. Okay. The breaker, the  
21 Westinghouse breaker has three.  
22 There again, I believe those are

1       General Electric or Westinghouse that  
2       are set at a value I believe to be  
3       somewhere in the neighborhood of 300  
4       to 350 amps on the overload, and  
5       somewhere in the neighborhood of ---  
6       I don't remember what the  
7       instantaneous ---.

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

17               And the instantaneous, or the  
18       short circuit, I don't recall the  
19       exact setting, but I know that we had  
20       tests done. I'd probably need to  
21       look in my charts to give you that  
22       exact number. I don't remember what

1 the instantaneous ---.

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

4 A. That's correct, and the State  
5 as well.

6 Q. Can you describe the ground  
7 monitoring just briefly?

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

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

6 Q. And basically its purpose ---?

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

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

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

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

21 A. When you said either  
22 substation, you're referring to the

1 mine substation and the ---

2 Q. Anker substation.

3 A. --- main --- the main  
4 substation?

5 Q. Not the Allegheny substation.

6 A. The coal company ---

7 Q. Right.

8 A. --- substation? There is a  
9 re-closure in the mine ---. I'm  
10 sorry. Let me back up. There is not  
11 a re-closure in the mine substation.

12 Q. Okay.

13 A. But you would not expect there  
14 to be. There is a re-closure ability  
15 in the Anker substation at French  
16 Creek.

17 Q. You said ability?

18 A. Well, there's a switch where  
19 you can put it in service or you take  
20 it out of service.

21 Q. Okay. So my next question is,  
22 what position is that switch?

1 A. I do not know that.

2 Q. Are there visual disconnects  
3 and lightning arresters provided at  
4 or near the portal?

5 A. Yes.

6 Q. And do you know where the  
7 power enters into the mine?

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

11 Q. Okay.

12 A. One entry over from the belt,  
13 there are gang-operated air switch  
14 and lightning protection, I think, at  
15 that point.

16 Q. So that would be the track  
17 entry?

18 A. Okay. That's correct.

19 Q. Please describe the safety  
20 ground, mine ground field, the  
21 location and the purpose.

22 A. The safety ground field is ---

1 the intended purpose for it is to  
2 work in conjunction with the  
3 grounding resistor to limit the  
4 amount of fault current, in the event  
5 that they have a fault in the  
6 underground power system to a value  
7 that limits the time as well as the  
8 touch potential on the mining  
9 machinery.

10 Q. Do you know where it's  
11 located?

12 A. It's located in the  
13 ground ---.

14 Q. The safety ground field?

15 A. Yes.

16 Q. Can you describe that?

17 A. It is above the main  
18 substation and below the county road.  
19 And then it extends below --- there's  
20 a pond below the substation. And the  
21 safety ground field extends down to  
22 an area below that pond and ties into

1 a culvert in that pond.

2 Q. Okay. There are several poles  
3 entering into the mine site, the  
4 power line going into the substation.

5 A. Okay.

6 Q. Are they butt grounded?

7 A. Which section of pole line are  
8 you referring to?

9 Q. That should be coming into the  
10 mine. As you see the mine, there's a  
11 fence and the high line, the  
12 high-voltage line crosses the road at  
13 that point.

14 A. The county road? The county  
15 road into the mine?

16 Q. Yes.

17 A. Okay. In the area where the  
18 metering is located, ---

19 Q. That's right.

20 A. --- in the same ---?

21 Q. That high-voltage line is  
22 Allegheny line?

1 A. No.

2 Q. Okay. That's the line going  
3 from the Anker substation to the  
4 underground line --- to the mine  
5 substation?

6 A. Yes. But that metering, if  
7 you would, has nothing to do with  
8 Allegheny.

9 Q. Okay.

10 A. That metering is for the  
11 company.

12 Q. Now, those poles, are they ---  
13 they're bringing in the grounding  
14 system?

15 A. They're carrying a neutral  
16 conductor, which is grounded.

17 Q. That neutral conductor at the  
18 Anker substation, is it connected to  
19 the Allegheny Power grounding system?

20 A. Yes.

21 Q. Okay.

22 A. And that will be part of the

1 information that you folks have  
2 requested.

3 Q. So those poles going in, do  
4 they have butt grounds? Do you know  
5 what I'm talking about?

6 A. Yes.

7 Q. Okay.

8 A. And I guess my question is,  
9 the poles that you are speaking of,  
10 from the main line to the mine  
11 property have butt grounds and guides  
12 for their grounding, the section  
13 along the railroad grade to the mine  
14 property.

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

17 A. Okay.

18 Q. --- but inside, where that  
19 pond is.

20 A. Okay. Those poles --- butt  
21 grounding, is that your ---?

22 Q. Do you call it something else?

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

6       Q.       Okay.

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

13      Q.       Let's see. I believe there's  
14      more than one pole.

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

1 meter pole.

2 Q. Yes.

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

10 Q. That's fine.

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

1 Q. In front of the substation?

2 A. --- substation.

3 Q. Okay.

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

10 Q. Okay. What's connected to the  
11 safety line ground field?

12 A. The mine and the resister.

13 Q. Yes. It's the underground  
14 electrical system?

15 A. Yes, sir.

16 Q. Have you inspected or tested  
17 the safety mine ground field before  
18 the accident?

19 A. Yes.

20 Q. Do you know what the  
21 results ---?

22 A. To the best of my , and I

1       tried to look this up in anticipation  
2       of our discussions here and was not  
3       able to put my hands on the exact  
4       documentation, but I believe it to be  
5       eight ohms.

6       Q.       Do you have any idea when that  
7       test was made?

8       A.       In 2003.

9       Q.       Okay.  What equipment is  
10      connected to the incoming ground  
11      field --- grounding system?

12     A.       When you say the incoming  
13     ground system, are you referring to  
14     what I would call the equipment  
15     ground, the substation ground?

16     Q.       Yes.

17     A.       That would be your neutral  
18     conductor.

19     Q.       And what would be connected to  
20     it?

21     A.       Your utility transformer  
22     within the substation, the frames of

1 all of the equipment ---

2 Q. Yes.

3 A. --- within the substation?

4 The fan transformers, the  
5 transformers that feed the office  
6 power, the transformers that feed the  
7 belt-conveying system, any other  
8 piece of outside equipment,  
9 electrical equipment that would be  
10 receiving power from that substation,  
11 excluding the mine power would be  
12 connected to that equipment ground.

13 Q. Is that all the components  
14 within the substation and the  
15 electrical structure?

16 A. The fencing?

17 Q. The framework?

18 A. Correct. Yes.

19 Q. And how far apart are the two  
20 ground fields?

21 A. Approximately 40 feet.

22 Q. That's from the substation to

1 the safety mine ground field? Is  
2 that where it was measured?

3 A. Well, including approximately  
4 four feet of step potential outside  
5 of the fence, up the hill  
6 approximately 40 feet.

7 Q. Okay. So that's the part of  
8 the safety mine ground field that  
9 goes up the hill; correct?

10 A. Yes, that would be in the  
11 section that runs up above the hill,  
12 and the section that I referred to in  
13 the pond is approximately, I don't  
14 know, two spans of wire back. So I  
15 would say 150 to 200 feet.

16 Q. Okay. Do you have any idea of  
17 the distance between the poles that  
18 do have ground rods and that pond  
19 that --- the culvert ---?

20 A. I'm going to say probably  
21 somewhere in the neighborhood of 30  
22 to 40 feet.

1 Q. Did Electrotech --- did it  
2 help with connecting the Number One  
3 belt, power to the Number One belt?

4 A. When you refer to the Number  
5 One belt, what --- I think some  
6 terminology might help in ---

7 Q. The belt ---.

8 A. --- making sure we're talking  
9 about ---.

10 Q. The Number One belt drive,  
11 it's right at the portal. They've  
12 built a structure around it.

13 A. No, we did not assist in the  
14 installation or the power of that.

15 Q. Okay. How about the stacker  
16 belt? That would be --- I don't know  
17 how to describe it.

18 A. Well, that's satisfactory, in  
19 my opinion. That tells me what belt  
20 you're speaking of.

21 Q. Okay.

22 A. Yes, we did install the

1        electricians associated with the stacker  
2        belt.

3        Q.        So its grounding is coming  
4        from the equipment neutral ---?

5        A.        That's correct.

6        Q.        Did you ensure that the two  
7        ground fields were not electrically  
8        connected together?

9        A.        Yes.    The law maintains that  
10       they be separated by 25 feet.    To the  
11       best of my knowledge, there is not an  
12       ohmic value within MSHA's laws or the  
13       State, other than a physical  
14       distance.    And yes, I am sure that it  
15       was within the 25 feet.

16       Q.        Okay.    Is the surface conveyor  
17       belt structure and the ropes  
18       protected against stray current from  
19       entering the mine?

20       A.        Are the ropes, conveyor  
21       structure and the stacker structure  
22       --- can you repeat the question,

1 please?

2 Q. The surface conveyor belt  
3 structure going underground, ---

4 A. Okay.

5 Q. --- is it protected against  
6 stray currents from going from  
7 outside to underground?

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

20 Q. It could be lightning or it  
21 could be from another source.

22 A. I don't know that I could

1       honestly answer that question, other  
2       than the conveyor structure is  
3       grounded.

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

6       A.       Yes.

7       Q.       Where would that be at?

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

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

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

21      Q.       Okay.

22      A.       --- is the grounding median.

1 Q. Okay. And it's also the  
2 grounding for that stacker motor?

3 A. That's correct.

4 Q. Yes.

5 A. It should be all tied  
6 together.

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

10 A. I don't know that I could  
11 answer that question. I'm not ---

12 Q. That's fine.

13 A. --- a track ---.

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

17 A. No.

18 Q. That's an easier question.

19 A. Yes.

20 Q. Was there any recent history  
21 of power loss at Sago Mine?

22 A. No. I think we had a very

1 good source from Allegheny, a very  
2 reliable source. And to my  
3 knowledge, there was no blinks, if  
4 you would.

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

6 MR. DRESCH:

7 How about we do this.

8 Do you have any other

9 questions?

10 MR. COLLINS:

11 I have just a couple

12 questions, Mr. Mason.

13 BY MR. COLLINS:

14 Q. Are you a certified  
15 underground coal miner in the State  
16 of West Virginia? Do you have an  
17 underground coal miner's certificate?

18 A. Well, I've got a billfold full  
19 of them, but I don't think that I  
20 am ---. What would that be in the  
21 form of? I know when I worked for  
22 Island Creek, I worked underground.

1 Q. Do you have a surface coal  
2 miner's certificate?

3 A. A green card?

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

7 A. No. Well, yes, I worked ---  
8 but I worked out of Craigsville, but  
9 the area that I covered was  
10 everywhere from Craigsville up to  
11 Grant County.

12 Q. Okay.

13 A. So it was surface mines and  
14 deep mines.

15 Q. And do you hold a --- I know  
16 you have a West Virginia  
17 electrician's card, low, medium and  
18 high.

19 A. Yes.

20 Q. And you're also registered  
21 through the fire marshal, the State  
22 of West Virginia?

1 A. Yes.

2 Q. Then do you have a West  
3 Virginia mine foreman's card, surface  
4 or underground?

5 A. I have a West Virginia  
6 construction ---. Remember a few  
7 years ago when we went through, I had  
8 a West Virginia construction foreman  
9 card. I do not believe, John, that I  
10 have an underground ---. I know that  
11 I don't have an underground mine  
12 foreman certification. And I do not  
13 believe that I have underground ---  
14 the first terminology that you asked  
15 me about.

16 Q. A miner's certificate.

17 A. I really don't know for sure.  
18 I guess I'd probably have to check to  
19 answer that question for you. I  
20 typically --- I don't --- my  
21 involvement at Sago in this  
22 investigation has mostly been on the

1 top side over there.

2 Q. I'm getting to that in just a  
3 little bit. The substation that's  
4 referred to as the Anker Allegheny  
5 substation, ---

6 A. Okay.

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

8 A. No.

9 Q. Did the Anker --- did they  
10 build this substation?

11 A. Pittston ---

12 Q. Pittston.

13 A. --- built the substation.

14 Q. But Anker now maintains that?

15 A. They maintain a small portion  
16 of the --- it's a large substation.  
17 Allegheny receives 138 into the  
18 substation and then they have their  
19 transformers. And the coal company  
20 built a small substation on the side  
21 of their station. And that portion  
22 of it belongs to Anker.

1 Q. And I might have  
2 misunderstood, Dave, but did you say  
3 that you do the inspection of this  
4 substation?

5 A. No.

6 Q. No, you do not?

7 A. No, I do not. No.

8 Q. Do you know if there's a  
9 monthly inspection of that substation  
10 made?

11 A. John, I don't. We have been  
12 called down there I can think of two  
13 different occasions in the last ten  
14 years where they had a problem down  
15 there. And there again, it was a  
16 situation where Dick would have  
17 called or possibly the folks at the  
18 preparation plant, because they  
19 receive power from that substation as  
20 well. But, no, we do not do monthly  
21 checks or anything like that.

22 Q. Do you know if the coal mine

1 inspectors from the State and MSHA,  
2 do they inspect that Allegheny ---  
3 Anker Allegheny substation, prior to  
4 the accident?

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

7 Q. If I could get back to the  
8 mine just a little bit for  
9 clarification, Dave. But the  
10 substation at the mine, I believe you  
11 would recall that BJM operated that  
12 mine?

13 A. Yes.

14 Q. Is this the same substation  
15 that BJM had?

16 A. Yes.

17 Q. But you installed the  
18 substation for Anker because BJM  
19 worked as a contractor for Anker?

20 A. I believe that to be the case,  
21 John. I know that we did the work  
22 for Anker, but BJM was the mining

1 contractor, if you would. The work  
2 that we did was through Anker.

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

8 A. Yes.

9 Q. --- and sometimes you contract  
10 to do a part of a job?

11 A. Yes.

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

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

1 scope or the job scope of it.

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

4 A. Yes, typically.

5 Q. The surface ---.

6 A. Well, let me back up.

7 Q. Okay.

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

11 Q. Yes.

12 A. Okay.

13 Q. Denver Shirl Wilfong.

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

22 Q. Speaking of the installation

1 of the substation?

2 A. Right. The engineer out of  
3 the main office. And I don't really  
4 recall, at this time, who that would  
5 have been.

6 Q. Because that would differ  
7 between if you were contracted to  
8 install a substation versus you were  
9 contracted to install a new light at  
10 the bathhouse?

11 A. That's correct.

12 Q. So a complete job may be,  
13 check somewhere else, and Denver may  
14 check at the mine?

15 A. Yes.

16 Q. But the job is checked?

17 A. Yes.

18 Q. All right.

19 A. Yes.

20 Q. Did you assist in the  
21 investigation of the explosion, or  
22 did you participate in the

1 investigation?

2 A. Well, like I had mentioned to  
3 Russell, I contacted Dick upon  
4 hearing of the explosion and offered  
5 assistance if necessary. And upon  
6 talking with him and doing the things  
7 that I mentioned, if that would  
8 consist of assisting in the  
9 investigation, then, yes.

10 Q. Participation?

11 A. Yes, the participation,  
12 probably moreso, John, in the  
13 drilling aspect of it, trying to get  
14 the men.

15 Q. And have you been underground  
16 during this investigation?

17 A. Yes, on two occasions.

18 Q. In what capacity?

19 ATTORNEY BASARA:

20 Tim, can we step aside  
21 one second?

22 ATTORNEY WILLIAMS:

1 Sure. Off the record.

2 OFF RECORD DISCUSSION

3 MR. COLLINS:

4 Back on. Dave, I think

5 John Scott would like to ask

6 you ---

7 A. Sure.

8 MR. COLLINS:

9 --- a clarifying

10 question.

11 A. All right.

12 BY MR. SCOTT:

13 Q. I'd like to clarify a little

14 bit on the substation. The initial

15 substation at the mine or the mine

16 substation was initially put in by

17 you, Electrotech, ---

18 A. Yes.

19 Q. --- in '99?

20 A. Yeah. I went back through my

21 records. And in the fall of '99 was

22 the best of my recollection when we

1 had started and completed that draft.

2 Q. It was for Anker, but a  
3 protection contractor was actually  
4 working at the mines, or BJM, or  
5 something to that effect?

6 A. Yes.

7 Q. And then in 2003, after the  
8 mines had been idle for a period of  
9 time, you went back and just checked  
10 the substation out prior to Anker  
11 opening the mines?

12 A. I believe, according to my  
13 notes, because I looked at that prior  
14 to coming in, myself, Dan Stout,  
15 Frankie Thomas, with the federals,  
16 and I believe you checked it out, if  
17 my notes serve me correctly. At that  
18 point, we had to put some additional  
19 grounding in, and that's where the  
20 safety ground field was extended down  
21 to the pond area, if my notes were  
22 correct. Does that sound ---?

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

3 A. Above the road?

4 Q. Above the road. I have to  
5 look at my notes, too.

6 A. Okay. Well, according to the  
7 information I had, it went ---

8 Q. Went down?

9 A. --- down below, because we  
10 found that to be the case when we  
11 checked the ground field here a  
12 couple of weeks ago. And that was  
13 not done on the initial setup.

14 Q. I know there was some  
15 additional work, ---

16 A. Yes.

17 Q. --- either above or below.

18 A. Yeah. And it might have been  
19 above and below.

20 ATTORNEY SCOTT:

21 Okay.

22 BY MR. COLLINS:

1 Q. And, Dave, I think we were  
2 talking about the investigation and  
3 your participation in the  
4 investigation.

5 A. Yes.

6 Q. And to what capacity have you  
7 been participating in the  
8 investigation?

9 ATTORNEY BASARA:

10 Excuse me. Could you  
11 clarify what --- what are you  
12 talking about?

13 MR. COLLINS:

14 I'm talking about the  
15 investigation that's being  
16 conducted at the Sago  
17 Mine, ---

18 ATTORNEY BASARA:

19 By?

20 MR. COLLINS:

21 --- the same day, by  
22 the state and federal ---.

1                   ATTORNEY BASARA:

2                   Okay.

3                   MR. COLLINS:

4                   And I seen Dave working  
5                   there. And I asked what  
6                   capacity has he been working  
7                   there.

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

13                  BY MR. COLLINS:

14                  Q.           And have you determined the  
15                  cause of this explosion?

16                  ATTORNEY BASARA:

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

1 BY MR. COLLINS:

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

4 A. Yes.

5 Q. --- during this?

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

17 Q. Okay.

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

20 MR. COLLINS:

21 Okay. Thank you, Dave.

22 MR. DRESCH:

1                                   Okay.    A couple of  
2                                   other questions.

3   BY MR. DRESCH:

4   Q.            We've talked about the  
5   re-closure at the Anker substation.  
6   You said it has a switch.

7   A.            Yes.

8   Q.            Do you know what that switch  
9   should be set at?

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

16   Q.            Okay.

17   A.            How Anker has elected to set  
18   it, I don't know that.   I don't know  
19   if that answers your question or not.

20   Q.            It does.   That's fine.

21   A.            Okay.

22   Q.            The lightning arresters, the

1 last one at the portal, ---

2 A. Right.

3 Q. --- how is it grounded?

4 A. To the equipment ground at the  
5 base of the pole.

6 Q. Butt ground on the pole?

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

8 Q. And ---.

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

22 Q. Okay. When you were

1 helping with the people that were  
2 drilling, ---

3 A. Yes.

4 Q. --- could you describe what  
5 you were doing?

6 A. Yeah.

7 Q. We talked a little bit about  
8 that.

9 A. Mainly the locations were not  
10 in areas where there was adequate  
11 lighting, so we had generator power  
12 available for these folks, and light  
13 plants available. There was no  
14 connection to any of the utilities  
15 because of the urgency of the work,  
16 so we brought portable equipment out,  
17 whether it be a light plant or a  
18 generator. And then that was  
19 basically the extent of my  
20 involvement, other than if the  
21 drillers needed parts or needed  
22 something, needed somebody to run and

1 get something, I think I did a fair  
2 amount of running. And that was  
3 pretty much my involvement.

4 I was not involved in the  
5 actual drilling. There were deep  
6 wells, of course. And we don't have  
7 the ability to do that.

8 Q. Were you involved in finding  
9 the location to drill?

10 A. No. The surveyors did that  
11 part.

12 Q. What training did you receive  
13 at the Sago Mine?

14 A. Prior to the investigation, we  
15 sat through the hazard training and  
16 were hazard trained to work on the  
17 property, if that's what you're ---?

18 Q. Yes. What day was that? Was  
19 that in between when the accident  
20 occurred and you went underground?

21 A. Well, let me back up. I mean,  
22 every property that we work on, we

1 are hazard trained on.

2 Q. Okay.

3 A. Okay? So I have been hazard  
4 trained on that property from prior.

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

6 A. The date?

7 Q. The date.

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

9 Q. The month?

10 A. --- card, the pink card. But  
11 a lot of the folks that were involved  
12 in the investigation did not work at  
13 the mine or had never been to the  
14 mine. And the mine had a hazard  
15 training class. I don't remember the  
16 day, but I sat in on it as well.

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

19 A. Yeah, sure.

20 Q. Do you feel the training was  
21 adequate?

22 A. Yes. Yes, it was probably the

1 most informative training session  
2 that I had ever set through, and I've  
3 set through quite a few of them. So  
4 I thought it was very adequate. And  
5 the nature of it was a lot of the  
6 folks were not at all familiar with  
7 the mine. So, yes, I felt like it  
8 was a very informative training  
9 session.

10 MR. DRESCH:

11 Do you have anything?

12 MR. COLLINS:

13 Just to clarify, if I  
14 might.

15 BY MR. COLLINS:

16 Q. Dave, the rest of the  
17 questions that the state had was  
18 concerning the explosion, and  
19 particularly a possible ignition  
20 source. And since it's my  
21 understanding that you don't want to  
22 answer those type of questions

1       because of --- did you say  
2       attorney/client privileges?

3                   ATTORNEY BASARA:

4                   It's privilege that's  
5       involved, yes.

6                   MR. COLLINS:

7                   Between his attorney  
8       and him or between ---?

9                   ATTORNEY BASARA:

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

20                  MR. COLLINS:

21                  So we don't have any  
22       other questions.

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ATTORNEY BASARA:

Thank you very much.

ATTORNEY WILLIAMS:

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

BY MR. DRESCH:

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

A. No.

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

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

MR. DRESCH:

Okay. On behalf of MSHA, I'd like to thank you for appearing and answering questions today. Your cooperation is very important

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

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

1 information that was  
2 previously provided to you.

3 The Mine Act provides  
4 certain protections to miners  
5 who provide information to  
6 MSHA, and as a result are  
7 treated adversely. If at any  
8 time you believe that you been  
9 treated unfairly because of  
10 your cooperation in the  
11 investigation, you should  
12 immediately notify MSHA.

13 If you wish, you may  
14 now go back over any answers  
15 that you've given during this  
16 interview and you may also  
17 make statements that you would  
18 like to make at this time.

19 A. I have none, no statements  
20 that I would like to make.

21 MR. DRESCH:

22 Okay. Again, I want to

1  
2  
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9

thank you for your cooperation  
in this matter.

A. Yes, sir.

\* \* \* \* \*

SWORN STATEMENT

CONCLUDED AT 12:43 P.M.

\* \* \* \* \*