file

CASE NO. 02-46-EL-CSS
02-66-EL-CSS

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

CONNIE TOMLIN,
Administratrix of the Estate of Gary Tomlin, Deceased, et al.,
Plaintiffs,
vs.
JUDGE TRAVIS
AMERICAN ELECTRIC POWER COMPANY, et al.,
Defendants.

Case No. 01CVC-07-6999

BRIAN TOMLIN,
Plaintiff,
vs.
JUDGE CRAWFORD
AMERICAN ELECTRIC POWER COMPANY, et al.,
Defendants.

Case No. 01CVC-09-09072

DEPOSITION
of JAMES E. WARNER

Taken at the offices of
PORTER, WRIGHT, MORRIS & ARTHUR
41 South High Street
Columbus, Ohio 43215

on November 20, 2001, at 10:10 a.m.

Reported by: Angela R. Starbuck, RPR

APPEARANCES:

Mr. Donald C. Moore, Jr.
DONALD C. MOORE, JR. & CO., LPA
4355 Ferguson Drive, Suite 200
Cincinnati, Ohio 45245
(513) 752-2111
on behalf of the Plaintiffs.

Mr. Leland Evans
PORTER, WRIGHT, MORRIS & ARTHUR
41 South High Street
Columbus, Ohio 43215
(614) 227-2000

on behalf of the Defendants.

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STIPULATIONS

It is stipulated by and between counsel for the respective parties that the deposition of JAMES E. WARNER, the Witness herein, called by the Plaintiffs under the applicable Rules of Civil Procedure, may be taken at this time by the notary pursuant to notice and by agreement; that said deposition may be reduced to writing in stenotypy by the notary, whose notes thereafter may be transcribed out of the presence of the witness; and that the proof of the official character and qualification of the notary is waived.

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INDEX OF EXHIBITS

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JAMES E. WARNER
being first duly sworn, as hereinafter certified, deposes and says as follows:
EXAMINATION
BY MR. MOORE:
Q. Mr. Warner, as I introduced myself to you a few minutes ago, my name is Don Moore, and I represent actually two plaintiffs in two suits that are currently pending, all arising out of an accident that happened in Adams County involving some power lines.
And if during the course of today's questioning I ask you a question that you don't know the answer to, would you just answer that you don't know?
A. Yes, I will.
Q. All right. And if I ask you a question, either because of the way I word it or because of the terms that I use, that you don't understand my question, will you say that you just don't understand it?
A. I will.
Q. All right. And, therefore, if you

do answer a question, may I assume that you understood it and that you've answered to the best of your ability?
A. Yes.
Q. Okay. Thank you. If during the course of today's questioning you have a need to take a break at any time, all you have to do is let any of us know and we'll take a break immediately.
A. Okay.
Q. One of the things I do want to make clear is the purpose of today's deposition is to find out all of the facts and information that you may have that would have anything to do with the accident that we're here about. It is not to confuse you or be tricky in any kind of a way, so if there is something I ask you that there's -- you think there's any confusion or trick to, you just say so and we'll get -- I'll keep working on it until I get it right, okay?
A. Will do.
Q. All right. Will you please repeat your full legal name and spell your last for

the record.
A. James E. Warner, W-A-R-N-E-R.
Q. And, Mr. Warner, what is your current address?
A. 1500 Wheat Ridge Road, West Union, 45693.
Q. How long have you been living there?
A. Approximately 23 years.
Q. Do you have any current intentions of moving within the next year?
A. No.
Q. Okay. Just briefly, Mr. Warner, could you please give me a little bit of insight into your educational background.
First, do you have a high school diploma?
A. Yes, I do.
Q. And where did you get it and when?
A. Buffalo High School, the high school that I graduated from, that's in Buffalo, West Virginia. And I've got over a hundred college hours, but most of them were at Glenville State College there in West Virginia. That's in Glenville,

West Virginia, but I also picked up a few hours at West Virginia State, which is an institute in West Virginia, and a few hours at Southern State there at Fincastle campus.
MR. EVANS: What was the name of the first college?
THE WITNESS: Glenville State College. It's in Glenville, West Virginia.
MR. EVANS: Okay.
A. Let me see, I said how many hours -- I don't know, I had 84, I believe it was -- I -- I can't tell you exactly how many hours, but it's near that.
Q. That's okay. It's close enough.
With respect to your high school diploma, what year did you graduate?
A. Oh, '61. 1961.
Q. How old are you now?
A. I'm 58.
Q. And your date of birth?
A. 5-5-43.
Q. With respect to your college education, have you had -- gotten any certificates or diplomas?

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A. No.
Q. Okay. So the last formal degree or certificate would have been your high school graduation?
A. Yes. Yes.
Q. Okay. And has there been a particular area around which your education at college has centered?
A. I was in social studies and had most of my -- most of my hours in social studies. But the hours that I took at Fincastle at Southern State there, I took them towards a liberal arts degree.
Does that answer your question?
Q. It does. It does.
A. Okay.
Q. This is not hard.
A. Yeah.
Q. Okay. With respect to your -- let's go back to high school. Did you do a vocational program or a college prep program, or --
A. General.
Q. General studies?

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A. Yeah.
Q. All right. And I'm going to ask you a little more about your college, then we'll move on. As a result -- involved in your college studies, did you take courses in industrial safety or power distribution?
A. No.
Q. Okay. With respect --
A. Basically requirements and social studies classes.
Q. All right. And with respect to maintenance, industrial safety, or power distribution, have you had any courses at a college level from a college institution?
A. No.
Q. Okay. With respect to your working background, would you just -- first we'll get very general, then we'll get specific, and we'll get through it relatively quickly that way.
Can you just tell me generally what kind of vocational experience you've had since you got out of high school.
A. Okay. There's a course called

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American -- it's called ALBAT -- American Line Builders Apprenticeship Training -- that I attended.
Q. Where and when?
A. It was at Huntington, West Virginia, but I can't tell you the exact address. It was Huntington East High School, and I forget exactly what the address of that is.
Q. Fine.
A. But that was on -- that was just on Saturdays while I worked construction. I worked construction out of the IBEW Local 317 there in Huntington for eight years prior to going to work for Columbus and Southern Power.
Q. And what was your trade at that time, out of the IBEW?
A. Same thing, lineman.
Q. Okay.
A. Same thing that I had done, you know, for Columbus and Southern, when I started work for them.
Q. When did you take --
A. Well, the apprenticeship training --

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let's see -- I'm going to say I started that around '73, somewhere around 1973, and finished it somewhere around '7 -- '76.
Q. All right.
A. I'm going to guess.
Q. Let's go back a little bit. That's obviously important to what we're talking about here today, but let me go back a little bit.
When you got out of high school, what did you do as far as --
A. Oh, I was in the Army for three years.
Q. Did you do any time overseas?
A. No. I was in the 101st Airborne Division in Fort Campbell, Kentucky.
Q. Anything about your Army service or education in the Army that had to do with power distribution?
A. No.
Q. Did you enlist in the Army right out of high school?
A. Yes.
Q. All right.

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A. Six days after I graduated I was going.
Q. What rank did you attain?
A. PFC.
Q. Was that before the E classifications?
A. Yes.
Q. All right.
A. Well, no, they had them then. You're talking about the --
Q. E-3 or --
A. Okay. I was E-3. PFC is an E-3.
Q. That's what I thought.
A. Yeah.
Q. Okay. And once you were discharged, what then?
A. That's when I started school at Glenville State.
Q. Okay. Was there any lineman background in your family?
A. No.
Q. All right. Did you get any training or work as an electrician at any juncture?
A. Not prior to going to work on

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construction.
Q. Okay.
A. I worked -- I worked what they call out of the inside locals, you know. I did a little bit of that while I was in IBEW.
Q. Well, I have a question. Maybe I've got my dates mixed up here. I've got that you graduated high school in '61.
A. Yeah.
Q. And that would have put you getting out of the military somewhere around '64?
A. '64, yes.
Q. And I didn't have you at the line builder training until '73. What was going on between '64 and '73?
A. Okay. I was going to college, and then I worked a couple other plants, like American Viscose there in Nitro, West Virginia. I worked there for a couple years.
Q. What'd you do there?
A. Two and a half, or so. Well, I worked there two different times. The first time I worked in -- they called it the yard,

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or maintenance, for about -- I don't know, six months or so, I guess, and they had a big curtailment. Then I went back on what they called production and worked in the upper end of the plant, they called it, on production.
Q. Two years?
A. Well, basically that, yes.
Q. And for purposes of what we're doing here today, or at least for my purposes, if it's around that area, that's close enough.
A. Yeah. Yeah. Then I was in Florida. Jacksonville, Florida. I lived in Jacksonville, Florida, for approximately a year and worked at a place called Gillman Paper Company in St. Mary's, Georgia.
Q. What'd you do there?
A. I worked in what they called the bag plant on the assembly line, basically.
Q. Line worker? Assembly line worker?
A. Yes. Yes. I worked as a bagger.
Q. Okay.
A. Put the bags in a big bag and lift them off and put them on a palette.

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Q. All right. Let's go back for a minute. The American Viscose in yard maintenance, what kind of work did you do? What was your job?
A. Basically laborer, in there helping the crafts, pipefitters and welders and carpenters and mechanics.
Q. Okay.
A. Any -- anything like that they needed labor to help.
Q. What -- what business was American Viscose in?
A. They made rayon.
Q. Rayon, the fabric --
A. Uh-huh. Fiber, rayon fiber. And there was another fiber they called fiber 40. I'm not sure what that is, but --
Q. Okay. Then how about when you were in the upper end of the plant doing production, what were you doing?
A. Mostly driving these industrial Jeeps, I guess you'd call them, big cans of this in different stages from one point to another and taking it to the aging cellar,

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and I worked in a place called the slurry, that type of thing.

Q. So you were a driver mostly?

A. The majority of the time, yeah.

Q. All right.

A. I had -- had broken in as an operator in the -- this don't mean anything to you -- the mercerizing cellar, you know, which would have been watching the gauges and record the times and turn a few valves and all this type thing --

Q. Okay. That's close enough.

A. -- at certain times, and that type of thing.

Q. Nothing at American Viscose -- your job -- had to do with power distribution or electric lines?

A. No.

Q. All right. And then when you're with Gilman Paper. Nothing there had to do with power distribution or electric lines?

A. That's true.

Q. And you would have got done there somewhere around '68 or '69?

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A. Yeah, okay, then I was back to college after I got enough money to go back, and -- let's see, it was either '66 or '67, I went back to college. And -- for a year. And met my wife there and got married that summer, and that was the end of college, except for night school here and there.

Q. All right.

A. And then I went to work for approximately a year and a half or two years for Jones Appliance Corporation, and that was hauling fuel oil and bottle gas.

Q. Tanker truck?

A. Yes.

Q. And -- all right.

A. The fuel oil. The bottle gas was hundred pound cylinders, like a one-ton truck.

Q. Okay. How long did you do that?

A. Approximately two years, I guess. What year are we up to now? I started construction about '69 or '70, I think.

Q. Okay. After Jones Appliance, did you go to construction?

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A. Yes.

Q. Anything that related to power distribution or electrical work at Jones Appliance?

A. No.

Q. All right. And then you started construction, and when you first started construction, what type of work did you do?

A. I was considered a wench truck driver was my first classification. And -- and I worked on the ground doing distribution work, you know.

Q. And while you were doing that job, you were going to school, lineman school?

A. No. No. It was a few years later before I started that. My first job was on distribution. That's work out in the cities and around. And then I worked there just a short time and they had a big curtailment --

Q. What was the name of the outfit you worked for then?

A. R.H. Boulighny, B-O-U-L-I-G-H-N-Y. It was a contractor, but we worked on Appalachian's power property there near

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Charleston, West Virginia.

Q. So what was your job? You said you drove a wench truck?

A. Yes, and helped on the ground. You know, we -- all the labor, hard work, like digging holes by hand, and all that type thing, lifting, all that type thing.

Q. Were you, at that time, working around any wires that were energized?

A. Yes, they was doing the same type work at -- you know, we was setting poles and doing maintenance work for Appalachian Power Company. But I only worked -- I only worked at that job for a short period of time.

Q. About how long?

A. Three, four months, I'm going to say.

Q. Then what?

A. Then I went to -- to a company called Hoosier Engineering.

Q. Hoosier, like Indiana?

A. Yes.

Q. And what --

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A. That was in high line construction, the big steel towers.
Q. Uh-huh. What'd you do?
A. I started out as a groundman, and -- and went to an apprentice lineman, and then I actually worked as a journeyman lineman on steel. That's different than distribution journeyman now. You have to -- you have to have your, you know, training for distribution. But on steel you can get that on-the-job training.
Q. All this for Hoosier was union work?
A. Yes, that's correct, out of the IBEW. However, it wasn't all in West Virginia there, in Huntington's local. I also worked out of Roanoke, Virginia local, and Washington, D.C. local. But it was all for Hoosier Engineering. I was with them for two, two and a half years there before we finished a job up in D.C., and I came back to Huntington and got in an apprenticeship program, ALBAT program, and started distribution apprenticeship training.

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Q. What are the letters for ALBAT?
A. American Line Builders -- what's the next letters? American Line Builders -- AL --
Q. A?
A. AL -- let's see, it may be ALBAT. There's no A, I don't think. A-L-B-A-T. ALBAT, American Line Builders Association Training, I guess. Maybe.
Q. It's not that important.
A. Yeah.
Q. That's fine.
A. I have an old card that I could tell you, but I don't have that with me.
Q. Well --
A. I haven't carried it for years, you know.
Q. I don't see it being important here.
ALBAT was -- was a training program that you got into?
A. Apprenticeship training, yes.
Q. Apprenticeship?
A. Yes.
Q. But before you got into that

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program, you were already a journeyman lineman on steel?
A. That's correct.
Q. And you had achieved that status by working as an apprentice lineman for Hoosier Engineering?
A. That's correct.
Q. Did you have to have formal education to be a journeyman forman on steel?
A. No.
Q. But when you entered the ALBAT program, you did have to have formal training?
A. Yes, that's correct.
Q. How many hours did you have to take classes --
A. It was either three or four years, and I can't tell you exactly which. It seems like three years every Saturday.
Q. Every Saturday?
A. Yeah.
Q. For about how long on Saturday, half a day, or whole day, or what?

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A. Well, I'm going to say six hours, approximately, each time.
Q. All right. And what kind of things did the ALBAT treating -- the ALBAT training address?
A. All -- pretty much all facets of distribution work. Like your different transformer hookups, all your basics of how deep pole holes should be, you know, compared to the length of the pole, how deep the hole should be. Your -- all your theories on -- on electricity and the -- a lot of formulas to figure certain things out.
Q. How about circuit design, were you trained in circuit design?
A. No. That's basically more engineering than what I did.
Q. All right. You were being trained to work on circuits that had been designed; is that right?
A. Yes. Yes.
Q. All right.
A. Basically transformer hookups and

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that type thing, you know.
Q. All right. How about line heights?
A. Maintenance on it and that type thing.
Q. All right. How about line heights, is that something that you were trained on?
A. No. Again, that's engineering.
Q. How about clearance, was that something you were trained on?
A. No. That's -- that's engineering.
Q. Okay.
A. So, you know, we had specs, you know, after -- you had different specifications for heights that came from engineering, I'll put it that way.
Q. So basically you were taught there were specs available that you were to adhere to, but --
A. Different places. That is exactly correct.
Q. All right. Good. Did they teach you from the National Electric Code? Was it NECO, or something like that?
A. No, we didn't have -- we didn't have

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anything from the National Electric Code that I can recall ever.
Q. All right.
MR. EVANS: Your question is during the ALBAT training?
MR. MOORE: It is, right.
MR. EVANS: And you're answering that question?
MR. MOORE: Thank you. That's exactly right. We're kind of moving forward --
THE WITNESS: That's right. I actually don't remember anything from the national code working for AEP.
MR. EVANS: I just wanted to make sure we were communicating, that's all.
MR. MOORE: And I appreciate that.
BY MR. MOORE:
Q. And what he said is correct, I'm kind of moving up, basically, in your background until we get to the present.
MR. EVANS: You're doing a fine job, but occasionally you're talking over him a little bit. Wait until he finishes, okay?

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THE WITNESS: I'm sorry.
MR. EVANS: And, also, just try to answer his questions, so there's no confusion.
MR. MOORE: Yeah, she's got two ears but only one brain.
THE WITNESS: Oh, okay.
BY MR. MOORE:
Q. During the ALBAT training, were you taught about frequencies of maintenance with respect to poles and crossarms and things like that?
A. No. That's -- again, that's basically the engineering field.
Q. All right. Were you taught about how to conduct maintenance procedures on poles and crossarms, insulators, things like that?
A. Now, when you say conduct, exactly what --
Q. Maybe that's --
MR. EVANS: Yeah, in the electrical field --
BY MR. MOORE:

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Q. Were you told how to do it?
A. Yes.
Q. So like if you're going -- would they teach you how to go out to check a pole to see if it was sound?
A. Yes.
Q. What did they teach you back in the ALBAT program about pole soundness? How are you supposed to check that?
A. Well, you -- you hit it -- odd as this seems, you hit it with a hammer, you go all the way around it, pound it, and listen. And basically you can tell that way, you know.
Q. What kind of hammer were you taught to use?
A. Big -- big ball-peen hammer. I'm not sure --
Q. Like a one-pound hammer?
A. It would be a little heavier than that, I think. At least two, if not more.
Q. And the idea is to listen to the ring of the wood and see if it sounds clear?
A. That's correct.

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Q. And were you also --
A. And also, you know -- sorry.
MR. EVANS: That's all right. Go ahead.
BY MR. MOORE:
Q. You can go ahead. You're fine.
A. And you can -- you can feel how hard or soft the pole is by doing the same thing, you know.
Q. Okay. And how about probing or prodding poles, were you taught how to do that?
A. No, I never had that training. I have seen -- seen it done, but people that -- that did that had special training.
Q. All right. And how about checking for cracking or checking in the pole?
A. I never had any training on that.
Q. Okay.
A. But it's -- it's obviously something you want to look at.
Q. You know what I'm talking about, don't you?
A. Yes. Yes.

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Q. And how about crossarms, were you taught to inspect crossarms for problems?
A. Yes.
Q. And what were you taught in the ALBAT program with respect to checking crossarms?
A. Basically visual.
Q. Just look at them?
A. Yeah.
Q. What are you looking for?
A. Well, you're looking for deterioration of any type, any bad cracking or splits, anything of that nature.
Q. All right. Were you taught in the ALBAT lineman program anything about estimating how long a pole or a crossarm would last depending on the nature of the cracks or splits?
In other words, what's a right-now-emergency versus something that can be done within the next few months?
A. No. No. I never had any training in that respect at all.
Q. Okay. Were you taught anything

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about frequency of checking poles and crossarms in the ALBAT program?
MR. EVANS: Objection; asked and answered.
But you can answer.
A. No. I -- I never had any training in that. Again, you're getting back to the engineering side of it.
Q. Okay. Very good.
The ALBAT program, I think you said, lasted either three or four years, about six hours every Saturday, and you were doing on-the-job work at the same time, am I correct so far?
A. That is correct, yes.
Q. And when you were working as an apprentice lineman while you were doing the ALBAT program, what kind of work were you doing?
A. It's called distribution. In other words -- that's exactly what it is, distribution to the -- to the customer from the substations.
Q. And was -- were you working for

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Hoosier Engineering while you were doing the ALBAT program?
A. That is correct.
Q. And you worked for Hoosier for about two, two and a half years, somewhere along that line?
A. I also worked for New River Electric, Central Line Construction Company, and -- and a company from around Lancaster someplace.
Q. Lancaster, Ohio?
A. Yes.
Q. South Central Power Company?
A. No. I can't recall the name of that company.
Q. That's okay. How long did you work for the company in Lancaster, about?
A. I think around nine months.
Q. And how long for --
A. And that was on the -- well, you don't need to know, but that was street lighting in Athens on the interstate exits there.
Q. Okay. And New River Electric, how

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long did you work for them, about?
A. I've got to back up on that. I don't believe I worked for New River when I was an apprentice. I was a journeyman, if that makes any difference.
Q. It doesn't right now.
A. I worked for New River approximately a year, year and a half. Well, a year, I'm going to say.
Q. And then Central Line Construction, how long did you work for them?
A. That was probably a year and a half.
Q. What was the last employer that you had before you went to work for Southern Ohio?
A. Columbus and Southern?
Q. Columbus and Southern, yeah.
A. Hoosier Engineering.
Q. When did you go to work for Columbus and Southern?
A. Let's see, that was in January, 1978, I'm pretty sure.
Q. So if I understand what you've told me so far, just to summarize, you started

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working in electrical distribution around the same time you -- well, no, a little before you went to work -- or went to the ALBAT program; is that right?
A. That's correct.
Q. So about when did you start working in electrical distribution, roughly?
A. '63 or '4, I believe. In 1963 or '4, I believe, is when I started. No, that can't be right. Yeah, yeah, that's right.
Q. Well, I had you working -- I had you working at the appliance place --
A. '70, it would have been, '73 or '4, I'm sorry.
Q. Okay. So from basically around '73 or '4 to the present, you've worked in -- in electrical distribution in some form or fashion?
MR. EVANS: Object to the form in that he's retired now, but --
MR. MOORE: Okay. That's fine.
BY MR. MOORE:
Q. When did you leave Columbus and Southern?

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A. October, last year.
Q. That would be at -- 10 of 2000?
A. Yes. I believe that's when it was effective.
Q. All right.
A. And the reason I don't know, I was on a severance plan for a certain period of time.
Q. Yeah, that's fine. Thank you.
A. Yeah.
Q. That's real close.
Would you please describe your entry-level position with Columbus and Southern. Where'd you start and then basically the jobs you've had while you were working at Columbus and Southern, how long you've had them approximately.
A. Okay. I started up at Chillicothe in 1978, and I was hired in as a -- back then they classified it as a journeyman lineman, which was your top lineman. And the reason I hired in as a journeyman was because of my past experience.
And I worked there until May of -- I

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was on what is called a C & M crew, which is construction and maintenance on -- on your transmission lines, basically. However, we did do a couple distribution jobs while I was there, also.
Q. Okay.
A. Then I transferred to Seaman in 19 -- May of '79, as a -- still called journeyman lineman, which is your top lineman --
Q. Uh-huh.
A. -- and I worked there until I was promoted to supervisor -- crew supervisor in 1982. And -- and I -- Seaman had three different areas that was all under Seaman, which was Seaman, Manchester and Peoples.
So I transferred to Peoples -- I mean, to Manchester, about -- well, it was the first day in 1983. And I worked -- I worked down there until the fall of '86. I went -- was transferred to -- to Peoples in the fall of '86, and I worked there until they closed the Peoples area down, and I went back to Seaman from there. And I can't

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tell you exactly what year they closed the Peoples -- Peoples -- everybody called it an office but it was crew quarters there, really.

Q. About how long did you work in Seaman?

A. You mean all combining areas of Seaman, or just --

Q. Well, about how long was it you were in that location from Peoples? You were in Peoples, you weren't sure, it was about --

A. I was in Peoples around 12 years.

Q. That's fine. Close enough.

A. And -- and then they closed it down and they split Peoples' crews up and guys went every way. Some guys went to Hillsboro and some went to Seaman. I went to Seaman. Approximately the last five years I worked I was there at Seaman.

Q. To retirement?

A. Yes.

Q. And you maintained the position of crew supervisor from 1982 until you retired?

A. That's correct.

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Q. Okay.

A. The titles changed some two or three different times, but yes. It's all the same -- all basically the same job.

Q. All right. When you started as a journeyman lineman, you said you were in construction and maintenance on transmission lines; is that right?

A. That's correct.

Q. Which meant you did what?

A. I -- we did construction. New construction or maintenance, and/or both, on transmission lines. However, we wasn't restricted to transmission, we also worked distribution.

Q. When you're talking about transmission lines, you're talking about the -- are we talking about the large steel towers and high capacity conductors?

A. Yes. Both that and wood.

Q. Okay.

A. There's wood transmission, also.

Q. All right. And physically what would you do as a journeyman lineman working

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on transmission lines? Were you physically helping to erect steel towers and wood supporting members?

A. Yes, wood. I never erected any steel towers working for Columbus and Southern. I did working for contractors.

Q. All right.

A. Yes.

Q. And were you also personally involved in stringing the high voltage lines involved in the transmission area of power distribution?

A. Never -- never worked a job where I had to work the wire part of it, no.

Q. Okay. And then when you came to Seaman, did your -- the type of line that you were working on change?

A. That's hard to answer in this respect: Yes, it changed to distribution, I'll put it that way, all distribution. However, we did do minor transmission work, if that makes any sense.

Q. No, no, that makes perfect sense.

A. Yeah.

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Q. In the distribution work you were doing from around May of '79, until you retired, were you involved in either the hands-on or the supervision of other people who were performing maintenance functions on distribution poles, crossarms, and lines?

A. Yes.

Q. Did you have -- as a supervisor, did you have any special responsibility with setting up maintenance programs?

A. No.

Q. All right.

A. No input whatsoever into the maintenance part of it.

Q. But you performed maintenance and supervised other people who were performing maintenance?

A. That is correct. But the orders came from engineering.

Q. Okay. So as far as hitting poles with a hammer to hear them ring, you've done that a few times?

A. That's correct. You -- basically for your own safety before you climb the

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pole.
Q. All right.
A. That's -- that's the basic thing you're supposed to do before you climb a pole, you know.
Q. Is that something you probably personally have done hundreds of times?
A. Yes.
Q. All right. And I guess if you -- if you're not satisfied with the soundness of the pole and you need to get up the pole, would you tie it off or what would you do to protect yourself, typically?
A. I -- you -- you can refuse to climb one if you're not satisfied. I never personally got that far. I got halfway up once and it didn't sound real good and a couple of guys on the ground said get off from there right now, and I did.
Q. Close enough?
A. It popped real loud, and it -- and it shook, so, yes.
Q. All right. In '99, the year '99, was Columbus and Southern doing most pole

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maintenance, or at least maintenance that had to be done off the ground by use of a bucket truck, or were they relying still quite a bit on men climbing poles, in the areas you were working around Adams County?
A. Both. However, basically bucket truck.
Q. Based on your experience over the years, and training, can you hit a pole with a hammer and tell whether you think it's sound?
A. Yes, sir.
Q. All right. Have you had occasion to inspect many poles for decay or unsoundness in your -- in your line of work?
A. Exactly what do you mean when you say many?
Q. Well, I'm going to ask you that question. This is not -- this is not a trick or anything. There's nothing that -- magic number that makes many. Is that something you did regularly?
A. I didn't inspect poles regularly other than to pound on them before I climbed

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them. Unless -- unless we had a -- a section of the line that we had to inspect, and once in a while we had those.
Q. Let me ask a couple questions about that just to make sure we're on the same page. I guess there's two levels of inspection. One would be where you were charged with the responsibility just to go out and inspect some crossarms, poles and lines in a particular section of power distribution. Would that be one -- one type of inspection you would do?
A. That is correct. However, it was basically visual.
Q. Uh-huh.
A. If they wanted a more thorough inspection of the pole itself, anyway, they would hire a contractor who drilled the pole and -- and inspected it more that way.
Q. All right. So as far as drilling poles, that's not something you've done?
A. That is correct.
Q. All right. And then there's another level of inspection and that would be where

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you had a personal interest in making sure a pole was sound because you or somebody under your supervision's getting ready to climb it?
A. That is correct.
Q. Okay. Has it been a frequent occurrence in your career where you would be assigned the responsibility of inspecting an area of poles, crossarms and lines, or is that something you normally haven't done?
A. That is something I have normally done. However, like I say, it was basically a visual inspection.
Q. Right.
A. Sometimes it -- it -- sometimes it detailed a little more than that. You'd pound around on the arms and the poles, yes.
Q. All right. What -- give me, if you can -- and you're going to be the better one to judge as to how to express this best -- I'd like to know how much experience you've got doing visual inspections of poles just as part of the routine maintenance procedure.

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Is that something you've done a few times a month for ten years, or something you've done every day for many years, or just something you've done a couple times during the course of your career?

A. More than two, but less than 20.

Q. Okay. That's -- that helps.

A. Let me explain here.

Q. Sure.

A. Basically the reason and the times that we've done this is when it was raining and you couldn't do anything else --

Q. Uh-huh.

A. -- and you would -- you would go out and drive by -- do a drive-by inspection. But also once in a while we get from engineering a section of -- they wanted -- they call it a walking inspection. And you would walk the line or have, you know, have somebody walk it, pound the poles, and look everything over real close.

Q. When they would do a walking inspection, would they climb them or would they just do their -- do their visual of the

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upper part of the pole from the ground?

A. Depends on which voltage you're talking about. Transmission, you climbed them and checked them. Distributions, you did not.

Q. So 12KV would be a from-the-ground visual?

A. That's correct.

Q. Am I correct in saying that the lines involved in this accident were 12KV?

A. That is correct.

Q. And -- and was it --

A. Actually, that is not correct.

Q. Okay.

A. That's single phase, which is 76 -- or 7200. 12KV is three-phase, which is the same as your 7200, only it's phase-to-phase instead of phase-to-ground.

Q. All right.

A. Are you with me there?

Q. Yes.

A. Okay.

Q. So would you call this 7KV or would you just call it 7200?

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A. 7200 is what we call it. Some people calls it 12KV single phase, but I want you to understand exactly what --

Q. I appreciate that.

A. Yeah.

Q. I want to make sure I do understand.

A. Right. Okay.

Q. So on the type of line that was involved in this accident, the -- Columbus and Southern's policy was a walking visual inspection would be the type of inspection that would be done when an inspection was done; is that right?

MR. EVANS: Let me object. I don't think he testified to it -- I'm not sure if he can testify to the company's policy.

But you can testify as to what you know and what you did. Go ahead.

THE WITNESS: Ask me the question again, please.

BY MR. MOORE:

Q. To your knowledge, Columbus and Southern's policy -- objection noted -- with respect to the lines where this accident

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occurred, would have been a walking visual inspection when one was ordered; is that right?

A. If it came down from engineering, yes, that was probably the type of inspection that they would have wanted. However, as I mentioned before, we -- we done a lot of drive-by inspections, too, you know.

Q. As a crew supervisor from 1982 through part of the year 2000, were you informed of Columbus and Southern's inspection policies with respect to 7200-volt distribution lines?

A. No. That was strictly engineering's baby and they -- you know, we only -- we only did the work when we got orders from them.

Q. All right. Now, this accident occurred near, I think, a road called Decatur Pike; is that correct?

A. That's correct.

Q. Are you familiar with that area?

A. Yes.

Q. This area, general vicinity, you've lived around and worked around for a long time?

A. Approximately 20 years, yes.

Q. All right. And you've been -- and is that part of your territory as a crew supervisor from -- from '82 forward, or just part of that time?

A. Just -- just part of that time. Before they -- before the -- let's see -- probably about nine months -- no, let's see -- from -- from '78 to '82, I was in Seaman.

Q. Is this considered Seaman -- Seaman area?

A. That is correct, yes.

And then for five more years, probably, on top of that. That was part of Seaman's area, yes.

Q. And five years at the end of your career?

A. That's correct.

Q. So a total of about nine years you were in charge of this area?

A. That's correct.

Q. And the "this area" we're referring to is the area where this accident occurred?

A. That is correct. However, I wasn't solely in charge of the area.

Q. We'll get to that.

A. Yeah.

Q. During the -- during 1999, how many people did you supervise?

A. Six or seven. I'm not sure, you know.

Q. That's close enough.

A. Okay.

Q. If I get into something where I think a number is really, really important, I'm going to tell you that.

A. Yeah, okay.

Q. I'm just looking right now for generalities.

A. Six, seven, eight, somewhere in that neighborhood right there.

Q. Now, were these the only people who were responsible for line work in the -- in the area where this accident occurred?

A. No. There was two services there at Seaman that I wasn't in charge of, Tom was, and they were also responsible. They're called area services.

Q. And was that Nelson Dotson and --

A. And Denver Shoemaker, that's correct.

Q. And -- and do you know what Nelson Dotson and Denver Shoemaker were generally responsible for doing in '99?

A. Yes. They were basically responsible for -- for running new services, responding to all outages. That's basically their job.

Q. All right.

A. And helping out the line crew when they had time, or, you know...

Q. Who was charged with the responsibility for doing power distribution inspections, just routine maintenance inspections of the poles, lines and crossarms, what job category?

A. It was -- that was mostly done by -- by a contractor. However, if -- there was a

few times that the line crews, the whole -- the whole -- the whole crew would -- would go out and perform that task.

Q. That would be when it was raining or when time was slack?

A. That's correct.

Q. Do you -- I'm going to ask you just kind of a broad question here. Do you have personal memory of the history of the area in which this accident occurred with respect to maintenance or repairs?

A. No. I'd never been on that property before and haven't been on it since. I really don't know.

Q. Do you know whether fellows who were under your supervision during the time they were under your supervision had been on that property before or since this accident?

A. I'm not positive of that. However, I -- I think some of them's been on there since, but I don't know that for sure.

Q. Do you have any personal knowledge as to the maintenance history of the electrical equipment -- the conductors and

poles and crossarms -- near where this accident occurred?

A. No.

Q. Okay. As a line crew supervisor in the Adams County area, were you given a maintenance manual or maintenance procedure document of any sort, a pamphlet, papers, bulletin, anything like that, telling you how often your crew would be responsible to check distribution lines, crossarms, poles, insulators?

A. No. We had a spec book that pertained to specifications on the construction or maintenance, but not on any -- any type of maintenance pertaining to how long anything -- or checks, any kind of maintenance checks. That's basically an engineering function, you know.

Q. But you guys were the ones who would be charged to do it unless it was an outside contractor, am I right?

A. Yes. And when I said outside contractors, they had contractors that actually just did the inspection and we

would do the maintenance work.

Q. Okay.

A. And -- or both. They also had them that would do the inspection and the work.

Q. Are you familiar with an outfit called Osmose?

A. Yes.

Q. Is that the kind of contractor you're talking about?

A. That's right.

Q. And what kind of work did Osmose do, to your knowledge, at least as to poles and crossarms and things?

A. They would drill the butts of the poles and put a treatment in them. I'm not sure how they inspected arms other than visually. They may have -- they may have -- I really don't know.

Q. That's fair. If you don't know, just say that.

A. I don't know if they climbed on a pole and banged on them. I really don't know.

Q. Do you know if Osmose ever did any

maintenance procedures with respect to the poles that were close to where this accident occurred?

A. No. I never real closely associated with Osmose. I don't know anything about them much --

Q. All right.

A. -- other than that they would be in the area doing certain things.

Q. Do you know if they were -- do you either know from your records or from your own knowledge, since you were involved in the area where this accident occurred, if Osmose ever worked in that area during your supervision?

A. No, I cannot answer that.

Q. Don't know one way or another?

A. I do not know.

Q. Okay. Okay. Just -- just so I make sure that I understand this, and we'll move on to something else, with respect to regular routine maintenance inspections of poles, crossarms, and distribution lines such as the ones that were involved in this

accident, you would have your crew go do that when they were told to -- when you were told by engineering to do it; is that right?

A. That is correct. Unless -- unless we was filling in on a rain day or -- or work was slack. But we didn't have that much slack time to do walking inspections, you know.

Q. Do you know -- do you ever remember a time during -- during the time you were responsible for the area where this accident occurred, dispatching men to do walking inspections on that line?

A. No.

Q. And -- and to make sure I understand that, does that mean that you never did it or it means that as you sit here now, you just can't remember? Or are you pretty sure --

A. That means I'm positive we never did it.

Q. Okay. Thank you.

What about the drive-by, are you positive one way or the other that you --

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that was not done or that it was done in the area where this accident occurred?
A. I'm positive that was done during my time there.
Q. Okay.
A. Probably more than once. Several times, probably. But I -- I can't give any actual dates or anything like that.
Q. That was another question I was going to ask. Do you -- when you would dispatch your men to do the drive-bys, or the walking inspections, would you have them make note of the sections of line or the poles that they inspected?
A. Yes.
Q. And where would --
A. If they found anything bad. If they didn't find anything bad, then they didn't -- I mean, you know, they didn't make any notes of it.
Q. So no records were made for an inspection that didn't show a need for maintenance?
A. That's correct.

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Q. Now, did you train the men who were under your supervision for -- as to how to check a pole or crossarms or insulators, either in a drive-by or in a walking inspection?
A. No.
Q. Where would they have gotten that training or were they trained?
A. Yes, they were trained, and that would have been the -- AEP had a line school, and so did Columbus and Southern before them. Everybody that worked under me, except two or three guys, they went through -- they went through the company training. A few of them worked for contractors prior to going to work for AEP or Columbus and Southern.
Q. And the line school, do you know whether or not -- AEP's line school, do you know whether or not they were taught what to look for, say, in a crossarm that might indicate it was going to fail soon?
A. Well, I can't answer that for sure, but, I mean, I certainly think they would have been, but I do not know actually.
Q. Well, I appreciate that. Were you ever given any copies of the material that was used in the AEP line school to train the men that you supervised?
A. No, I was never responsible for any training --
Q. All right.
A. -- that I can recall. Other than new -- you know, something new comes up that they would send us a directive on and we would -- we would read that.
Q. Do you recall in the -- say the ten years prior to your retirement, receiving anything new regarding the routine inspection or maintenance of poles and crossarms?
A. No.
Q. All right. With respect to the frequency that you would dispatch your men out to do either drive-bys or -- or walking visual inspections -- let's first talk about the drive-bys, is that something that you would instruct men to do typically a few

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times a month, a few times a week, a few times a year? How would you characterize the frequency?
MR. EVANS: I'm sorry, this is as to walking inspections or drive-bys?
MR. MOORE: We started with drive-bys, then we're going to do walking inspections next.
A. Drive-by would be -- I want to say two, three times a year.
Q. Okay. And is it your belief that all of the distribution lines that were in your territory would have been driven by at least once or twice a year, or less frequency than that?
A. No, it would be a lot less than that because they couldn't -- they couldn't get over the whole thing in one day.
Q. Too much line?
A. Oh, yes.
Q. All right. So how often do you believe that the lines within your territory with the men that you supervised would have been driven by and visually inspected from a

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vehicle? Typically?
A. You're talking about every bit of the line?
Q. Well, yeah, in -- let me -- let me explain a little further, because this -- I don't think this is going to be hard.
Your estimate was that during your -- your time of supervision and responsibility for the area on Decatur Pike where this accident occurred probably got seen two or three times during your supervision in drive-bys?
A. Yes.
Q. Would that be typical of most of the line in your area?
A. That's correct.
Q. Okay. And that would be two or three times in a tenure of about, what, ten years, or so?
A. That -- well, that's close, yeah.
Q. All right. And as far as a walking inspection, that was much less frequent; is that right?
A. That is correct.

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Q. How often per year would you dispatch your crew to do walking inspections?
A. It was more like once every five years, or something in that neighborhood.
Q. And would that -- those occasions typically be a day or would they be a week in duration, or longer or shorter?
A. Sometimes they would be fairly lengthy, like a week or so, for different people to take different sections and -- sometimes it was like that.
Q. How long did -- how long would it take a man -- how long would you figure it would take man to do a walking visual inspection of a pole and crossarm?
MR. EVANS: Objection to the form of the question.
You can -- if you can answer that, go ahead.
A. Well, it depends. When you said a pole and a crossarm, now, you're talking about just -- just that pole and crossarm, or are you talking about that pole and crossarm and then getting to the next pole or coming from this other pole and coming up to it?

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Q. Well, you're answering the way I hoped you would. I want you to explain to me how you figure the time -- and you're telling me -- how you figure the time and what it averages a pole or however you do it.
Like, for instance, if the poles where this accident occurred -- probably, I would guess, and I'm not a lineman -- that it would vary based on terrain?
A. Yes, that is correct.
Q. And it seem -- would seem to me that the poles along Decatur Pike are pretty accessible. Are you in agreement with that?
A. That's correct, yes.
Q. All right. So in an area like that, how long would you expect it to take a man -- or how many poles would a man do in a day, or however you would measure it? What would you expect out of one of the people you're supervising?

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A. Okay. Now, there's a couple things I need to clear up here, too.
Q. Okay.
A. You understand that was in a cornfield -- or when you've got cornfields or any kind of fields like that and you've got a crossarm, you've got to take that in consideration, too. You can't just walk across them under the line, basically. Or if you do, it takes you a lot longer. So all those factors figure into it.
But we call them spans from one pole to the next, you sort of talk in spans when you talk about covering an area. And like I said, it all depends on how many fences you have to cross, what kind of terrain you've got, what kind of crops are in the fields, and all that -- all those factors.
But if you don't have any obstructions and you're on flat ground, common sense is what you go by, how many structures you can check in a day, you know.
But -- now, give me a specific question.

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Q. Okay.
A. After we've -- give me a specific question.
Q. What you're giving me is very helpful, and I appreciate it.
A. Yeah.
Q. Let's say -- let's go back to the poles that were around the area of this accident.
As you pointed out, at least one or two of them are in a cornfield, some of them are in a fence row or barnyard area and around a house.
A. Yeah. Yeah.
Q. And if -- if you're going to assign someone to do a walking inspection in that vicinity, how many poles would you expect them to cover in a day, let's say, on average?
A. At least ten, I think. In the neighborhood of ten, possibly.
Q. Okay.
A. But that's a guess. I mean, like I say, there's all kinds of obstructions --

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obstructions that you can run into, you know.
Q. Well, now, if -- let me be more --
A. Such things as people don't even want you on the property.
Q. Yeah, dogs?
A. Dogs, creeks, crossings.
Q. Okay. Mud?
A. Yep.
Q. Like in this particular case, let's say the pole that the -- or the crossarm was replaced after this accident -- and I have the pole number and we'll talk a little more about it later, but if a man -- if one of your -- the people you were supervising was just going to go in and inspect that pole and it's after the crop's been taken in, like it is now, and the ground's relatively dry, and he's got permission, he's not going to have a problem with the property owner, how long would it take him to expect the pole and what would you expect the man to do in his visual walking inspection?
A. I would expect him to give it a very

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good visual inspection, to pound on the pole, and that's it, basically, as far as checking.
Q. Okay. What tools would he have with him to do an inspection on the pole?
A. Basically a ball-peen hammer and a screwdriver.
Q. And the hammer would -- the hammer would be for pounding the pole?
A. Yes.
Q. And how many times would you expect him to pound it if the pole was normal?
A. Six, half a dozen, close.
Q. Okay. And the screw --
A. You've got to go all the way around at different areas.
Q. And the screwdriver would be for picking or prodding the wood?
A. If he found any soft places, to check deeper with the screwdriver, yes.
Q. All right. And when he's pounding on the pole, would he pound just above grade?
A. That is correct.

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Q. Would he pound up higher, like waist level, or something?
A. That's correct. Thigh level, or so.
Q. How many levels would he pound on?
A. Usually two.
Q. Two levels?
A. Yeah.
Q. Would you -- would he use any sort of a magnification device to look at the crossarm from the ground or use his own eyes?
A. A lot of times we use binoculars.
Q. Now, when you say a lot of times, about half of the time or a fourth of the time?
A. Well, you know, it all depends on how many people you've got doing it and how many pairs of binoculars you've got. If you've got the whole crew out there, you don't have seven or eight pairs of binoculars. But if engineers give you your job to check a single section of the line and only one or two people are out there, they've probably both got binoculars.

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Q. When you were sending men out for the walking inspections, would you typically send them out in pairs or more than that, or just single men alone?

A. They was usually single.

Q. Were you taught during your education and training both with Columbus and Southern, AEP, or any other source during the course of your career, as to how to estimate how long a crossarm would continue to be safe once it started cracking or showed signs of decay?

A. No, I don't remember, because of the different treatments that they went through. Some of them would be -- last longer than others, but I don't recall any specific dates on how long any of them should last.

Q. And how about -- were you taught -- were you taught how to make a judgment as to how much longer one would last when you inspected it and you saw some signs of decay?

MR. EVANS: Objection. I think it's the same question.

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You can answer if you can. Go ahead.

BY MR. MOORE:

Q. Well --

A. Basically we went by common sense, if that means anything. I mean, you know, no, we didn't have any specifications or any training on how to look at that and tell how much longer it would last.

Q. Okay.

A. If that answers your question.

Q. Well, and I -- I'm just going to ask one more thing about it to make sure we're on the same -- make sure we understand each other.

If -- if -- at least some of these crossarms are through-bolted with insulators, am I right?

MR. EVANS: In other words, instead of being clamped on by some external device, they've got a threaded rod that goes down through the crossarm itself to hold the insulator in place.

A. That is correct, yes. Iron pins.

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Q. Thank you. And if you see a crack running from the arm pin hole in the crossarm out to the end of the crossarm, that would be a warning sign, am I correct?

A. Yes, that's correct.

Q. And you -- if you are doing a visual inspection, you would have to assess whether that was something that needed a repair today or something that could wait a while, am I correct?

A. That is correct.

Q. Were you ever given any training on how to make an assessment of that type?

A. No.

Q. Do you know whether the men you were supervising were ever given any training on how to make an assessment of the type I just described?

A. I do not know that.

Q. Okay.

A. I'd be interested to know if they did.

Q. Okay.

A. I really don't know. It's basically

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common sense, you know, and experience.

Q. All right. Okay. Do you -- does the amount of weight that is supporting -- that crossarm is supporting vary depending on the transmission line that it's holding up and how many lines are on it?

A. That is correct. And it's true for distribution, also.

Q. Okay.

A. You said transmission.

Q. I'm sorry, I misspoke. Thank you.

A. Yeah.

Q. And the distribution lines that were involved in this accident, do you know approximately how much weight the crossarm that was most closely involved in this accident was supporting?

A. No, I don't. That's an engineering question, really, that they could answer. You know, they -- they -- engineering could tell you that, probably. I could also probably look at the spec book and the spec book would tell you how much each arm was good for, and that type of thing. But right

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off the top of my head, I can't tell you that.

Q. All right. If you had to be the one to get up and work on it and you had to pick the line up off the insulator, and -- to remove it from the insulator, what would you expect to be lifting, approximately?

I know that there are specs, but what would be your estimate? Are we talking about a hundred pounds, are we talking about less than a hundred or more than a hundred?

A. You know, that's really hard to answer, because I have -- I have lifted where there was probably a hundred or more.

Q. Uh-huh.

A. But most of the time not that many.

Q. All right. So would the correct answer be, let's say -- with this particular case, as you sit here today, you really don't know how much weight it was supporting?

A. That's correct. And I'm going to tell you something else, most linemen couldn't do it -- could not lift over a

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hundred pounds or -- or -- some of them just physically are not strong enough is what I'm saying --

Q. Right. Understood.

A. -- you know, because the majority of it would weigh less than a hundred pounds for sure.

Q. Right.

A. But on top of a hill, you've got a pole sitting up right there and a real hard downpull, you've got a lot of weight on that. If you've got to move that, you've got some weight.

Q. Let's go to the day this accident occurred. Do you remember the day?

A. I can't tell you the exact day, no, or the date, but I do recall that day, yes.

Q. That's fine. And October 7th of '99 is my understanding of the date; is that right?

A. That sounds right, yes.

Q. Do you know what day of the week that was?

A. No, I don't.

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Q. All right. Do you know where you were when you first heard that there was a problem?

A. Yes, I do.

Q. Where were you?

A. I was en route from Cherry Fork and Bentonville, Ohio, and -- and en route to a location there in Bentonville, as I recall.

Q. And you were responding to Bentonville for what purpose?

A. Always went out and checked all the jobs before we sent a crew out to -- to do the job, to look for any special equipment that might be needed, any special arrangements we need to make.

Q. Scope it out?

A. Yeah.

Q. All right.

A. If we needed -- if we needed a rock digger, or a dozer, or whatever, special equipment to do the job, if we had to get permission from a property owner to get into the location, all that type thing.

Q. What was going on in Bentonville?

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A. Oh, I can't -- that problem -- I don't really know.

Q. That's fine. Was it --

A. Probably a new --

MR. EVANS: If you don't know, you don't know. I don't want you to guess.

THE WITNESS: Okay. I don't know.

BY MR. MOORE:

Q. Fine. Do you know whether or not it was a trouble call?

A. Oh, no, it was not a trouble call.

Q. That's --

A. I do know that because our servicers went on the trouble calls.

Q. All right. So you're on your way from Cherry Fork to Bentonville. Probably not very far from Cherry Fork, I guess?

A. No, I wasn't. Not very far at all.

Q. And you got a call on a shortwave radio?

A. Yeah.

Q. And what did you hear?

A. The office called and Tom asked me if I could -- he asked me where I was at and

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he asked me if I could turn around and go back to this location and get with our servicer that was at that location.

Q. And that was Tom Carter?

A. Uh-huh.

MR. EVANS: You have to say yes or no.

THE WITNESS: Yes.

MR. EVANS: Okay.

BY MR. MOORE:

Q. And at that time, Tom Carter bore what relationship to you within the company?

A. He was my immediate supervisor.

Q. Okay. So you turned around and headed back toward the Cherry Fork area?

A. That's correct.

Q. And did Tom tell you about what he knew was going on where this accident occurred?

A. Negative. Other than that it was an accident.

Q. So you knew --

A. I'm not sure he knew anything at that time.

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Q. So you knew there was an accident that occurred on Decatur Pike or near Decatur Pike?

A. Yes.

Q. No more details?

A. Not over the radio, no.

Q. Okay. Do you know, as you sit here today, how Tom Carter found out about the accident?

A. No, I don't.

Q. And how long did it take you to get from the time you got that call until the time you arrived where the accident occurred?

A. 15 minutes, maybe, 20, not over that.

Q. All right. What kind of day was it?

A. It was a nice day, as well as I remember. Not sunny, wasn't hot or cold, either one. Seemed like I did have a light jacket on, maybe.

Q. Dry?

A. Yes.

Q. Clear and dry?

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A. Yes.

Q. All right. And when you arrived in the Decatur Pike area, where did you go with your vehicle?

A. Almost to the pole that one of the -- where the wire came off of the crossarm at.

Q. You drove out in the cornfield?

A. Middle of that cornfield, yeah, right close to that pole.

Q. Who was there when you got there?

A. Nelson Dotson.

Q. Was anyone else out in the field when you arrived?

A. No.

Q. Do you know whether or not either of the men who had been involved in the accident directly were still on the property?

A. I do not know that. I assume they were not.

Q. Okay. Were there any ambulances or emergency vehicles there when you got there?

A. No.

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Q. Okay. And where did you find Nelson Dotson?

A. He was at that pole location. He had his truck parked there.

Q. So you went to where he was?

A. Yes.

Q. What did Nelson tell you?

A. He told me -- give me the basic rundown on what had taken place, as far as he knew.

Q. What was the rundown he gave you?

A. His -- his information was secondhand, because he didn't see any of it happen, or anything, but he got a trouble call, and I -- I don't know who that came from, usually a dispatcher in Chillicothe.

But he got a trouble call that they had an outage in that area, so -- so he went to that -- went to that area looking for the problem, and I'm not sure why he ended up -- seemed like he said somebody was motioning him to come up to that house, maybe, but he came up there and got the information and what happened from them, that somebody had

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been hurt out in the field, and they got to checking further out in that field and saw what our problem was there.

Q. I have a question I want to ask you, just generally, if you know the answer, before I forget. One of the things that's been a little bit of a mystery to me about this case is at some point it appears that the recloser that was controlling this system opened and stayed open. And --

A. I don't think that's true.

Q. Okay. This is exactly why I wanted to present it to you so you could set us straight on it.

A. Okay.

Q. When you got there, was the line energized?

A. That's hard to say.

Q. Okay.

A. I -- I treated it that way, but we also had a crew en route to the recloser to -- to open it up.

Q. To open it or to close it?

A. To open it, which kills it.

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Q. Okay. Understood.

Is it your belief that the recloser never opened the line -- the circuit on its own, based on information you have?

A. I do not know whether it did or not. It could have or it could not have.

Are you familiar with the way they open three times before they lock out, as a general rule?

Q. Just so I make sure that I understand it correctly, the purpose of the recloser function design is that if something temporarily causes a ground situation, such as a limb or something, it will open and close, then if it's clear, it'll stay closed, and if it's not clear, it will open again?

A. That's exactly right.

Q. And then if the ground persists or the ground fault persists, then it will stay open?

A. That is correct.

Q. And that's to protect the circuit, people, property, whatever's in the

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vicinity; is that right?

A. That is correct.

Q. Okay. And you had dispatched someone under your supervision to go and open the recloser that protected this circuit?

A. No.

Q. Someone else had?

A. Yes. Tom did that.

Q. Okay. And their job was to go lock it out and probably tag it out?

A. That is correct.

Q. All right. And eventually someone did that; is that right?

A. That is correct. It may have been done before I arrived at the site. I'm not sure.

Q. Did you get there before Denver Shoemaker?

A. Yes, I did.

Q. Were you the second AEP person to arrive on-site?

A. I believe that's correct. I'm not positive about that, but I'm almost positive

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about it, too. I think so.

Q. All right. How long after you got there did Denver show up, your best estimate?

A. 15 minutes.

Q. Let me pose a scenario to you, and I'm going to ask you to assume a couple of things; some of which are through Brian's deposition, some of the other facts may not be, but just assume for the moment, for hypothetical purposes, what I'm going to tell is you true.

That when the combine that was involved in this accident came in contact with an energized conductor, that electricity was going to ground and, in fact, a fire -- a small fire was started; assume that the two men emerged from the combine and both of them were shocked as they made contact between the combine and the ground; assume that at least one of them continued to be shocked as he attempted to stand and walk, and that at some point a few moments later, the energy in the ground

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ceased; assume that the combine stayed put, it didn't roll anyway, it was still in contact with the conductor; assume that one of the combine operators was able to normally step into it -- the ladder of the combine -- when I say normally, not a jump, just a step, so he's contacting the combine and the ground at the same time; that he felt no current and was able to get back in the combine and move it away from the accident scene; and that when he got back on -- well, just assume those things.

Would that indicate to you that there -- that the recloser had probably opened and stayed open?

MR. EVANS: Objection to the form of the question.

You can answer.

A. Yes, it would.

Q. All right. Now, once the recloser of the type that was on this circuit opens in the manner that we just described, it would not close by itself again; is that correct?

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A. Let me go back to the previous question --

Q. Okay.

A. -- real quick, okay?

Q. Sure.

A. There's one exception that that couldn't be true, and that's if a man was a hold of the combine and -- and off of the ground in the time it took the recloser to open and reclose. Do you see what I'm saying?

Q. Yes, sir. In other words, it could go through a couple different cycles? In other words --

A. That recloser's going to operate three times before it locks out, and there's a sequence -- or a time -- time between each operation.

Q. Uh-huh.

A. And he had been a hold of the combine and had the foot on the ground when that was --

Q. And tripped it?

A. Yeah, in between those times, he

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would have been all right.

Q. Yeah.

A. And that could have happened the way you said. Otherwise, it would indicate that the circuit was locked out.

Q. All right. Now, if he -- if he's on the ground very close to the combine and he's not feeling electricity coming through his body, and he had just a few moments before, would that indicate to you that the current probably had ceased?

MR. EVANS: Objection to the form.

MR. MOORE: That's fine.

A. I don't know. That's really hard to explain.

Q. If you don't know, that's okay, too.

A. It's hard to answer because -- because if he's standing there and the ground is energized and he's -- he's not -- I don't understand how he could feel the current. I don't -- I can't answer that question. Standing on the ground -- do you see what I'm saying? Without -- I don't understand how he could feel the current

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without touching something that is grounded.

Q. Let me ask you this: And -- and I'm asking you about a subject that I'm pretty ignorant of and you know a whole lot more than I'll ever know. So my question may or may not make sense.

But it's my understanding that if the ground is energized and a person steps on it, if their feet are apart, it may go up one foot through their body and down the other foot. And, in fact, it's my understanding that the further their feet are apart, the greater the -- the differential will be or the greater current they're going to get and that's how cows and livestock and things are killed in the field occasionally.

Is what I'm saying -- is it -- is your understanding the same, or do you disagree, or do you have knowledge?

MR. EVANS: Hang on. I need to -- I've objected to the form. I'll continue to object to the form. While I agree he knows a lot about electricity, not to cast any

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aspersions, I don't know that we've established he has the requisite expert qualifications to get into some of these electrical issues.

You can answer to the best of your ability.

MR. MOORE: And that's fair. We don't have a problem with that.

A. And the whole thing was to start with a theory, your ground conditions -- different ground conditions is going to change all -- create all kinds of different factors. Because you actually do drive ground rods in the ground to ground things. And if you've got -- if you've got primary voltage coming down to -- in that ground rod, which has happened before, you might be able to walk right by that ground rod and never know it. And, again, you might not. You might -- depending on the ground conditions themselves.

In other words, different soil --

Q. Conducts differently?

A. Conducts differently, yes.

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Q. And moisture, I'm sure, has a lot to do with it?

A. That's correct.

Q. Well, with respect to these circumstances, the recloser that was protecting the circuit that was involved in this accident, with reference to that specifically, am I correct in my understanding that once it throws open, it's gone through its open/close, open/close, open/close, and it opens because it detects a fault, a nonclearing fault, is the only way it can now be closed is by a man going out and closing it?

A. Yes, manual operation.

Q. All right. And in this case, a crew was dispatched by Mr. Carter, based on your understanding, to lock it out and tag it out so the line could be worked on?

A. If it wasn't already, yes.

Q. All right.

A. It may have been -- to my knowledge, it could have been locked out. I really don't know.

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Q. All right. You -- you've -- you're familiar with a tool that's called a noisy?

A. A what?

Q. A noisy.

A. Not by that name. I think I know what you're talking about, but I'm not -- no.

Q. It's an inductive electricity detector?

A. Sounder, we call it.

Q. Sounder.

A. Okay.

Q. Okay. So it's a tool that you hold in close proximity to an electrical line to determine whether it's hot or not?

A. That's correct.

Q. And do you know -- did you use a sounder on the line that was involved in this accident?

A. No, I didn't personally, and I don't recall whether Nelson had or not.

Q. All right. Did you make any determination as to whether the line was hot when you first arrived on the premises?

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A. No, I didn't. And I -- and I'll tell you why, because I knew that the other crew was on their way to the recloser to -- to de-energize it, and was going to be there before I could get any kind of checks made.

MR. MOORE: Okay. Why don't we take about a half-hour break.

MR. EVANS: Okay.

-=O=-

Thereupon, the luncheon recess was taken at 11:44 a.m.

-=O=-

NOVEMBER 20, 2001
TUESDAY AFTERNOON SESSION
12:19 P.M.
-=0=-

BY MR. MOORE:

Q. Mr. Warner, let's go back to the day of the accident. Before we broke, we started to talk about your arrival and what you observed when you first arrived. Let's pick up there, and let's talk for a minute just to make sure we've finished the matters respecting the recloser that protected the circuit that was involved in this accident. Did you speak with the people who responded to lock it out and tag it out?

A. No. I overheard parts of their conversation with Tom over the radio, but I did not speak to them personally or on the -- over the radio.

Q. Would there be a log somewhere that would indicate the time of service interruption and the time of their actual lockout/tagout procedure?

A. I'm not positive. I would think so.

That would be with dispatching in Chillicothe.

Q. Okay.

A. You know what I'm saying? I don't know how far back their records go, and all that type thing, or whether they even got that information or not. But it's a possibility they might have.

Q. All right. Do you know of any electrical or mechanical equipment that makes -- or computer equipment that makes a notation of outages, their beginning, their end, or other things like that, automatically?

A. Again, that's, you know, dispatching area, and I'm not -- I haven't -- I'm not familiar with the machines that dispatching has and I don't know -- I think that's a possibility, but I don't know that for sure.

Q. All right. You know, as you sit here today, that at some point some people from AEP responded to that recloser and locked it out and tagged it out on the day of this accident?

A. Oh, yes, definitely.

Q. Okay. Do you also know for sure that no one re-energized the line after the initial fault but before Nelson arrived?

A. No, I don't know that. The only way I can answer that is if -- if I could have seen the actual recloser, you know.

Q. All right.

A. I'd bet -- I'd bet thousands of dollars that it didn't happen, but --

Q. Did not?

A. That it did not happen.

Q. Okay.

A. But I can't positively answer that I do know that for sure without seeing -- having been able to see that recloser because that's the only way it could have happened is for somebody to close it in.

Q. Right. Do you know how old the recloser was at the time of this accident that protected this circuit?

A. No, I do not know that.

Q. What's your understanding as to the frequency with which they're supposed to be

replaced, the type of recloser that was protecting this circuit?

A. Again, that's an engineering function, and they do have a program that they change them out every so often, but I'm not real familiar with it.

Q. And you don't know how -- how old the one that was involved in this circuit was?

A. No, I do not know that.

Q. All right. And I'd just ask you the same question with respect to routine maintenance on the reclosers, such as the one that was involved in this circuit. Do you know what the routine maintenance interval is for those reclosers?

A. No, I don't. That's engineering, again.

Q. All right.

A. We -- the line crews don't do any work on reclosers other than removing. They don't do any maintenance on them. They're sent to another department to be worked on.

Q. All right. And the only time your

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crew would have removed or replaced a recloser in the ordinary course of things would be if you responded to a trouble call or if you were asked to do so by engineering, am I correct in that statement?

A. Yes and no.

Q. Okay.

A. Yes, that we was responding to engineering. No, if it was a trouble call. We would just -- if -- if there was a problem with the recloser and they had a trouble call, we would just bypass the recloser and leave it bypassed until engineering had us to replace it.

Q. Okay. And it would be someone other than your crew that would ultimately put the new recloser on?

A. No, it would be our crew, usually.

Q. All right.

A. We would report that to engineering and engineering would get right back with us and have us to -- to replace it.

Q. Would they tell you specifically what type of recloser to use?

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A. Yes. And -- and have it sent to us from stores, because we did not stock reclosers in Seaman. We didn't keep them in stock there.

Q. All right. And she asked me earlier how to spell Seaman.

A. Yeah, I told her.

Q. Okay. Good. S-E-A-M-A-N?

A. That's right.

Q. Okay. I wasn't sure.

Do you know the type of recloser that was protecting the circuit that was involved in this accident?

A. No, I can't answer that.

Q. Do you know --

A. There's a data tag on them that tells you the name and -- and the type and manufacturer serial number and all that stuff, but I can't -- no, I can't tell you what type.

Q. All right. And would you know the brand?

A. No, I don't.

Q. All right. And this particular one,

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as you sit here today, do you know the age of the recloser that was protecting the circuit that was involved in this accident when the accident occurred?

A. No, I don't.

Q. All right. Did you at any time -- well, strike that.

The recloser that was protecting the circuit that was involved in this incident was located in Cherry Fork, am I correct?

A. No, not --

Q. Okay.

A. Not -- not explicitly. State Route 137 runs between Seaman and Cherry Fork.

Q. Uh-huh.

A. And on State Route 137 is where this recloser is located. However, the address would probably be Cherry Fork.

Q. It would be between Cherry Fork and Seaman?

A. That's correct.

Q. But mailing address, if there was such a thing in that area --

A. Would probably be Cherry Fork, yeah.

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I don't know that for a fact, but I -- that sounds reasonable.

Q. Was there only one recloser that would have affected the circuit that was involved in this accident?

A. Well, if you're talking about main feed, yes. But there's such a thing as back feed that you can encounter, and that would be no in that case. Do you know what I'm saying?

Q. Yes. Yes, I do. Have you had -- is that a common occurrence in this area, back feed?

A. No, it's not common, but it has happened.

Q. All right. Is that often from when someone has a generator --

A. That would be one cause of it, and the main cause, yes.

Q. All right. Any indication that that was involved in this accident in any way, back feed?

A. No. But I can tell you it was -- it was taken care of anyway, because we had the

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servicer to open the recloser beyond the fault, also. So it was isolated.

Q. All right. Who opened that -- the other one?

A. Nelson Dotson.

Q. And where was it?

A. Approximately a thousand yards -- which way was Decatur, west --

MR. EVANS: I'm not sure.

A. Towards Decatur from where the accident happened.

Q. Okay.

A. Within three or four spans.

Q. Nelson do that after you arrived? He had done that before?

A. Correct. He had done that before and come back to the site.

Q. All right. Have we covered everything that Nelson told you when you arrived?

A. I forget, to be honest with you. I think so, but --

Q. I think you told me before that he said that he had been dispatched because

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there was a service interruption.

A. Yes.

Q. And that as he approached that area, he was waved towards the farm, or something like that?

A. I believe he told me there was someone up -- standing up in the driveway and motioning for him to come up through there. I'm not positive on that, but it seems like he told me that.

Q. All right.

A. I don't think he just -- in other words, I don't think he seen that -- the floater driving by.

Q. All right. And we'll -- we'll talk to him before too long.

When you arrived, what condition was the line -- the -- the distribution line that was involved in this accident in? What did you see?

A. Okay. The neutral was in -- the neutral conductor was in normal position, as well as I remember, and the -- the primary conductor was floating.

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Q. Now, there's two primary conductors along this line, am I correct?

A. I thought there was only one.

Q. Well --

A. There's a primary and a neutral, which is a ground or --

Q. My --

A. It's single phase, isn't it?

Q. I can tell you that there are three wires.

A. Oh, there is?

Q. Yes. And --

A. Well, yeah, two of them would be --

Q. Okay.

A. You're talking about -- there's two wires up on the arm and then a neutral underneath that?

Q. Yes, sir.

A. Okay. That would be two phase, then. I didn't realize that.

Q. All right. Would you --

A. I didn't remember that at all, I swear.

Q. Well, then, would you -- would I

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have been correct in referring to this as a 12KV service?

A. Yes, sir, that's exactly right, if that's the case.

Q. The neutral was in the normal position. And do you have memory of the two primary conductors or do you just have memory of one?

A. No, if that's -- if that's the case, there was two phases, one of them was in proper position and the other one was floating.

Q. And when you say floating, I -- I would ask you to just --

A. Off of the crossarm. Off of the crossarm.

Q. Okay. Was the insulator still attached to that conductor?

A. Yes, it was.

Q. Do you remember the type of conductor that was involved?

A. Yes, I do.

Q. What was it?

A. It's called ACSR, it's aluminum

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conductor steel core.
Q. Were the -- the winding wire on top of the insulator that holds the conductor in place on the insulator in its proper position on the floating -- floating wire?
A. I believe so. That's called a tie wire. I believe it was -- I think -- I'm pretty sure it was tied in, yeah.
Q. Was the wire -- or the conductor off only one crossarm or was it off more than one crossarm?
A. Only one.
Q. Okay. Did you look at the crossarm's insulators and conductor on the next two poles in either direction from the one it had become detached from?
A. Yes, I did.
Q. And what did you find?
A. Well, they was in normal position, except the one -- the one on the Decatur side had been moved in on the arm, and -- and that's normal. If you -- evidently there had been a floater there before at one time, and they had moved that in to

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temporary the situation.
Q. To temporary the situation?
A. To temporary it till there was more damage there, or whatever.
Q. Okay. Let me ask you a couple of questions about what -- what you just said.
Is it -- it is my understanding that the -- that the insulator on the pole that was on the Decatur side, the next pole on the Decatur side from the pole where it came -- from which it came detached, the one you just described --
A. Okay.
Q. -- had a new insulator put on it, and the threaded rod was put in a new location on a crossarm from its original location. Is that your understanding, also?
A. I don't know about the new insulator, but it had been moved over to a different location on the crossarm, yes.
Q. Closer in towards the center of the crossarm?
A. That's correct.
Q. Do you know why?

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A. It looked like the -- the outside of the arm had been burned a little bit, or something, which would have indicated that something had broke down there and let that -- let that burn a little bit.
Q. When you say something had broke down, what would be the likely things, based on your background and experience?
A. That has happened by the insulator cracking. It can -- could happen that way.
Q. Is that -- you think most likely -- if it's burnt, that's what it was?
A. Well, that's a possibility. Another possibility is that could have floated right there and got on the bottom of the arm. Of course, that's the way it would have happened if the insulator had broke down, too, so it's hard to say what happened there.
Q. Were you satisfied that the markings that you saw on the crossarm of the pole we're talking about where the insulator had been moved in were markings caused by burning as opposed to rot?

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A. No, I don't recall that for sure. There was some problem there that you could see, and I'm not positive what it was. It could have been deterioration.
Q. All right.
A. I'm not sure.
Q. If it were deterioration, based on your -- your background and experience with Columbus and Southern or AEP, what would be the standard protocol?
The line was moved in, we can see that. What would then happen? What should a lineman do in order to catalog what happened?
MR. EVANS: Show an objection to the form.
You can answer, if you know.
A. He could have made a note of it. I would have known -- what he would have done is made a note of it and passed it along.
Q. Based on your experience and training, should that crossarm have been scheduled for replacement, the one where the insulator had been moved in?

A. Well --

MR. EVANS: Objection. I'm not sure it's been established how much he knows or inspected that crossarm.

Go ahead and answer if you can.

A. I don't know -- I just remember something happened to the end of that crossarm. I don't know if it was -- if it was deterioration or a burn. Depends on -- in other words, it all depends on the soundness of the arm from where it was -- where it was put -- you know, on end towards the center of the pole and the other side of the pole.

Q. I'm going to show you some exhibits that we've marked in a previous deposition VK-3 -- I'm sorry, VK-4, 5, 6, 7 and 8, and I'll represent to you that those are all the same pole, and I'll represent to you that those -- that's the pole that was on the -- the next pole from where this accident happened.

A. Yeah, that's the exact area I was talking about --

MR. EVANS: Wait -- wait for a question.

THE WITNESS: Sorry about that.

BY MR. MOORE:

Q. What I want you to do is just take your time and look over them for a minute. I have a couple questions.

A. Okay.

Q. All right. Is -- are -- do those pictures accurately depict what you saw when you arrived at the scene of the accident on October 7th, 1999, with respect to the pole we've been talking about?

A. I think I can answer that yes. However, I still can't tell whether it's deterioration or burn --

Q. All right.

A. -- for sure. Can you?

Q. I can guarantee you I can't.

A. Perhaps if I was up close to it and could poke on it maybe. In other words, this don't look like it is and this one does.

Q. Yeah?

A. So without seeing that a little better, I still can't determine what caused that, if that even makes a difference. Maybe it don't.

Q. Do you know, based on your background and training, is that a crossarm that should be replaced?

MR. EVANS: Objection; asked and answered. He already testified he didn't know the soundness of the arm.

But you can answer again.

A. Yes and no. Like I say, not necessarily, because if it's sound from this point on in to the center of the pole, then that's fine.

Q. All right.

A. I mean, common sense tells you down the road you need to replace it sometime, but it's not nowheres near an emergency, you know.

Q. Based on your education and training, could we agree that wood crossarms do deteriorate?

A. Yes, sir.

Q. And it's just a matter of time?

A. That's right.

Q. And at least the inspections that we talked about are to determine what the status of at least, in part, the wood crossarms, how close they are to being deteriorated --

A. Yep.

Q. -- is that right?

A. Yes, sir.

Q. All right. And if they deteriorate past a certain point and they fail, then the line will come down and hang more than it's supposed to hang; is that also correct?

A. That is correct.

Q. All right. And --

A. That is not uncommon, I'll add that.

Q. Okay. And with respect to the importance of having the line at the correct height, is that an important thing?

A. I guess it's important. Sure, it's important.

Q. These lines are uninsulated lines; is that correct?

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A. That is correct.
Q. So if a piece of equipment or an animal or a person comes in contact with these lines while touching anything else that may be grounded, they're going to either be injured or killed; is that right?
A. That is correct.
Q. All right. So at least one of the reasons for the inspection of the crossarms is to make sure that they're still in good enough condition to do their job; is that right?
A. That is correct.
Q. When you arrived on the scene and Nelson gave you an idea of what he knew, what happened next?
What did you look at and what did you see?
A. Well, I looked at the primary conductor, which was bird caged real bad there.
Q. And when you say bird caged, that means that the aluminum has been pushed on -- bunched up on the steel --

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A. That's right.
MR. EVANS: Let him finish.
THE WITNESS: Sorry.
MR. MOORE: Yeah, thank you.
BY MR. MOORE:
Q. It means the aluminum's been bunched up on the steel core?
A. That's correct.
Q. Would you say it a different way, or have I got it right?
A. Basically that's right.
Q. Okay.
A. There's several conductors around the steel core and they were severed and pulled back -- brought it into an accordion-looking contraption there of just wire, and that's called bird caged, yes. If that makes sense.
Q. Sure. And do you have memory as to whether the wire was energized when you got there, this conductor?
A. No, I don't know that for a fact. I'm not sure.
Q. All right. What needed to be

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repaired, based on your assessment, when you arrived?
A. Well, the crossarm needed to be replaced --
Q. What was wrong with the crossarm?
A. -- and --
Q. I'm sorry, I interrupted you, and I didn't mean to do that.
A. The end of the arm was split out and this -- the arm pin insulator and all was pulled out of it, and the rest of the arm looked so deteriorated that it wasn't nearly as sound looking as this crossarm (indicating).
Q. And you're referring to the crossarm that we've got in VK-4 and 5 and 7; is that right?
It wasn't as sound as the one we're showing in VK-5 and VK-7?
A. Yeah, that is correct. So we decided to replace that crossarm, and we had to splice the face, also.
Q. Was it an easy decision that the crossarm had to be replaced?

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MR. EVANS: Objection.
You can answer.
A. Common sense. I mean, I don't know if you call that easy or not, but yeah. I'm going to say it is. I'm going to say it was, yes.
Q. All right. And was that because of the deteriorated condition?
A. Yes. And deteriorated beyond the point of holding it up as on this structure here (indicating), you know.
Q. I don't understand what you mean.
A. Well, I mean we couldn't move it on in towards the center of the pole and it be all right, like in this case (indicating).
Q. It was too bad for a temporary fix?
A. That's right. Yeah, that's a good way to put it.
Q. All right. Were there cracks and -- and deteriorated places all through the crossarm that you saw?
MR. EVANS: Object to the form.
Answer if you know what it means.
A. Well, you know, I really don't

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remember too much other than it was deteriorated. I can't tell you about cracks and stuff, other than I know -- or at least I think I -- unless I'm crazy, that that pulled out to the end of the arm and -- and that part of it was in very bad shape, but the rest of the arm, we just made a decision it wasn't sound enough to temporary it, so we replaced it.

Q. Were you --

A. Does that answer your question? I'm not sure --

Q. Well, it's close enough. I appreciate it.

A. I don't remember the exact condition of that crossarm, if that's what you're asking.

Q. All right. Do you remember whether the -- whether you were able to determine the cause of the insulator pulling out of the crossarm? In other words, was it just deterioration, or did it look like it had been damaged in some way?

MR. EVANS: Objection to the form.

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Go ahead.

A. I can't recall that exactly. I don't know for sure, positively.

Q. Okay.

A. I don't -- I just can't remember that, you know, for sure.

Q. Okay. Do you --

MR. EVANS: Wait for a question.

BY MR. MOORE:

Q. Do you recall any observation of yours that you believe was evidence that the crossarm had been hit by anything?

A. I don't recall that, no.

Q. All right. Was the crossarm still intact when you saw it? Were all the pieces still holding together?

A. I believe so. I mean, I think the arm -- I know the arm was still in the air. I think the braces was still on.

Q. What kind of shape were the braces in?

A. I can't recall that either.

Q. Do you remember whether they were metal or wood?

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A. No, I don't.

Q. Okay.

A. I'm pretty sure we replaced them, but I don't know -- I don't even know whether the new ones was metal or wood, to tell you the truth about it.

Q. Okay. Were you able, by your inspection of the crossarm and based on your experience, both with the company and before working for AEP, able to determine the approximate age of the crossarm?

A. No, I -- it wouldn't be nothing but a guess and wouldn't be any better than yours.

Q. There wasn't anything about the crossarm or the insulator or the cross braces that would give you a clue as to at least a minimum age?

A. No. I wasn't specifically looking for that.

Q. Okay.

A. So, you know --

MR. EVANS: Don't guess.

BY MR. MOORE:

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Q. Once you looked at the -- did you look at the crossarm that was ultimately replaced from a bucket or from the ground?

A. You're talking about the old crossarm?

Q. Yes, sir.

A. Okay. I was on the ground and -- and did the ground work, and when we put the new crossarm up, the old one came down to me and I saw it on the ground, yes.

Q. Okay. So you actually physically assisted in replacing the crossarm?

A. I did.

Q. All right. So if I understand how things went, you drove up and parked your truck somewhere near where Nelson's was when you first got there. You were the second one on the scene; is that right?

A. That's correct.

Q. And you don't remember whether or not the line was energized at the time you arrived; is that correct?

A. That is correct. But I also knew at the same time it was going to be dead real

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quick.
Q. I was getting to that, and you're ahead of me, and that's fine.
A. In other words, that's why we didn't check it.
Q. Understood.
A. Okay.
Q. At some point Denver shows up?
A. Yes. And Denver's actually the one that replaced that arm. It wasn't Nelson.
Q. And it was you and Denver that worked on that job together?
A. That's correct.
Q. You stayed on the ground and he went up in the bucket?
A. That's correct.
Q. He didn't have to climb the pole, did he?
A. No. He worked it out of the bucket.
Q. Did either you or Nelson check the pole while you were there for soundness?
A. You know, I don't recall that. I can't tell you. I don't remember.
Q. Were you and Denver the only ones

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who worked on that pole that day?
A. I believe so.
Q. Okay.
A. I wouldn't swear to that, but I believe so.
Q. Okay.
A. However, Tom and Nelson was both in the area, so I really don't -- I can't say absolutely for sure.
Q. Okay.
A. But I believe that's right.
Q. What about the splice that was done on the Decatur side of this pole that you were working on, was that done by Nelson?
A. That is correct, yes.
Q. Was -- did Nelson work alone or did he have a helper?
A. You know, I don't recall for sure. Of course, I helped, and normal procedure there would have been for Denver to be on one end of it and Nelson on the other with the two trucks, but I'm not positive that's the way it went. That's terrible, but --
Q. That's fine. You're being

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forthright, and I appreciate it.
A. I believe that's the way it was, but I wouldn't swear to it.
Q. How long did it take to replace the crossarm?
A. 15, 20 minutes, something like that.
Q. Did the old one come down in one piece?
A. I believe so. I picked it up and loaded it in the truck.
Q. How did it get down from the bucket to the ground?
A. Well, there again, I'm not absolutely positive, but I believe Denver brought that down in his bucket about 10 or 12 foot off the ground and dropped it, but I wouldn't swear to it.
Q. Are you confident that he didn't hand it to you?
A. I could not swear to that. I'm not positive.
Q. Okay. Not sure?
A. That's right. I don't know for sure.

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Q. Okay.
A. I don't remember. I absolutely don't remember.
Q. But at some point after it came down from the pole, you either picked it up or he handed it to you and you put it in the truck?
A. That is correct.
Q. And whose truck did you put it in?
A. I believe his, but I wouldn't swear to that, either.
Q. All right. And somehow a crossarm -- a replacement crossarm got to the -- got to this accident scene?
A. And now that you brought that up, seems like somebody brought that out to us in a smaller truck and I may have put this old arm back in their truck, and I don't remember who that was. Might have been Don, but I -- it seems like it was, but I don't know that for sure. I forget now exactly, you know.
Q. That's fine.
A. That's terrible, but I've forgotten

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who brought that arm to us.
Q. All right.
A. But I -- I do recall that we relayed the information to the Seaman office that we needed an arm of that size.
Q. When you look at an insulator, can you tell how old it is by the markings on it?
A. An insulator?
Q. Yes, sir.
A. No.
Q. Is there anything --
A. Not to my knowledge. There's no date on the -- a regular insulator.
Q. When I'm saying "you", I mean you specifically. In other words, do you happen to know because of your background or training --
A. No, I can't look at an insulator and tell you. And if there was a date on there, I didn't know it. There may be.
Q. As far as the crossarm, they don't have any brand or stamping on them to identify dates or numbers?

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A. To my knowledge, there's not, but it's a possibility there is some of them do and some of them don't.
Q. But there is a brand or a stamp as well as a tag on the pole?
A. Right.
Q. Okay. While you were there, did you -- well, first of all, were there any other observations of damage in the vicinity of this accident besides to the line that was bird caged and where the insulator had pulled loose from the crossarm and was free swinging?
MR. EVANS: I'll object to the form of the question.
A. I don't recall any.
Q. Okay. Were there any other observations that you made that told you something about how this accident occurred that we have not discussed that have to do with either the exact location of the accident or the lines, the poles, the insulators, or other electrically related equipment?

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A. I can't think of anything.
Q. Okay. I'm going to ask you some questions now about the combine.
A. Okay.
Q. Did you see the combine that was involved in this accident?
A. Yes, I did.
Q. Was it still in -- in the -- on the property when you got there?
A. Yes.
Q. Did you measure it?
A. No, I didn't.
Q. Do you know if anybody did?
A. I think -- yes, somebody did, but I didn't -- I didn't have anything to do with that.
Q. All right. Do you know what it measured?
A. No, I don't.
Q. Okay. What condition was the combine in when you saw it?
And by condition, I mean, was it running, and was it open, closed, what did you observe about the combine when you saw

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it?
A. The combine was sitting there with no one around it and it was not running. As well as I remember, it had one -- one of the big tires, it was about half flat on it.
Q. Front or rear?
A. Well, they're the front, but they're the big tractor tires.
Q. They're the tires that are on the combine as opposed to the head; is that right?
A. Yeah, there's no -- there's no tires on the head, is there?
Q. No, but the head is in front of the machine.
A. Yeah, well, the front tires on the combine is the big tires, in other words, and the rear tires is the ones that guide it, you know --
Q. Right.
A. -- steer it.
It's the big tire, the tractor-type tire.
Q. Okay. Did you see -- what condition

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was the discharge auger -- do you know what I'm talking about when I talk about a discharge auger?
A. I believe so.
Q. My understanding is that's --
A. The arm, yeah.
Q. -- the arm that you use to unload the grain that you've collected in the combine.
A. Yes. Yes.
Q. What position was it in when you arrived?
A. I'm not positive.
Q. Do you --
A. As far as I know -- I mean, I don't know.
Q. Was it protruding above the combine, or was it -- was it in a more horizontal position, to your memory?
MR. EVANS: Objection; asked and answered.
A. I absolutely don't know.
Q. Okay.
A. I'm assuming --

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MR. EVANS: Don't assume. If you don't know, you don't know.
A. Yeah, okay, I don't know. I don't know.
Q. Okay.
A. I don't remember that arm at all, to tell you the truth about it.
Q. Well, that's fine.
A. But -- but after you described it, I know what you're talking about, yeah.
Q. Aside from the flat tire on the combine, did you see any damage to the combine?
A. No, I couldn't detect any.
Q. All right. Did you get on the combine?
A. No, I didn't.
Q. Did you walk around the combine?
A. Yes, I did.
Q. Did you see any evidence -- let's go back to the pole that the -- where the crossarm was replaced. Any evidence that the pole had been hit by the combine?
A. No. That's the -- the pole now that

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the arm was replaced on, you said, right?
Q. Yes, sir. Yes, sir.
A. No, I didn't -- I don't remember any evidence of that fact.
Q. All right. Any evidence that any other pole in that field had been hit by that combine?
A. Yes, there was. Now, back up on that. I can't absolutely swear it was that combine. Something hit that pole. Not too hard, maybe, but there was some paint marks and skid marks on the pole, yeah.
Q. Which pole, in relationship to the one that had the crossarm?
A. The one down close to the road.
Q. The one we've got the pictures of that had the insulator moved on it, right?
A. Yeah.
Q. Same one?
A. Yeah, it would be this pole (indicating), yeah.
Q. And I'll represent to you that Plaintiff's Exhibit VK-8, which you have in front of you is that same pole.

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A. It is?
Q. Yes. Do you see anywhere on there where the evidence that had been --
A. Well, it's hard -- it's really hard to see from this picture here, but there was some skid marks and what have you along in here (indicating). But it couldn't have been anything -- well, something hit that pole, I can tell you that, and you can go out there and look at it today and tell that. However, it wasn't too terribly hard, or whatever.
Q. Was the pole damaged?
A. No -- no further damage than a mark on the pole.
Q. And when you say a mark, was it like a paint mark where paint had been scraped on --
A. More like a scrape or a scratch mark.
Q. Did it have color?
A. I believe so. I don't remember, but it seems like it did, maybe.
Q. Do you remember the color?

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A. No, I don't.
Q. Do you remember the approximate height from the ground?
A. Yes, it was in the neighborhood of three feet. Or so. Two to three feet, I'm going to guess. 36 inches or so, yeah.
Q. Okay. Did it affect the soundness of the pole?
A. No.
Q. Did it affect any other aspect of that pole?
A. No.
Q. Okay. Do you know whether or not it had any effect on any other poles?
A. No, I don't.
Q. Any evidence of contact with the electrical conductors in the vicinity of the pole that's depicted by VK-8?
MR. EVANS: Object to the form as to what the vicinity means.
But you can answer if you can.
A. I don't remember any, other than this pole was not too far from where the conductor was down.

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Q. Right.
A. Maybe, I don't know, 35 or 40 feet from that pole is where it was -- where we had to cut it and start splicing it.
Q. What I'm getting at is --
A. If you're talking about something closer to that pole than that, I don't recall anything.
Q. All right. Based on your background and experience, were you able to formulate any opinions as to what caused the line to come down in the free-swinging position that you found it in when you arrived on the property?
MR. EVANS: Objection to the form of the question. This witness is not offered as an expert witness, nor do I think qualifications have been established to ask him opinion questions. I'll permit him to answer the question if he thinks he's able to do so.
MR. MOORE: Thank you.
BY MR. MOORE:
Q. Do you understand the question?

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A. Ask me again, I forget.
Q. All right.
MR. MOORE: And we'll just make it a standing objection?
MR. EVANS: Standing objection, if you would.
MR. MOORE: Yeah, that's fine.
BY MR. MOORE:
Q. When you arrived on the -- on this accident scene, you saw that one of the conductors was hanging -- free swinging --
A. Yes.
Q. -- and it pulled loose --
A. Floating, we call it.
Q. Floating. I'm sorry, I was looking for that term.
And were you able to -- after you looked at all the -- the area of the accident, and so on, were you able to determine what caused the insulator to pull from the crossarm and result in that floating condition that you found?
A. No. I can't absolutely tell you that, but I know that's the condition it was

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in. It was floating. The insulator was still on the wire. Act of God might have brought it down. I really don't know. Deterioration. Anything can happen there.
Q. All right. Did you see anything that supported any other theory besides deterioration, based on your background and experience?
MR. EVANS: Same objection.
MR. MOORE: Yeah.
A. No, I don't -- I don't recall anything else, other than skid marks on that pole (indicating).
Q. Do you -- is there any reason -- is there anything that caused you to connect the skid marks on the pole to the line being -- the insulator coming out of the other crossarm?
A. No.
Q. And am I correct in my understanding that these poles are around 300 feet apart?
A. I actually don't know, but that sounds normal.
Q. Okay. Was there anything else that

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you found in an abnormal position when you were on the scene on the day of the accident other than what we've already discussed with respect to any of the electrical equipment?
A. I can't remember anything else there, no.
Q. Do you remember whether the corn was growing around the pole where the crossarm was -- had lost its insulator?
A. Where the -- the floater was?
Q. Yes, sir.
A. Yes, there was corn around that pole.
Q. And was that corn still standing?
A. Yes.
Q. So it hadn't been combined --
A. No, it had been combined awful close to it, but I don't recall how many rows it was over to the pole. But it wasn't very many.
Q. Okay.
A. Three or four, maybe.
Q. All right. Did you make any other observations other than the ones we've

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discussed already regarding the combine on the day of the accident?
A. No. And I'm not real familiar with combines.
Q. That was going to be my next question. Have you ever operated one?
A. No, I haven't.
Q. All right. Based on your observation, you didn't see any other damage or anything abnormal about the combine from just looking at it; is that correct?
A. That is correct.
Q. Okay. How long were you at the accident scene on the day of the accident?
A. I'm going to say an hour and a half to two hours.
Q. Do you know if there was any other power interruption besides the one instigated by AEP employees when they locked out and tagged out the circuit on the day of the accident?
A. I'm not aware of that if there was.
Q. As you sit here today, it's your belief that the only sustained power

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interruption would have been intentionally by the AEP employees for the repairs?
A. Yes, sir. I would bet money on it, but I can't prove it.
Q. Did you take any photographs on the day of this accident?
A. No, I didn't.
Q. Did you make any statements on the day of this accident or about the things that you saw, as far as company statements, reports, or anything like that?
MR. EVANS: Objection to the form.
By statements, you mean written statements or recorded statements, or do you mean did he just talk to somebody?
MR. MOORE: Well, thank you.
BY MR. MOORE:
Q. First, in a written form. In other words, did you fill out any forms or reports for the company, based on what you saw?
A. You know, I'm not absolutely sure, but I'll tell you this: Normally we would have -- in our own words, on a yellow note pad like that, write -- write down what

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happened.
Q. And did you do that?
A. Well, I'm not positive, but I think maybe so.
Q. Have you given any recorded statements to anyone about this accident, where someone recorded what you said?
A. I don't remember if I had.
Q. Are you aware of any information that indicated that the operators of the combine on the -- on or about the day of this accident did anything wrong that contributed to the accident?
MR. EVANS: Objection.
You can answer if you think you can.
A. There's one factor, and I told Lee at lunch about this whole thing. A factor, in my opinion, this is only my opinion, but if that combine would have had a ground strap on it, nobody would have ever been killed. I believe the ground strap would have locked the recloser out the first contact it had instead of operating -- it would have locked it out before anybody

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could ever have started to get off the combine.

Q. Do you know --

A. But --

Q. I'm sorry. You finish.

A. You know, I'm very sad that they didn't have one on there. I know even -- even some of the other farmers in the area will drag a piece of chain for that specific reason, and this combine didn't have that on there.

But I'm not throwing off on them for not having that. It's just -- they maybe didn't even realize it. I don't know.

Q. Do you know if combine manufacturers offer ground straps or grounding equipment as part of their -- as part of their machine?

A. No, I don't know that, but I do know some -- some equipment does have it on it.

Q. Was there anything else that you have heard or come to be aware of that -- that would have placed any responsibility for actions by the operators of the

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combine --

MR. EVANS: Objection.

Q. -- relating to this accident?

MR. EVANS: You can answer if you can think of anything.

A. I'm not aware of anything other than -- something else it could have been somebody -- one of the two of them could have been looking up all the time, but you're not normally going to be doing that if you're combining. That's the only thing I could think of that would be a possibility either.

Q. When you arrived on the scene and you saw the floating primary line --

A. Yeah.

Q. -- what was its height above the ground at its lowest point?

A. I'm not positive of that. You know, I just can't remember. Eight feet, or about that, but I don't know if that's right or not.

Q. Do you know if it was below the upper level of the corn plants that had not

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been harvested?

A. Yes, I believe it was below that.

Q. Hanging below the level of the corn?

A. Yes.

Q. Do you know at that location what the height of the neutral wire was?

A. No, I don't.

MR. EVANS: If you don't know, you don't know.

BY MR. MOORE:

Q. Do you know what it was supposed to be?

A. No, I don't know right there what it's supposed to be.

Q. Is there a general specification that you recognize for the height of primary 12KV service?

A. Yes, in the spec book, you can look at that and it'll readily tell you. And I believe it's 16 feet for that area, but I'm not positive of that.

Q. When I found --

A. That would be close, I can tell you that.

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Q. Are you confident that the floating primary wire in the condition you found it when you arrived was below six -- was less than 16 feet from the ground?

MR. EVANS: Object to the form. Assuming you mean at its lowest point?

MR. MOORE: Thank you. Your assumption's correct.

A. I forgot -- what was the question now?

Q. Well, you testified before that you thought it -- your -- you weren't sure, but your estimate was it was about eight foot off the ground.

A. Yes.

Q. It was hanging below the level of the corn?

A. That is correct. And I was thinking eight foot. I told you it just popped in my head. I wasn't sure of that.

Q. Right.

A. Your next question, was it down into the corn, and as well as I remember, I think it was. So it had to be lower than eight

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foot.
Q. And --
A. But --
Q. Go ahead.
A. But I absolutely don't remember for sure.
Q. All right. Are you confident that it was less than 16 foot at its lowest point?
A. From the ground?
Q. Yes, sir.
A. Oh, yes, I know that for a fact.
Q. All right. Have you ever spoken to either of the combine operators after this accident?
A. No, I haven't.
Q. Did you ever see them?
A. No, I haven't.
Q. Did you speak to anyone who saw this accident occur?
A. No. It was my understanding no one did see it.
Q. That's my understanding as well, but I've got to ask what you know.

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A. No, I didn't talk to anybody that seen it.
Q. Who was it that re-energized the line after the repairs were complete?
A. I'm pretty sure Danny Downs is the NE supervisor that was at the recloser that re-energized that. I wouldn't swear to that but I'm almost sure that's who it was. I know he was the one who was there and opened it. But we're talking about being open for a period of two hours, probably, hour and a half, two hours, or so.
Q. Okay. Were you able to determine, based on your inspection of the line, what caused the bird caging effect on the conductors?
A. Not positive -- not positively, but I -- I think --
Q. What was your impression?
A. I think the combine, when it backed up, caused it. It appeared that way at the time.
THE WITNESS: Sorry, he didn't ask me, did he?

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MR. EVANS: That's all right.
BY MR. MOORE:
Q. When you left the scene, did you have anything more to do with any aspect of this accident?
A. I can't recall anything other than maybe going in and filling -- you know, putting down on paper in my own words what -- what took place there and what I saw there. I'm not positive I did that, but that was common procedure, pretty much.
Q. That's -- that's Tranquility Pike where the AEP office is in Seaman?
A. That's correct.
Q. Is that where you would have done it if you had gone back and made a statement?
A. Yes, it is.
Q. And was that the office that you worked out of?
A. That's correct.
Q. And is that where the replacement crossarm came from?
A. That is correct, too.
Q. Were you charged with any

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investigation responsibilities with respect to this accident?
A. No.
Q. Did you supervise anyone who was?
A. No.
Q. Aside from attorneys for AEP, have you talked to anyone else about this -- the facts of this accident?
A. Other than employees, no.
Q. Okay. And what employees have you --
A. Well, the -- everybody there discussed it, you know.
Q. Did you hear any other theories as to how this happened that we haven't already discussed?
A. No.
Q. Were you able to determine the timing of exactly when it was the insulator pulled loose from the crossarm and became a floating wire?
A. No.
Q. Could you say, based on the things that you saw, whether that occurred as these

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men passed under it versus at some time prior to them passing under it?
A. No, I don't -- I don't think anybody could do that.
Q. All right. And based on your answer, am I correct in assuming no one gave you any theories or other ideas that would indicate they could figure that out?
A. That's true.
Q. All right. I'm going to show you what's been marked for identification purposes as VK-1, ask you to take a minute to look at that.
MR. MOORE: You've already got this.
MR. EVANS: I've got it.
MR. MOORE: Yeah.
BY MR. MOORE:
Q. And I just have a quick question or two to ask you.
A. Okay.
Q. You said before you were familiar with Osmose?
A. Yes.
Q. Is that --

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A. Somewhat. Not --
Q. Can you tell by looking at it if that's one of their circular tags above the company grid tag?
A. It certainly looks like it is.
Q. It does look like on Osmose tag?
A. Yes, it does.
Q. All right. That's all I'm going to ask you about that. You're welcome to look at that all you want --
A. Well, I was trying to read it, and I can't. But it looks like an Osmose tag.
Q. Going to show you another one, Exhibit VK-2, and I'll represent to you that this is on the pole where the floater insulator came loose.
Would that indicate that that pole's a 1930 pole? Is that what that means to you?
A. Well, I would rather think it's a 30-foot long pole, but then I don't know. That really don't -- don't look like the length too much, either.
Q. I'm sorry, I didn't understand --

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A. I say it don't look -- each pole has a -- has it stenciled on them how long they are, and the class, but this don't really look like that. However, one's got a 30-foot long pole would be something similar to that.
Q. Okay. So --
A. I can't tell what the top numbers are, can you?
Q. I can't from this picture, but I'm also not accustomed to looking at the stamps or brands.
A. I don't -- I can't answer that --
Q. Okay. All right. That's fine.
A. -- for sure. I don't know.
Q. Take a look at VK-3 and see if you're able to read that round tag and either identify it or eliminate it as an Osmose tag.
MR. EVANS: Don't guess. Only if you can read it.
A. No, I can't read it. I'm sorry.
Q. That's fine.
A. My glasses -- I can't see good

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enough to tell you.
Q. I'm going to ask you a question. You've already got the original pictures in front of you. On VK-5, the pole that's on the Decatur side of this accident --
A. Okay.
Q. -- would you look carefully at the silhouette of those insulators, because it appears to me as if they're somewhat different. And if they are different, then would you believe it's more likely when they moved that one, they changed the insulator?
A. Yes.
Q. Do they look different to you?
A. One looks brown and the other one looks gray and black, which is normal.
Q. Look here, there's the one --
A. Yes.
Q. The gray one.
A. Yes.
Q. Okay. Is there -- are there records or anything to indicate when that -- when that change in insulator and relocation of insulator on that crossarm would have taken

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place?
A. Possibly. I'm not positive of that, but, yes, I think that -- well, it depends on whether or not it was done on a trouble call.
Q. Okay.
A. There would be a record of it if it was done on a trouble call. If it wasn't, then there probably wouldn't be a record of it.
Q. All right. The company doesn't keep records of insulator replacement under what circumstances?
MR. EVANS: Objection. You can answer if you know.
A. That's -- that somebody would be driving by and notice it and fix it. Insulator is part of the truck stock and -- and something that you don't have to keep real accurate count of.
Q. Is that something that they should make a record of, though, according to company policy?
A. That insulator itself?

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Q. Replacing it on a particular pole?
MR. EVANS: Objection.
A. I don't know -- I don't know as it would be, necessarily.
Q. Okay. If when this insulator was moved, did the line have to be de-energized?
A. Probably not. No, it didn't have to be and probably wasn't.
Q. Would company procedures require it to be de-energized?
A. No.
Q. They just used rubber gloves --
A. That's right.
Q. -- and try not to be grounded?
A. Right.
Q. Okay. I'm going to show you what's been marked for identification purposes as JW-A, as in the witness's name, ask you to take a minute to look at that, then I'm going to ask you a couple questions about it.
A. Okay.
Q. I'll represent to you that that's a four-page document.

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(Pause in proceedings.)
A. Okay.
Q. Have you had a chance to look at it?
A. Yeah, a little bit.
Q. Okay. Is this a document that you've ever seen before?
A. Well, I've seen part of it before, probably, anyway.
Q. Well, what part?
A. It looks like, a possibility, that I've seen this --
MR. EVANS: Well, do you know whether you've seen it or not? I don't want you to guess, because there's going to be more questions.
A. I can't absolutely say that, but it looks like something in the -- our spec -- spec book.
Q. All right. And -- and it appears to me as if the copy from which this was made came from a three-ring binder. If you look on the left side, it looks like there's little marks where there's little holes.
A. Okay. I'll buy that.

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Q. Is there a three-ring binder that you have been issued or is in your office, when you were working for AEP, that contained maintenance specifications?
A. I believe that's right, yes.
Q. All right. Is this something -- these guidelines for transmission and distribution maintenance frequencies, is that something that you were expected to be familiar with when you were functioning as a line supervisor or a crew supervisor for AEP?
A. No. That spec book was for engineering personnel, the same as line personnel. And those things were basically the engineering department.
Q. Okay. Were you familiar with the company's living preventive maintenance program as a supervisor for AEP?
A. No, absolutely wasn't.
Q. Were you familiar with -- as a supervisor for AEP, were you familiar with the company philosophy of reliably centered maintenance, or RCM?

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A. No.
Q. Were those things that you had training on or were taught by the company?
A. No. These were all engineering areas.
Q. Could you tell me -- or could you describe for me the operations improvement division of Columbus and Southern or AEP, based on your experience with the company.
A. I'm not familiar with them, no.
Q. Okay. There is a statement on the fourth page, and it says, the operations improvement division will be responsible for maintaining the guidelines for transmission and distribution maintenance, frequency manual -- frequencies, plural.
Do you know where this division was located, operations improvement division?
MR. EVANS: Objection. He testified he doesn't know what it is.
A. No, I don't know. I don't know that either.
Q. Okay.
A. I don't know. That's the first time

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I ever heard of it, to tell you the truth about it.
Q. All right. I'm going to show you what's been marked as JW-B and ask you to take a minute -- you don't have to read all of it. It's a fairly lengthy exhibit. I'll ask you some specific questions, I'll refer you to specific areas, but just take a minute to glance over it.
I will represent to you that that's a six-page document with the words in the upper right-hand corner, "overhead distribution," on the first page.
A. Okay.
Q. Is this a document with which you were familiar when working as a crew supervisor for AEP, slash, Columbus Southern?
A. No. I don't remember ever working with this. However, I have seen it before.
Q. All right. And on Page 1 it says, under the subheading A, distribution lines, including transformers inspect. Recommended frequency, five years.

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A. Yeah.
Q. Did I read that right?
A. Yes.
Q. Okay. Let's look over to -- well, first, would that be a walking inspection, or drive-by inspection, or do you know?
MR. EVANS: I'm going to object. He testified he's seen that but he hasn't worked with it.
A. I can shorten this up if I can make a statement here, I think.
Q. Go ahead.
A. This would be Tom's boss's decision to -- to -- I mean, this is his area, to keep track of these things and pass orders down to when we would do them. At one time, Tom was in that capacity, too, but not me.
Q. Okay.
A. This is above me.
Q. All right.
A. One notch above me.
Q. Well, that will shorten things. Let me ask a couple more questions and we'll move on.

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A. Sure. Sure.
Q. If you would, kick it over to Page 2.
A. Okay.
Q. And under A --
A. Insulators, okay.
Q. -- it says, an inspection of the distribution lines, transformers, secondary lines, and services will normally be visual, including the status of the following.
Do you know, when they say visual there, whether they're referring to a walking visual or a drive-by visual?
MR. EVANS: Objection.
A. No. I've never heard them distinguish between the two.
Q. Okay. If you look down on Number 9, A-9, same page, it mentions crossarms.
A. Uh-huh.
Q. It also talks about -- as you -- if you would, just read the list. Don't read it out loud, but read it to yourself for a minute. Tell me when you're done.
(Pause in proceedings.)

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THE WITNESS: Okay. I got that far, anyway.
BY MR. MOORE:
Q. Could you do a visual inspection of Items 1 through 28 in a drive-by, or would that require a walk-by or walking inspection?
A. Well, it can be yes or no. I mean, all the different factors -- if you're close, sitting in a vehicle and using binoculars to look at it with, you can -- you can pretty well tell sitting in a vehicle.
Q. How about the pole that was -- had the insulator pulled loose from it in this accident, could you have done a drive-by on that and inspected all the things, 1 through 28, as set forth in Plaintiff's Exhibit JW-B?
A. No.
MR. EVANS: Objection; requires speculation.
THE WITNESS: What's that?
MR. EVANS: I'm objecting. You can

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answer.
A. No, you couldn't have done that from a distance.
Q. All right. And since that was your territory, was this quality of inspection, as set forth on Page 2 of JW-B, done every five years on the pole and the lines in the area where this accident happened, based on your knowledge?
MR. EVANS: Objection. It's been established that he doesn't get involved with scheduling these. I think it's an unfair question to ask him whether it was done.
MR. MOORE: Okay. And I'll object to the talking objections.
MR. EVANS: And I'll make them if I need to, because it's an unfair question.
MR. MOORE: It's also coaching.
MR. EVANS: I'm objecting to the question.
MR. MOORE: And I'm objecting to the objection.
MR. EVANS: Good.

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MR. MOORE: Go ahead.
MR. EVANS: Now you can answer, if you can.
THE WITNESS: Ask me the question again, please. I forgot it.
MR. MOORE: Me, too. It was a good one, though.
(Record read as requested.)
MR. EVANS: Same objection.
A. I can't answer that because I'm not sure that I was there over five years, so I -- you know, I wasn't there the whole time, but -- and, too, another thing, like I say, this is above me. I'm the guy that gets it done, not the guy that makes the schedules out to do them and keeps track of them, and that type thing.
Q. Understood. And that's exactly the reason I asked you, because I felt like you would be the one who would know whether it was actually done or not. Not whether it was ordered, but whether it was done. And I think you've indicated before, if I -- if I understand your testimony correctly, that

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you know that there was no walking inspections, but there may have been a few drive-by inspections; am I correct?
MR. EVANS: Objection.
A. That -- I'm sorry.
MR. EVANS: Go ahead.
A. That's only of our people. Now, what contractors done, I have no -- no knowledge of.
Q. Understood. That's fair.
A. I have no knowledge whatsoever.
Q. Okay.
A. And I said I think, too, I'm not positive that we didn't have some walk-through inspections. However, I know the whole area wasn't inspected while I was there.
Q. All right. And you were there how long?
A. Well, approximately five years, I'm going to say, yeah.
Q. All right.
A. But they might have been split up, too, like a year and a half the first time,

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and then like three and a half or four years the second time.

Q. Were you instructed at some point that all the items covered in Item A, Page 2, Exhibit JW-B, that is, Items 1 through 28, were supposed to be inspected on a periodic basis?

A. Ask your question again. Was I aware of it, did you say?

Q. Were you instructed Item 1 through 28 are supposed to be -- an inspection of all these things are supposed to be conducted on a periodic basis?

A. You said was I instructed?

Q. Yes.

A. To do these?

Q. Yes.

A. No. Okay.

Q. Were you instructed on how to do them?

A. On how to do them?

Q. Yes.

A. Well, I had the instructions when I went to line school, but nobody at the

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company instructed me on this.

Q. Okay. That's my question.

A. Is that what you --

Q. Yes. And -- and you were not given instruction as to frequency, you were only given directives from time to time; is that a true statement?

A. That's -- that's correct. And on certain -- certain ones of these, I was given some instructions, possibly, and some not.

Q. Okay. Were you ever given an instruction on how to inspect a crossarm?

A. No.

Q. Did you ever instruct any men on how to inspect a crossarm?

A. No.

Q. If you would, flip over to Page 4, Item G.

A. Okay.

Q. Would you please just read through 1 through 8 to yourself there for a minute.

(Pause in proceedings.)

A. Okay.

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Q. Were you instructed on conducting an inspection of a recloser such as set forth in Items 1 through 8 by either AEP or Columbus and Southern?

A. I don't know as I've ever been instructed on it, but I have instructed other people to do this --

Q. Okay.

A. -- this operation, yes.

Q. And the instruction you gave them was pretty much in compliance with G1 through 8?

A. Right.

Q. All right. And were you ever advised that that was to be done on an annual basis to the reclosers?

A. No. And, again, we're getting back to engineering kept track of these records.

Q. All right.

A. And -- okay. Period.

Q. The recloser that protected the circuit that was involved in this accident, was it inspected annually with the type of inspection as described on Page 4 of JW-B

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prior to this accident?

A. I can't tell you that absolutely for sure, but I -- I'm going to say it was, probably.

Q. Okay.

A. And I'll say there's records of it, but I'm not positive of that.

Q. With respect to the next Item H on the bottom of Page 4 and top of Page 5, if you would, just read through that for a minute, just that section.

A. Okay.

Q. Do you know whether -- first of all, had you been advised that this was something that is maintenance of reclosers and sectionalizers is something that needed to be done every three years?

A. I wasn't -- I don't remember the frequency of it, but I do know that it was a maintenance priority.

Q. Do you know how long it had been prior to the day of the accident that the recloser that was supposed to protect the circuit in which the accident occurred had

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been overhauled?
A. No, I don't. And, again, that's another -- another department that does that, that handles that.
Q. It would not have been you or your crew?
A. That is correct.
Q. Okay.
A. And something else, before we go any further, back in G --
Q. Uh-huh.
A. -- that could be either us or a different department.
Q. Okay.
A. So that's -- you know, that's the reason I couldn't answer that any better than I did.
Q. All right. With respect to Item K, which is on Page 5 and 6, just glance over it. I've got a couple questions. It's not in great detail.
A. Okay.
Q. All right. Do you know when the last time a ground line inspection and

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treatment of the pole that was in -- that had the crossarm replaced in this accident was?
A. No, I don't.
Q. I'm going to show you what's been marked for identification purposes as JW-C. We'll represent to you that that is a three-page document, and I'll ask you to identify it, if you're able.
(Pause in proceedings.)
A. I'm not real familiar with this, no. It looks like something out of the old pole records, but I'm not familiar with it.
Q. Are you -- let me ask you another question. That will be a short line of questions, then.
A. All right. All right.
Q. Can you look at this document and identify the pole that was involved -- that had the crossarm replaced on it in the vicinity of the accident that occurred on October 7th of '99?
MR. EVANS: Objection. He already said he doesn't know the document. I don't

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want you to guess.
BY MR. MOORE:
Q. I don't want you to guess, either. My question is can you identify it. Either you can or you can't.
A. I can't without studying it a little more, I can tell you that.
Q. You can take all the time you need.
(Pause in proceedings.)
A. No, I can't do it anyway, that I can see.
Q. All right. This is -- JW-C is not a document with which you're familiar, am I correct?
A. That is correct.
Q. And this is not a document that you used during the course of your work with AEP and Columbus and Southern?
A. That's not what I used. That's not to say that the engineers didn't use this. I don't know, they possibly could have.
Q. Okay.
A. But not one I used, yeah.
Q. All right.

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A. As a matter of fact, it looks like -- now that I see the front of it, it looks like it was the old pole numbers. This is real -- the real old system. I don't think this is current at all, to tell you the truth about it.
Q. All right. Is there another map that you're aware of that shows poles, their locations and identifications?
A. Yes. They're called grid maps.
Q. And where are they maintained, for the area where this accident occurred?
A. Right there at the Seaman office.
Q. Are there any other documents that would show the location or records regarding the pole that had the crossarm that was replaced in this accident besides the grid map?
A. Not to my knowledge. But, now, engineering, yeah, they probably have something. I don't know --
Q. Okay.
A. -- for sure.
Q. All right.

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A. But engineering could tell you about this, but I can't.

Q. Okay. I'm going to show you what's been marked as JW-D, and ask you to look at that for a minute. I'll represent to you that that is a two-page document.

(Pause in proceedings.)

A. Okay.

Q. Is this a document that you've ever seen before?

A. No, it's not.

Q. Have you seen a document like this before?

A. I don't think I have.

Q. All right.

A. I think you're getting into engineering stuff here.

Q. All right. That's fine.

Would you -- when you were working as a crew supervisor -- use a grid map in your normal -- your normal operations?

A. Yes.

Q. What would you use it for?

A. Location.

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Q. So if --

A. To look --

Q. I'm sorry, go ahead. Location of what?

A. Of where the pole was. If we had the grid number, we could look at it and see where it was at, or engineering could cross-reference the address to the pole number, and that type thing.

Q. Is that how you would be dispatched to handle a repair or replacement to a particular pole?

A. An address would be how we would be dispatched.

Q. Street address?

A. Yes.

Q. Would they use a grid map to arrive at the -- where the address was?

MR. EVANS: If you know.

A. Well, have you ever been to Seaman -- yes, you've been to Seaman. So you don't have a street address in the middle of the pasture field where the poles are, so you go there by the grid number.

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MR. MOORE: Do you have that grid map here?

MR. EVANS: I don't.

MR. MOORE: Let's go off the record for a second.

(Discussion off the record.)

MR. MOORE: We would ask that you please produce a copy of the grid map just as soon as possible so we don't wind up in a position where we have to call people back, or things like that. I don't know that it would be necessary for this witness.

MR. EVANS: I understand.

MR. MOORE: As we go up the ladder, it will become more important.

MR. EVANS: To the extent that our additional maps, or specifically a good map are produced, we'll certainly produce them.

MR. MOORE: Okay. Thank you.

BY MR. MOORE:

Q. I'm going to hand you what's been marked for identification purposes as JW- E, and ask you if this is a document form that you're familiar with.

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A. Yes.

Q. Have you seen this particular one before, either an original or copy?

A. I'm not positive. It's a good possibility that I have, but I'm not positive. Nelson didn't work for me, he worked for Tom.

Q. Understood. I'm going to whip through and ask you just a few questions --

A. Okay.

Q. -- and jump around a little bit.

A. Okay.

Q. And if you'll just follow me with this document.

Customer name, Sean Smith. Do you know where he got that name or if Shawn Smith was involved in this somehow?

A. No, I don't know.

Q. Okay.

A. I know a renter was on that property, but I don't know the name.

Q. Under cause, it shows Number 9, vehicle. Do you agree with that -- with that assessment?

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MR. EVANS: I'm going to object. He didn't prepare this --
MR. MOORE: Right.
MR. EVANS: -- document, but --
A. Well, yeah, it all depends on whether or not you consider the combine a vehicle.
Q. Well, do you believe that the combine caused the wire to come down?
MR. EVANS: Objection.
You can answer.
A. I don't know about that. And, you know, it's --
Q. Just so you know --
A. What else would you put?
Q. Well, there's a list of different --
A. Unknown.
Q. Well, it says deterioration, 11. I don't know whether that's -- I don't know the company's policy with respect to filling out these forms. Is this the type of form that you've filled out before?
A. Yes, it is.
Q. Have you filled out many of them?

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A. No. No, not many. But I've checked a lot of them.
Q. Okay. People -- people working under you?
A. Yes.
Q. All right. And would deterioration be an appropriate cause as listed on this form, based on the ones you've checked and the ones you've filled out?
A. Well, you know, what you're getting into there is saying you know it was deteriorated. We don't know for a fact that was deteriorated that bad. We do know that -- well, we don't know that a vehicle did it, either, but one is about as probable as the other. I don't know, maybe there's a mistake on that. Maybe it should have been something else, but this is just -- just his opinion, anyway, you know.
Q. Right. Did you talk to Mr. Dotson about this report?
A. No. Like I say, he worked for Tom, not me.
Q. But while you were on the scene, you

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guys didn't discuss it?
A. Oh, yes, we kind of discussed it there on the scene somewhat.
MR. EVANS: The report? I think the question --
A. Oh, not this report, oh, no.
Q. You discussed the incident?
A. Yes.
Q. Okay. There is a -- when he listed under conductor damaged composition, he listed 7, aluminum alloy bare, and there is an Item 3, ACSR bare.
What do you think would be the correct thing to put in the box for composition of the conductor that you saw that was damaged in this incident?
A. I believe it was ACSR, but then there's very little difference between ACSR and the alloy bare. By looking at it, it's very hard to tell. As a matter of fact, it's impossible to tell the difference.
Q. Okay.
A. And the reason I think it was ACSR as opposed to alloy is because one strand

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held and the rest of them broke.
Q. Uh-huh.
A. Indicating that one of them was stronger than the rest.
Q. When it --
A. But --
Q. Go ahead. I'm sorry. I didn't mean to interrupt you. I'm sorry.
A. But I can -- like I say, I can see why he put that. I mean, it's impossible to tell the difference between the two by looking at them.
Q. All right. Where it says type, open wire, is that a correct designation?
A. Yes, it is.
Q. All right. And where it says failure and it says C-O-N-D, period, W-R-A-P, what does that mean?
A. Conductor wrap.
Q. Okay. And that would be the actual aluminum conductors around the core?
A. That's correct.
Q. All right. And size code is a number two. Is that -- is that true, to the

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best of your memory?
A. Yes, that was Number 2 wire, best of my...
Q. Okay. When -- under isolation device, he entered in human manual. What does that mean?
A. It means that it wasn't automatic, but a human had to operate it manually.
Q. So it would -- it was automatic, as far as opening in the case of a fault, but it would not automatically reclose once it had been opened; is that right?
A. Well, you remember -- you remember I mentioned the back feed?
Q. Uh-huh.
A. And the only -- the only recloser that Nelson operated was the one on the Decatur side.
Q. Yes, sir.
A. He wasn't out at -- and operated the recloser that controlled the feed to this location, so --
Q. Your belief that the isolation device that he was referring to is the one

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he operated?
A. I'm -- I'm -- yes. I think that's right.
Q. Okay.
A. And that was only manual operation.
Q. All right. So that's basically just like a throw or a -- a switch?
A. That's right.
Q. All right. And then the voltage involved in this case he shows as a 12,470?
A. Yeah.
Q. And is that correct, based on your memory after looking at the pictures?
A. Well, yeah, after you pointed out it was two phases, that's what it would be, yes.
Q. Okay. And he made a note at the bottom, investigating committee. Do you know who the investigating committee was comprised of?
A. No, I'm not sure. But I can tell you a couple of them, I think.
Q. Okay. Who were they?
A. Well, I know Valerie Kandal was

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there, and I think she was one of them. And I think probably Jim Woods is one of them, but I don't know for a fact. I don't know who else was on it.
Q. Okay. You were not?
A. I was not on it.
Q. You know that?
A. I do know that, yeah.
Q. Okay.
A. I don't think Tom was, but it's a possibility he might have been.
Q. Okay. What kind of truck were you driving the day -- or at the time of the accident?
A. Pickup. Chevrolet pickup truck, had a cap on it.
Q. Had a cap on it?
A. Yes.
Q. I'm going to show you what's been marked for identification purposes as -- we just have it marked as Defendant's Exhibit D, and this -- these were pictures that were introduced in Brian's -- Brian Tomlin's deposition. Does the lower picture

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show your truck?
A. Yes, sir. That's my truck right there (indicating).
Q. On the far right-hand side of the picture?
A. Yes.
Q. Is that the combine we were talking about earlier?
A. Yes, it is, I believe.
Q. And it's in the location and in the condition that you remember it to be in when you were there?
A. Yes.
(Pause in proceedings.)
BY MR. MOORE:
Q. I've shown you a couple of exhibits that have maintenance and inspection procedures.
A. Yes.
Q. Are there any other maintenance or inspection procedure manuals or memos or information that you were given when you were working for AEP or Columbus Southern with respect to this type of equipment,

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poles and lines, and a distribution system?
A. No.
Q. Okay. Did you generate any other documents than perhaps the written statement that you might have written out when you got back to the office after this incident that had to do with this incident?
A. No, I personally didn't have to fill out any forms, that I can recall.
Q. Did you receive any from anyone else?
A. No.
Q. Okay. Do you know who was in charge of the operations analysis section of AEP in the district where you were located?
A. No. I'm not familiar with that section at all.
Q. Okay. Have you ever heard of it before?
A. No, I can't say as I have.
Q. Okay. Do you know of any records kept during your tenure with AEP or Columbus and Southern about keeping track of what informational materials linemen are given --

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linemen or their crew supervisors?
A. No.
Q. You understand what I'm saying?
A. No, I don't, really.
Q. All right.
A. Ask me that again. Maybe rephrase it.
Q. Yeah, I want to make sure you understand what I'm saying.
If -- if you guys, when you were working for Columbus and Southern and AEP, if you're given a -- let's say a thing that tells you what -- what -- how to conduct a visual inspection for distribution lines, do they -- do you sign something or do they keep a copy of what you've been given or do you know?
MR. EVANS: Object to the form.
You can answer if you understand.
A. You know, I absolutely don't remember. I don't know. When they give us a walking inspection, whether we had forms to fill out and had to check them off, I'm not really sure about that.

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Q. All right. Do you know whether Columbus Southern or AEP kept maintenance records on the individual poles, crossarms, and in the power distribution system?
A. No, I don't know personally, but that's an engineering function, too.
Q. Okay. But they'd have to get their information from your crew, wouldn't they, generally?
A. No, not necessarily. They had -- they had contractors that -- to do a lot of inspections, also, and they would then some way get their information to engineering and we'd never know about it until we got to the job, you know.
Q. All right. But if the information -- if the -- if it was a job that was going to be done by AEP, Columbus and Southern employees, it would have been your men, generally?
A. To do the work?
Q. Yes.
A. But not necessarily to have done the inspection.

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Q. And as far as when your men would do the work, would they generate records that would be filed away or kept somehow on what equipment was maintained and what -- what things were worked on?
MR. EVANS: Objection.
Go ahead.
A. No. The generation of the paperwork was at engineering. They would send it to us. We would do it and sign it off and send it back to engineering.
Q. All right. Inspection records were something that you and your men did not keep; is that correct?
A. That is correct.
Q. And would I be correct if I said that it was engineering who was responsible for tracking the inspection schedules of a particular distribution line?
A. I can't --
MR. EVANS: Objection. Go ahead and answer, if you know what --
A. I do not know absolutely for sure, but I think that's right.

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Q. Okay. Would there be a feeder circuit map of the distribution line that was involved in this accident?
A. Yes.
Q. And would that be different than the grid map that we talked about earlier?
A. That would be it.
Q. Same thing?
A. Yes.
Q. But you're sure that a map like that exists for the area where this accident happened?
A. Yes. And let me explain something right here. I've heard since I've been retired that Ohio Power and Columbus and Southern Power had two different systems, and they -- I think they went to a high power system, which was called a one-line diagram. They're basically the same thing, but they might call it a one-line now instead of a grid map like I'm used to and familiar with.
Q. All right. Do you know if the -- what the phase level of this distribution

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line was initially? Has it always been the 12KV, the way it is now, or was it at another level at some point in the past?
A. I can't answer that. I really don't know. I never worked on this line before in that area, so...
Q. Okay. Were you involved in the replacement of the recloser that related to this circuit since this accident?
A. No.
Q. Do you know who was?
A. I didn't know it had been replaced. Has it been?
Q. That's my understanding.
A. I didn't know that.
Q. When you worked with Denver to replace the crossarm, had the other supervisors arrived before you all replaced the crossarm?
MR. EVANS: Object to the form.
A. I'm not -- I'm not positive. I believe they had, but I'm not positive.
Q. Okay. Was there -- was there any specific procedure in place about the

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commencement of repairs after a serious accident before other supervisors are on the job?
A. Not that I know of. No more than normal.
Q. Do you know if any pictures were taken of the line before it was repaired?
A. Yes, I do know that. And I know that's one thing you don't want to do is go ahead and -- and repair it before you take pictures and measurements and all that type thing, you know.
Q. Okay.
A. But other supervisors don't have to be there to do that. They were in this case, but it wasn't necessarily had to been.
Q. Who took the pictures of the line before it was repaired?
A. Well, I'm not --
MR. EVANS: If you --
A. -- I'm not positive of that, but I can tell you it was either one, two, three or four people.
Q. And those names were Carter --

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A. Valerie and Carter and Woods. And Caroline Irion may have had a camera. I'm really not sure.
Q. But we know pictures were taken of the sagging line before it was repaired?
A. Yes. And measured --
Q. All right.
A. -- and all that, I think.
Q. And likewise with the crossarm?
A. I believe so.
Q. All right. Would there be a record, to your knowledge -- I think I may have asked you this, but I want to make sure I covered it.
Would there be a record, to your knowledge, of when the insulator was moved in on the crossarm that we have in the picture?
MR. EVANS: Objection; asked and answered.
Go ahead and answer again if you know.
A. Well, it's like I said, if it was done on a -- on a trouble call --

Q. Yes.
A. -- you would have the document here filed somewhere --
Q. Okay.
A. -- to get that information from, and you would go to your grid numbers to come up with that information. If he was just driving by there and saw it and went up and done the work, they may not have made a record of it at all, yeah.
Q. All right. Are you familiar, or in your job description were you required to be familiar with the National Electrical Safety Code?
A. No. They didn't -- we didn't work closely with that.
Q. And that's not something you're familiar with personally?
A. That's correct.
Q. Okay.
MR. MOORE: Subject to our grid map business, we're done.
MR. EVANS: Okay. Just so there's no -- we'll evaluate the request, if one

would come in, for a further deposition based on the grid map, but I'm not necessarily consenting to that at this point.
MR. MOORE: And we're not asking for it at this point. I just want to make that reservation.
(Discussion off the record.)
(Signature not waived.)
-=O=-
Thereupon, the testimony of November 20, 2001, was concluded at 2:10 p.m.
-=O=-

*Attach to the deposition of JAMES E. WARNER
TOMLIN, et al. VS. AEP COMPANY, et al. and
TOMLIN VS. AEP COMPANY, INC., et al.
Case No. 01CVC-07-6999 and 01CVC-09-09072

STATE OF OHIO :
SS:
COUNTY OF :

I, JAMES E. WARNER, do hereby certify that I have read the foregoing transcript of my deposition given on November 20, 2001; that together with the correction page attached hereto noting changes in form or substance, if any, it is true and correct.

I do hereby certify that the foregoing transcript of JAMES E. WARNER was submitted for reading and signing; that after it was stated to the undersigned notary public that the deponent read and examined the deposition, the deponent signed the same in my presence on this day of , 2001.

NOTARY PUBLIC
My commission expires:

CERTIFICATE
STATE OF OHIO :
SS:
COUNTY OF FRANKLIN :
I, Gary Burgard, do hereby certify that the within-named JAMES E. WARNER was first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given was reduced to stenotypy in the presence of said witness, afterwards transcribed by Angela R. Starbuck, RPR; that the foregoing is a true and correct transcript of the testimony; that this deposition was taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee or attorney of any of the parties hereto; that I am not a relative or employee of any attorney or counsel employed by the parties hereto; that I am not financially interested in the action; and further, I am not, nor is the court reporting firm with which I am affiliated, under contract as defined in Civil Rule 28(D).

Gary Burgard, Notary Public
My Commission expires:

G

H

December 7, 2001

James E. Warner
1500 Wheat Ridge Road
West Union, Ohio 45693

RE: TOMLIN, et al. VS. AEP COMPANY, et al. and
TOMLIN VS. AEP COMPANY, INC., et al.

Dear Mr. Warner:

Attached you will find the transcript of your deposition which was taken in the above-styled cause on November 20, 2001, which is being sent to you for the purpose of reading and signing.

Please do not mark on the transcript. Any corrections/changes you may desire to make in your testimony should be typewritten or printed on the attached errata sheet, giving the page number, line number and desired correction/change. After you have read the transcript, sign your name where indicated at the close of the testimony before a notary public.

The Rules of Civil Procedure allow 30 days for you to read and sign your transcript. Please return the transcript, signature page and errata sheet(s) to Professional Reporters, Inc., 398 South Washington Avenue, Columbus, Ohio 43215, within that time.

Your cooperation in attending to this matter promptly is appreciated.

Sincerely,

Dorothy Snader

CC: Mr. Donald Moore
Mr. Leland Evans

*Attach to the deposition of JAMES E. WARNER
TOMLIN, et al. VS. AEP COMPANY, et al. and
TOMLIN VS. AEP COMPANY, INC., et al.
Case No. 01CVC-07-6999 and 01CVC-09-09072

STATE OF OHIO :
SS:
COUNTY OF Adams :

I, JAMES E. WARNER, do hereby certify that I have read the foregoing transcript of my deposition given on November 20, 2001; that together with the correction page attached hereto noting changes in form or substance, if any, it is true and correct.

James E. Warner

I do hereby certify that the foregoing transcript of JAMES E. WARNER was submitted for reading and signing; that after it was stated to the undersigned notary public that the deponent read and examined the deposition, the deponent signed the same in my presence on this 7th day of January, 2002.

Lloyd O. Johnson
NOTARY PUBLIC
My commission expires: 8-7-02

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ERRATA SHEET

Page ____ of ____

Case Caption: _____

Deposition of: _____

Date Taken: _____

INSTRUCTIONS

If there are any corrections, indicate them on this form giving the change, page number, line number and reason for the change.

REASONS FOR CHANGES

1) To clarify the record.
2) To conform to the facts.
3) To correct transcription errors.

Page #	Line #	Change	Reason#
22	8	Association Should be Apprenticeship	3
70	24	Iron Pins Should be Arm Pins	1
115.	22	Face should be Phase	3

Please initial here if no changes: _____

IN RE: TOMLIN, et al. VS. AEP COMPANY, et al. and TOMLIN VS. AEP COMPANY, INC., et al.

1. ADDENDUM TO CERTIFICATE

I do hereby certify that JAMES E. WARNER did not read or sign his deposition taken November 20, 2001; that the deponent was notified by letter and informed of the Rules of Civil Procedure, providing the agreed number of days within which to read and sign the deposition or the deposition may be used without signature, and the witness did not do so.

Angela R. Starbuck

Angela R. Starbuck, RPR

2. SIGNATURE

Please attach the enclosed sheet(s) to the transcript of JAMES E. WARNER taken November 20, 2001.

Thank you,

Angela R. Starbuck, RPR

3. LATE SIGNATURE

Enclosed you will find the errata sheet(s) and/or signature page from the deposition of JAMES E. WARNER. This was received after the time allowed for signature. Please attach this to your copy of the deposition.

Thank you,

Angela R. Starbuck, RPR