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1 IN THE COURT OF COMMON PLEAS  
2 FRANKLIN COUNTY, OHIO

3 CONNIE TOMLIN,  
4 Administratrix of the Case No.  
5 Estate of Gary Tomlin, 01CVC-07-6999  
6 Deceased, et al.,  
7 Plaintiffs,  
8 vs.  
9 JUDGE TRAVIS  
10 AMERICAN ELECTRIC POWER  
11 COMPANY, et al.,  
12 Defendants.

13 BRIAN TOMLIN, Case No.  
14 01CVC-09-09072  
15 Plaintiff,  
16 vs.  
17 JUDGE CRAWFORD  
18 AMERICAN ELECTRIC POWER  
19 COMPANY, et al.,  
20 Defendants.

21 DEPOSITION  
22 of JAMES E. WARNER

23 Taken at the offices of  
24 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

Page 3

1 STIPULATIONS

2 It is stipulated by and between

3 counsel for the respective parties that the

4 deposition of JAMES E. WARNER, the Witness

5 herein, called by the Plaintiffs under the

6 applicable Rules of Civil Procedure, may be

7 taken at this time by the notary pursuant to

8 notice and by agreement; that said

9 deposition may be reduced to writing in

10 stenotypy by the notary, whose notes

11 thereafter may be transcribed out of the

12 presence of the witness; and that the proof

13 of the official character and qualification

14 of the notary is waived.

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1 APPEARANCES:

2 Mr. Donald C. Moore, Jr.  
3 DONALD C. MOORE, JR. & CO., LPA  
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5 Cincinnati, Ohio 45245  
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on behalf of the Plaintiffs.

7 Mr. Leland Evans  
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12 on behalf of the Defendants.

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1 INDEX OF EXHIBITS

2 Exhibits VK-4 - VK-8 referred to 109

3 Copies of photographs

4 Exhibit VK-1 referred to 149

5 Copy of photograph

6 Exhibit VK-2 referred to 150

7 Copy of photograph

8 Exhibit VK-3 referred to 151

9 Copy of photograph

10 Exhibit JW-A referred to 154

11 Document titled "AEP System, Guidelines  
12 for T & D Maintenance Frequencies  
13 Introduction"

14 Exhibit JW-B referred to 158

15 Document titled "AEP System, Guidelines  
16 for T & D Maintenance Frequencies  
17 Overhead Distributions"

18 Exhibit JW-C referred to 170

19 Three-page document titled "Columbus  
20 and Southern Ohio Electric Company  
21 Rural Lines Record - Southern District"

22 Exhibit JW-D referred to 173

23 Two-page computer printout

24 Exhibit JW-E referred to 175

Document titled "Trouble, Damage  
& Interruption Report"

Exhibit D referred to 183

Copies of photographs

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1 JAMES E. WARNER  
 2 being first duly sworn, as hereinafter certified,  
 3 deposes and says as follows:  
 4 EXAMINATION  
 5 BY MR. MOORE:  
 6 Q. Mr. Warner, as I introduced myself  
 7 to you a few minutes ago, my name is Don  
 8 Moore, and I represent actually two  
 9 plaintiffs in two suits that are currently  
 10 pending, all arising out of an accident that  
 11 happened in Adams County involving some  
 12 power lines.  
 13 And if during the course of today's  
 14 questioning I ask you a question that you  
 15 don't know the answer to, would you just  
 16 answer that you don't know?  
 17 A. Yes, I will.  
 18 Q. All right. And if I ask you a  
 19 question, either because of the way I word  
 20 it or because of the terms that I use, that  
 21 you don't understand my question, will you  
 22 say that you just don't understand it?  
 23 A. I will.  
 24 Q. All right. And, therefore, if you

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

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1 the record.  
 2 A. James E. Warner, W-A-R-N-E-R.  
 3 Q. And, Mr. Warner, what is your  
 4 current address?  
 5 A. 1500 Wheat Ridge Road, West Union,  
 6 45693.  
 7 Q. How long have you been living there?  
 8 A. Approximately 23 years.  
 9 Q. Do you have any current intentions  
 10 of moving within the next year?  
 11 A. No.  
 12 Q. Okay. Just briefly, Mr. Warner,  
 13 could you please give me a little bit of  
 14 insight into your educational background.  
 15 First, do you have a high school  
 16 diploma?  
 17 A. Yes, I do.  
 18 Q. And where did you get it and when?  
 19 A. Buffalo High School, the high school  
 20 that I graduated from, that's in Buffalo,  
 21 West Virginia. And I've got over a hundred  
 22 college hours, but most of them were at  
 23 Glenville State College there in West  
 24 Virginia. That's in Glenville,

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

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1 A. No.  
 2 Q. Okay. So the last formal degree or  
 3 certificate would have been your high school  
 4 graduation?  
 5 A. Yes. Yes.  
 6 Q. Okay. And has there been a  
 7 particular area around which your education  
 8 at college has centered?  
 9 A. I was in social studies and had most  
 10 of my -- most of my hours in social studies.  
 11 But the hours that I took at Fincastle at  
 12 Southern State there, I took them towards a  
 13 liberal arts degree.  
 14 Does that answer your question?  
 15 Q. It does. It does.  
 16 A. Okay.  
 17 Q. This is not hard.  
 18 A. Yeah.  
 19 Q. Okay. With respect to your -- let's  
 20 go back to high school. Did you do a  
 21 vocational program or a college prep  
 22 program, or --  
 23 A. General.  
 24 Q. General studies?

Page 10

1 A. Yeah.  
 2 Q. All right. And I'm going to ask you  
 3 a little more about your college, then we'll  
 4 move on. As a result -- involved in your  
 5 college studies, did you take courses in  
 6 industrial safety or power distribution?  
 7 A. No.  
 8 Q. Okay. With respect --  
 9 A. Basically requirements and social  
 10 studies classes.  
 11 Q. All right. And with respect to  
 12 maintenance, industrial safety, or power  
 13 distribution, have you had any courses at a  
 14 college level from a college institution?  
 15 A. No.  
 16 Q. Okay. With respect to your working  
 17 background, would you just -- first we'll  
 18 get very general, then we'll get specific,  
 19 and we'll get through it relatively quickly  
 20 that way.  
 21 Can you just tell me generally what  
 22 kind of vocational experience you've had  
 23 since you got out of high school.  
 24 A. Okay. There's a course called

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1 American -- it's called ALBAT -- American  
 2 Line Builders Apprenticeship Training --  
 3 that I attended.  
 4 Q. Where and when?  
 5 A. It was at Huntington, West Virginia,  
 6 but I can't tell you the exact address. It  
 7 was Huntington East High School, and I  
 8 forget exactly what the address of that is.  
 9 Q. Fine.  
 10 A. But that was on -- that was just on  
 11 Saturdays while I worked construction. I  
 12 worked construction out of the IBEW Local  
 13 317 there in Huntington for eight years  
 14 prior to going to work for Columbus and  
 15 Southern Power.  
 16 Q. And what was your trade at that  
 17 time, out of the IBEW?  
 18 A. Same thing, lineman.  
 19 Q. Okay.  
 20 A. Same thing that I had done, you  
 21 know, for Columbus and Southern, when I  
 22 started work for them.  
 23 Q. When did you take --  
 24 A. Well, the apprenticeship training --

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1 let's see -- I'm going to say I started that  
 2 around '73, somewhere around 1973, and  
 3 finished it somewhere around '7 -- '76.  
 4 Q. All right.  
 5 A. I'm going to guess.  
 6 Q. Let's go back a little bit. That's  
 7 obviously important to what we're talking  
 8 about here today, but let me go back a  
 9 little bit.  
 10 When you got out of high school,  
 11 what did you do as far as --  
 12 A. Oh, I was in the Army for three  
 13 years.  
 14 Q. Did you do any time overseas?  
 15 A. No. I was in the 101st Airborne  
 16 Division in Fort Campbell, Kentucky.  
 17 Q. Anything about your Army service or  
 18 education in the Army that had to do with  
 19 power distribution?  
 20 A. No.  
 21 Q. Did you enlist in the Army right out  
 22 of high school?  
 23 A. Yes.  
 24 Q. All right.

3 (Pages 9 to 12)

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1 A. Six days after I graduated I was  
2 going.  
3 Q. What rank did you attain?  
4 A. PFC.  
5 Q. Was that before the E  
6 classifications?  
7 A. Yes.  
8 Q. All right.  
9 A. Well, no, they had them then.  
10 You're talking about the --  
11 Q. E-3 or --  
12 A. Okay. I was E-3. PFC is an E-3.  
13 Q. That's what I thought.  
14 A. Yeah.  
15 Q. Okay. And once you were discharged,  
16 what then?  
17 A. That's when I started school at  
18 Glenville State.  
19 Q. Okay. Was there any lineman  
20 background in your family?  
21 A. No.  
22 Q. All right. Did you get any training  
23 or work as an electrician at any juncture?  
24 A. Not prior to going to work on

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

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

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



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1 and I worked in a place called the slurry,  
2 that type of thing.  
3 Q. So you were a driver mostly?  
4 A. The majority of the time, yeah.  
5 Q. All right.  
6 A. I had -- had broken in as an  
7 operator in the -- this don't mean anything  
8 to you -- the mercerizing cellar, you know,  
9 which would have been watching the gauges  
10 and record the times and turn a few valves  
11 and all this type thing --  
12 Q. Okay. That's close enough.  
13 A. -- at certain times, and that type  
14 of thing.  
15 Q. Nothing at American Viscose -- your  
16 job -- had to do with power distribution or  
17 electric lines?  
18 A. No.  
19 Q. All right. And then when you're  
20 with Gilman Paper. Nothing there had to do  
21 with power distribution or electric lines?  
22 A. That's true.  
23 Q. And you would have got done there  
24 somewhere around '68 or '69?

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1 A. Yeah, okay, then I was back to  
2 college after I got enough money to go back,  
3 and -- let's see, it was either '66 or '67,  
4 I went back to college. And -- for a year.  
5 And met my wife there and got married that  
6 summer, and that was the end of college,  
7 except for night school here and there.  
8 Q. All right.  
9 A. And then I went to work for  
10 approximately a year and a half or two years  
11 for Jones Appliance Corporation, and that  
12 was hauling fuel oil and bottle gas.  
13 Q. Tanker truck?  
14 A. Yes.  
15 Q. And -- all right.  
16 A. The fuel oil. The bottle gas was  
17 hundred pound cylinders, like a one-ton  
18 truck.  
19 Q. Okay. How long did you do that?  
20 A. Approximately two years, I guess.  
21 What year are we up to now? I started  
22 construction about '69 or '70, I think.  
23 Q. Okay. After Jones Appliance, did  
24 you go to construction?

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1 A. Yes.  
2 Q. Anything that related to power  
3 distribution or electrical work at Jones  
4 Appliance?  
5 A. No.  
6 Q. All right. And then you started  
7 construction, and when you first started  
8 construction, what type of work did you do?  
9 A. I was considered a wench truck  
10 driver was my first classification. And --  
11 and I worked on the ground doing  
12 distribution work, you know.  
13 Q. And while you were doing that job,  
14 you were going to school, lineman school?  
15 A. No. No. It was a few years later  
16 before I started that. My first job was on  
17 distribution. That's work out in the cities  
18 and around. And then I worked there just a  
19 short time and they had a big curtailment --  
20 Q. What was the name of the outfit you  
21 worked for then?  
22 A. R.H. Boulighny, B-O-U-L-I-G-H-N-Y.  
23 It was a contractor, but we worked on  
24 Appalachian's power property there near

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1 Charleston, West Virginia.  
2 Q. So what was your job? You said you  
3 drove a wench truck?  
4 A. Yes, and helped on the ground. You  
5 know, we -- all the labor, hard work, like  
6 digging holes by hand, and all that type  
7 thing, lifting, all that type thing.  
8 Q. Were you, at that time, working  
9 around any wires that were energized?  
10 A. Yes, they was doing the same type  
11 work at -- you know, we was setting poles  
12 and doing maintenance work for Appalachian  
13 Power Company. But I only worked -- I only  
14 worked at that job for a short period of  
15 time.  
16 Q. About how long?  
17 A. Three, four months, I'm going to  
18 say.  
19 Q. Then what?  
20 A. Then I went to -- to a company  
21 called Hoosier Engineering.  
22 Q. Hoosier, like Indiana?  
23 A. Yes.  
24 Q. And what --

5 (Pages 17 to 20)

Page 21

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

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1 Q. What are the letters for ALBAT?  
2 A. American Line Builders -- what's the  
3 next letters? American Line Builders --  
4 AL --  
5 Q. A?  
6 A. AL -- let's see, it may be ALBAT.  
7 There's no A, I don't think. A-L-B-A-T.  
8 ALBAT, American Line Builders Association  
9 Training, I guess. Maybe.  
10 Q. It's not that important.  
11 A. Yeah.  
12 Q. That's fine.  
13 A. I have an old card that I could tell  
14 you, but I don't have that with me.  
15 Q. Well --  
16 A. I haven't carried it for years, you  
17 know.  
18 Q. I don't see it being important here.  
19 ALBAT was -- was a training program  
20 that you got into?  
21 A. Apprenticeship training, yes.  
22 Q. Apprenticeship?  
23 A. Yes.  
24 Q. But before you got into that

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1 program, you were already a journeyman  
2 lineman on steel?  
3 A. That's correct.  
4 Q. And you had achieved that status by  
5 working as an apprentice lineman for Hoosier  
6 Engineering?  
7 A. That's correct.  
8 Q. Did you have to have formal  
9 education to be a journeyman forman on  
10 steel?  
11 A. No.  
12 Q. But when you entered the ALBAT  
13 program, you did have to have formal  
14 training?  
15 A. Yes, that's correct.  
16 Q. How many hours did you have to take  
17 classes --  
18 A. It was either three or four years,  
19 and I can't tell you exactly which. It  
20 seems like three years every Saturday.  
21 Q. Every Saturday?  
22 A. Yeah.  
23 Q. For about how long on Saturday, half  
24 a day, or whole day, or what?

Page 24

1 A. Well, I'm going to say six hours,  
2 approximately, each time.  
3 Q. All right. And what kind of things  
4 did the ALBAT treating -- the ALBAT training  
5 address?  
6 A. All -- pretty much all facets of  
7 distribution work. Like your different  
8 transformer hookups, all your basics of how  
9 deep pole holes should be, you know,  
10 compared to the length of the pole, how deep  
11 the hole should be. Your -- all your  
12 theories on -- on electricity and the -- a  
13 lot of formulas to figure certain things  
14 out.  
15 Q. How about circuit design, were you  
16 trained in circuit design?  
17 A. No. That's basically more  
18 engineering than what I did.  
19 Q. All right. You were being trained  
20 to work on circuits that had been designed;  
21 is that right?  
22 A. Yes. Yes.  
23 Q. All right.  
24 A. Basically transformer hookups and

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1 that type thing, you know.  
 2 Q. All right. How about line heights?  
 3 A. Maintenance on it and that type  
 4 thing.  
 5 Q. All right. How about line heights,  
 6 is that something that you were trained on?  
 7 A. No. Again, that's engineering.  
 8 Q. How about clearance, was that  
 9 something you were trained on?  
 10 A. No. That's -- that's engineering.  
 11 Q. Okay.  
 12 A. So, you know, we had specs, you  
 13 know, after -- you had different  
 14 specifications for heights that came from  
 15 engineering, I'll put it that way.  
 16 Q. So basically you were taught there  
 17 were specs available that you were to adhere  
 18 to, but --  
 19 A. Different places. That is exactly  
 20 correct.  
 21 Q. All right. Good. Did they teach  
 22 you from the National Electric Code? Was it  
 23 NECO, or something like that?  
 24 A. No, we didn't have -- we didn't have

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1 anything from the National Electric Code  
 2 that I can recall ever.  
 3 Q. All right.  
 4 MR. EVANS: Your question is during  
 5 the ALBAT training?  
 6 MR. MOORE: It is, right.  
 7 MR. EVANS: And you're answering  
 8 that question?  
 9 MR. MOORE: Thank you. That's  
 10 exactly right. We're kind of moving  
 11 forward --  
 12 THE WITNESS: That's right. I  
 13 actually don't remember anything from the  
 14 national code working for AEP.  
 15 MR. EVANS: I just wanted to make  
 16 sure we were communicating, that's all.  
 17 MR. MOORE: And I appreciate that.  
 18 BY MR. MOORE:  
 19 Q. And what he said is correct, I'm  
 20 kind of moving up, basically, in your  
 21 background until we get to the present.  
 22 MR. EVANS: You're doing a fine job,  
 23 but occasionally you're talking over him a  
 24 little bit. Wait until he finishes, okay?

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1 THE WITNESS: I'm sorry.  
 2 MR. EVANS: And, also, just try to  
 3 answer his questions, so there's no  
 4 confusion.  
 5 MR. MOORE: Yeah, she's got two ears  
 6 but only one brain.  
 7 THE WITNESS: Oh, okay.  
 8 BY MR. MOORE:  
 9 Q. During the ALBAT training, were you  
 10 taught about frequencies of maintenance with  
 11 respect to poles and crossarms and things  
 12 like that?  
 13 A. No. That's -- again, that's  
 14 basically the engineering field.  
 15 Q. All right. Were you taught about  
 16 how to conduct maintenance procedures on  
 17 poles and crossarms, insulators, things like  
 18 that?  
 19 A. Now, when you say conduct, exactly  
 20 what --  
 21 Q. Maybe that's --  
 22 MR. EVANS: Yeah, in the electrical  
 23 field --  
 24 BY MR. MOORE:

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

7 (Pages 25 to 28)

Page 29

1 Q. And were you also --  
 2 **A. And also, you know -- sorry.**  
 3 MR. EVANS: That's all right. Go  
 4 ahead.  
 5 BY MR. MOORE:  
 6 Q. You can go ahead. You're fine.  
 7 **A. And you can -- you can feel how hard**  
 8 **or soft the pole is by doing the same thing,**  
 9 **you know.**  
 10 Q. Okay. And how about probing or  
 11 prodding poles, were you taught how to do  
 12 that?  
 13 **A. No, I never had that training. I**  
 14 **have seen -- seen it done, but people**  
 15 **that -- that did that had special training.**  
 16 Q. All right. And how about checking  
 17 for cracking or checking in the pole?  
 18 **A. I never had any training on that.**  
 19 Q. Okay.  
 20 **A. But it's -- it's obviously something**  
 21 **you want to look at.**  
 22 Q. You know what I'm talking about,  
 23 don't you?  
 24 **A. Yes. Yes.**

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1 Q. And how about crossarms, were you  
 2 taught to inspect crossarms for problems?  
 3 **A. Yes.**  
 4 Q. And what were you taught in the  
 5 ALBAT program with respect to checking  
 6 crossarms?  
 7 **A. Basically visual.**  
 8 Q. Just look at them?  
 9 **A. Yeah.**  
 10 Q. What are you looking for?  
 11 **A. Well, you're looking for**  
 12 **deterioration of any type, any bad cracking**  
 13 **or splits, anything of that nature.**  
 14 Q. All right. Were you taught in the  
 15 ALBAT lineman program anything about  
 16 estimating how long a pole or a crossarm  
 17 would last depending on the nature of the  
 18 cracks or splits?  
 19 In other words, what's a  
 20 right-now-emergency versus something that  
 21 can be done within the next few months?  
 22 **A. No. No. I never had any training**  
 23 **in that respect at all.**  
 24 Q. Okay. Were you taught anything

Page 31

1 about frequency of checking poles and  
 2 crossarms in the ALBAT program?  
 3 MR. EVANS: Objection; asked and  
 4 answered.  
 5 But you can answer.  
 6 **A. No. I -- I never had any training**  
 7 **in that. Again, you're getting back to the**  
 8 **engineering side of it.**  
 9 Q. Okay. Very good.  
 10 The ALBAT program, I think you said,  
 11 lasted either three or four years, about six  
 12 hours every Saturday, and you were doing  
 13 on-the-job work at the same time, am I  
 14 correct so far?  
 15 **A. That is correct, yes.**  
 16 Q. And when you were working as an  
 17 apprentice lineman while you were doing the  
 18 ALBAT program, what kind of work were you  
 19 doing?  
 20 **A. It's called distribution. In other**  
 21 **words -- that's exactly what it is,**  
 22 **distribution to the -- to the customer from**  
 23 **the substations.**  
 24 Q. And was -- were you working for

Page 32

1 Hoosier Engineering while you were doing the  
 2 ALBAT program?  
 3 **A. That is correct.**  
 4 Q. And you worked for Hoosier for about  
 5 two, two and a half years, somewhere along  
 6 that line?  
 7 **A. I also worked for New River**  
 8 **Electric, Central Line Construction Company,**  
 9 **and -- and a company from around Lancaster**  
 10 **someplace.**  
 11 Q. Lancaster, Ohio?  
 12 **A. Yes.**  
 13 Q. South Central Power Company?  
 14 **A. No. I can't recall the name of that**  
 15 **company.**  
 16 Q. That's okay. How long did you work  
 17 for the company in Lancaster, about?  
 18 **A. I think around nine months.**  
 19 Q. And how long for --  
 20 **A. And that was on the -- well, you**  
 21 **don't need to know, but that was street**  
 22 **lighting in Athens on the interstate exits**  
 23 **there.**  
 24 Q. Okay. And New River Electric, how

Page 33

1 long did you work for them, about?  
 2 **A. I've got to back up on that. I**  
 3 **don't believe I worked for New River when I**  
 4 **was an apprentice. I was a journeyman, if**  
 5 **that makes any difference.**

6 Q. It doesn't right now.

7 **A. I worked for New River approximately**  
 8 **a year, year and a half. Well, a year, I'm**  
 9 **going to say.**

10 Q. And then Central Line Construction,  
 11 how long did you work for them?

12 **A. That was probably a year and a half.**

13 Q. What was the last employer that you  
 14 had before you went to work for Southern  
 15 Ohio?

16 **A. Columbus and Southern?**

17 Q. Columbus and Southern, yeah.

18 **A. Hoosier Engineering.**

19 Q. When did you go to work for Columbus  
 20 and Southern?

21 **A. Let's see, that was in January,**  
 22 **1978, I'm pretty sure.**

23 Q. So if I understand what you've told  
 24 me so far, just to summarize, you started

Page 35

1 **A. October, last year.**

2 Q. That would be at -- 10 of 2000?

3 **A. Yes. I believe that's when it was**  
 4 **effective.**

5 Q. All right.

6 **A. And the reason I don't know, I was**  
 7 **on a severance plan for a certain period of**  
 8 **time.**

9 Q. Yeah, that's fine. Thank you.

10 **A. Yeah.**

11 Q. That's real close.

12 Would you please describe your  
 13 entry-level position with Columbus and  
 14 Southern. Where'd you start and then  
 15 basically the jobs you've had while you were  
 16 working at Columbus and Southern, how long  
 17 you've had them approximately.

18 **A. Okay. I started up at Chillicothe**  
 19 **in 1978, and I was hired in as a -- back**  
 20 **then they classified it as a journeyman**  
 21 **lineman, which was your top lineman. And**  
 22 **the reason I hired in as a journeyman was**  
 23 **because of my past experience.**

24 **And I worked there until May of -- I**

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1 working in electrical distribution around  
 2 the same time you -- well, no, a little  
 3 before you went to work -- or went to the  
 4 ALBAT program; is that right?

5 **A. That's correct.**

6 Q. So about when did you start working  
 7 in electrical distribution, roughly?

8 **A. '63 or '4, I believe. In 1963 or**  
 9 **'4, I believe, is when I started. No, that**  
 10 **can't be right. Yeah, yeah, that's right.**

11 Q. Well, I had you working -- I had you  
 12 working at the appliance place --

13 **A. '70, it would have been, '73 or '4,**  
 14 **I'm sorry.**

15 Q. Okay. So from basically around '73  
 16 or '4 to the present, you've worked in -- in  
 17 electrical distribution in some form or  
 18 fashion?

19 MR. EVANS: Object to the form in  
 20 that he's retired now, but --

21 MR. MOORE: Okay. That's fine.

22 BY MR. MOORE:

23 Q. When did you leave Columbus and  
 24 Southern?

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1 was on what is called a C & M crew, which is  
 2 construction and maintenance on -- on your  
 3 transmission lines, basically. However, we  
 4 did do a couple distribution jobs while I  
 5 was there, also.

6 Q. Okay.

7 **A. Then I transferred to Seaman in**  
 8 **19 -- May of '79, as a -- still called**  
 9 **journeyman lineman, which is your top**  
 10 **lineman --**

11 Q. Uh-huh.

12 **A. -- and I worked there until I was**  
 13 **promoted to supervisor -- crew supervisor in**  
 14 **1982. And -- and I -- Seaman had three**  
 15 **different areas that was all under Seaman,**  
 16 **which was Seaman, Manchester and Peoples.**

17 **So I transferred to Peoples -- I**  
 18 **mean, to Manchester, about -- well, it was**  
 19 **the first day in 1983. And I worked -- I**  
 20 **worked down there until the fall of '86. I**  
 21 **went -- was transferred to -- to Peoples in**  
 22 **the fall of '86, and I worked there until**  
 23 **they closed the Peoples area down, and I**  
 24 **went back to Seaman from there. And I can't**

Page 37

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

5 Q. About how long did you work in  
6 Seaman?

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

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

12 A. I was in Peoples around 12 years.

13 Q. That's fine. Close enough.

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

20 Q. To retirement?

21 A. Yes.

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

24 A. That's correct.

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1 Q. Okay.

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

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

9 A. That's correct.

10 Q. Which meant you did what?

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

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

20 A. Yes. Both that and wood.

21 Q. Okay.

22 A. There's wood transmission, also.

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

Page 39

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

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

7 Q. All right.

8 A. Yes.

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

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

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

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

23 Q. No, no, that makes perfect sense.

24 A. Yeah.

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

7 A. Yes.

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

11 A. No.

12 Q. All right.

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

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

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

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

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

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1 pole.

2 Q. All right.

3 A. That's -- that's the basic thing  
4 you're supposed to do before you climb a  
5 pole, you know.

6 Q. Is that something you probably  
7 personally have done hundreds of times?

8 A. Yes.

9 Q. All right. And I guess if you -- if  
10 you're not satisfied with the soundness of  
11 the pole and you need to get up the pole,  
12 would you tie it off or what would you do to  
13 protect yourself, typically?

14 A. I -- you -- you can refuse to climb  
15 one if you're not satisfied. I never  
16 personally got that far. I got halfway up  
17 once and it didn't sound real good and a  
18 couple of guys on the ground said get off  
19 from there right now, and I did.

20 Q. Close enough?

21 A. It popped real loud, and it -- and  
22 it shook, so, yes.

23 Q. All right. In '99, the year '99,  
24 was Columbus and Southern doing most pole

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1 them. Unless -- unless we had a -- a  
2 section of the line that we had to inspect,  
3 and once in a while we had those.

4 Q. Let me ask a couple questions about  
5 that just to make sure we're on the same  
6 page. I guess there's two levels of  
7 inspection. One would be where you were  
8 charged with the responsibility just to go  
9 out and inspect some crossarms, poles and  
10 lines in a particular section of power  
11 distribution. Would that be one -- one type  
12 of inspection you would do?

13 A. That is correct. However, it was  
14 basically visual.

15 Q. Uh-huh.

16 A. If they wanted a more thorough  
17 inspection of the pole itself, anyway, they  
18 would hire a contractor who drilled the pole  
19 and -- and inspected it more that way.

20 Q. All right. So as far as drilling  
21 poles, that's not something you've done?

22 A. That is correct.

23 Q. All right. And then there's another  
24 level of inspection and that would be where

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1 maintenance, or at least maintenance that  
2 had to be done off the ground by use of a  
3 bucket truck, or were they relying still  
4 quite a bit on men climbing poles, in the  
5 areas you were working around Adams County?

6 A. Both. However, basically bucket  
7 truck.

8 Q. Based on your experience over the  
9 years, and training, can you hit a pole with  
10 a hammer and tell whether you think it's  
11 sound?

12 A. Yes, sir.

13 Q. All right. Have you had occasion to  
14 inspect many poles for decay or unsoundness  
15 in your -- in your line of work?

16 A. Exactly what do you mean when you  
17 say many?

18 Q. Well, I'm going to ask you that  
19 question. This is not -- this is not a  
20 trick or anything. There's nothing that --  
21 magic number that makes many. Is that  
22 something you did regularly?

23 A. I didn't inspect poles regularly  
24 other than to pound on them before I climbed

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1 you had a personal interest in making sure a  
2 pole was sound because you or somebody under  
3 your supervision's getting ready to climb  
4 it?

5 A. That is correct.

6 Q. Okay. Has it been a frequent  
7 occurrence in your career where you would be  
8 assigned the responsibility of inspecting an  
9 area of poles, crossarms and lines, or is  
10 that something you normally haven't done?

11 A. That is something I have normally  
12 done. However, like I say, it was basically  
13 a visual inspection.

14 Q. Right.

15 A. Sometimes it -- it -- sometimes it  
16 detailed a little more than that. You'd  
17 pound around on the arms and the poles, yes.

18 Q. All right. What -- give me, if you  
19 can -- and you're going to be the better one  
20 to judge as to how to express this best --  
21 I'd like to know how much experience you've  
22 got doing visual inspections of poles just  
23 as part of the routine maintenance  
24 procedure.

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

6 **A. More than two, but less than 20.**

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

8 **A. Let me explain here.**

9 **Q. Sure.**

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

13 **Q. Uh-huh.**

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

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

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1 upper part of the pole from the ground?

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

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

8 **A. That's correct.**

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

11 **A. That is correct.**

12 **Q. And -- and was it --**

13 **A. Actually, that is not correct.**

14 **Q. Okay.**

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

19 **Q. All right.**

20 **A. Are you with me there?**

21 **Q. Yes.**

22 **A. Okay.**

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

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

4 **Q. I appreciate that.**

5 **A. Yeah.**

6 **Q. I want to make sure I do understand.**

7 **A. Right. Okay.**

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

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

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

19 **THE WITNESS: Ask me the question**  
20 **again, please.**

21 **BY MR. MOORE:**

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

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

4 **A. If it came down from engineering,**  
5 **yes, that was probably the type of**  
6 **inspection that they would have wanted.**

7 **However, as I mentioned before,**  
8 **we -- we done a lot of drive-by inspections,**  
9 **too, you know.**

10 **Q. As a crew supervisor from 1982**  
11 **through part of the year 2000, were you**  
12 **informed of Columbus and Southern's**  
13 **inspection policies with respect to**  
14 **7200-volt distribution lines?**

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

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

22 **A. That's correct.**

23 **Q. Are you familiar with that area?**

24 **A. Yes.**



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

4 A. Approximately 20 years, yes.

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

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

14 Q. Is this considered Seaman -- Seaman  
15 area?

16 A. That is correct, yes.

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

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

22 A. That's correct.

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

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

5 Q. And was that Nelson Dotson and --

6 A. And Denver Shoemaker, that's  
7 correct.

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

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

15 Q. All right.

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

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

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

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1 A. That's correct.

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

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

6 Q. We'll get to that.

7 A. Yeah.

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

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

12 Q. That's close enough.

13 A. Okay.

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

17 A. Yeah, okay.

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

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

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

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

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

6 A. That's correct.

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

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

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

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

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

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1 poles and crossarms -- near where this  
2 accident occurred?

3 **A. No.**

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

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

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

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

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1 **would do the maintenance work.**

2 Q. Okay.

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

5 Q. Are you familiar with an outfit  
6 called Osmose?

7 **A. Yes.**

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

10 **A. That's right.**

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

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

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

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

24 Q. Do you know if Osmose ever did any

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

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

7 Q. All right.

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

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

16 **A. No, I cannot answer that.**

17 Q. Don't know one way or another?

18 **A. I do not know.**

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

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

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

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

14 **A. No.**

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

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

22 Q. Okay. Thank you.

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

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1 that was not done or that it was done in the  
2 area where this accident occurred?

3 **A. I'm positive that was done during my**  
4 **time there.**

5 Q. Okay.

6 **A. Probably more than once. Several**  
7 **times, probably. But I -- I can't give any**  
8 **actual dates or anything like that.**

9 Q. That was another question I was  
10 going to ask. Do you -- when you would  
11 dispatch your men to do the drive-bys, or  
12 the walking inspections, would you have them  
13 make note of the sections of line or the  
14 poles that they inspected?

15 **A. Yes.**

16 Q. And where would --

17 **A. If they found anything bad. If they**  
18 **didn't find anything bad, then they**  
19 **didn't -- I mean, you know, they didn't make**  
20 **any notes of it.**

21 Q. So no records were made for an  
22 inspection that didn't show a need for  
23 maintenance?

24 **A. That's correct.**

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1 **have been, but I do not know actually.**

2 Q. Well, I appreciate that. Were you  
3 ever given any copies of the material that  
4 was used in the AEP line school to train the  
5 men that you supervised?

6 **A. No, I was never responsible for any**  
7 **training --**

8 Q. All right.

9 **A. -- that I can recall. Other than**  
10 **new -- you know, something new comes up that**  
11 **they would send us a directive on and we**  
12 **would -- we would read that.**

13 Q. Do you recall in the -- say the ten  
14 years prior to your retirement, receiving  
15 anything new regarding the routine  
16 inspection or maintenance of poles and  
17 crossarms?

18 **A. No.**

19 Q. All right. With respect to the  
20 frequency that you would dispatch your men  
21 out to do either drive-bys or -- or walking  
22 visual inspections -- let's first talk about  
23 the drive-bys, is that something that you  
24 would instruct men to do typically a few

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1 Q. Now, did you train the men who were  
2 under your supervision for -- as to how to  
3 check a pole or crossarms or insulators,  
4 either in a drive-by or in a walking  
5 inspection?

6 **A. No.**

7 Q. Where would they have gotten that  
8 training or were they trained?

9 **A. Yes, they were trained, and that**  
10 **would have been the -- AEP had a line**  
11 **school, and so did Columbus and Southern**  
12 **before them. Everybody that worked under**  
13 **me, except two or three guys, they went**  
14 **through -- they went through the company**  
15 **training. A few of them worked for**  
16 **contractors prior to going to work for AEP**  
17 **or Columbus and Southern.**

18 Q. And the line school, do you know  
19 whether or not -- AEP's line school, do you  
20 know whether or not they were taught what to  
21 look for, say, in a crossarm that might  
22 indicate it was going to fail soon?

23 **A. Well, I can't answer that for sure,**  
24 **but, I mean, I certainly think they would**

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1 times a month, a few times a week, a few  
2 times a year? How would you characterize  
3 the frequency?

4 MR. EVANS: I'm sorry, this is as to  
5 walking inspections or drive-bys?

6 MR. MOORE: We started with  
7 drive-bys, then we're going to do walking  
8 inspections next.

9 **A. Drive-by would be -- I want to say**  
10 **two, three times a year.**

11 Q. Okay. And is it your belief that  
12 all of the distribution lines that were in  
13 your territory would have been driven by at  
14 least once or twice a year, or less  
15 frequency than that?

16 **A. No, it would be a lot less than that**  
17 **because they couldn't -- they couldn't get**  
18 **over the whole thing in one day.**

19 Q. Too much line?

20 **A. Oh, yes.**

21 Q. All right. So how often do you  
22 believe that the lines within your territory  
23 with the men that you supervised would have  
24 been driven by and visually inspected from a

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1 vehicle? Typically?

2 **A. You're talking about every bit of**  
3 **the line?**

4 Q. Well, yeah, in -- let me -- let me  
5 explain a little further, because this -- I  
6 don't think this is going to be hard.

7 Your estimate was that during  
8 your -- your time of supervision and  
9 responsibility for the area on Decatur Pike  
10 where this accident occurred probably got  
11 seen two or three times during your  
12 supervision in drive-bys?

13 **A. Yes.**

14 Q. Would that be typical of most of the  
15 line in your area?

16 **A. That's correct.**

17 Q. Okay. And that would be two or  
18 three times in a tenure of about, what, ten  
19 years, or so?

20 **A. That -- well, that's close, yeah.**

21 Q. All right. And as far as a walking  
22 inspection, that was much less frequent; is  
23 that right?

24 **A. That is correct.**

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1 crossarm and then getting to the next pole  
2 or coming from this other pole and coming up  
3 to it?

4 Q. Well, you're answering the way I  
5 hoped you would. I want you to explain to  
6 me how you figure the time -- and you're  
7 telling me -- how you figure the time and  
8 what it averages a pole or however you do  
9 it.

10 Like, for instance, if the poles  
11 where this accident occurred -- probably, I  
12 would guess, and I'm not a lineman -- that  
13 it would vary based on terrain?

14 **A. Yes, that is correct.**

15 Q. And it seem -- would seem to me that  
16 the poles along Decatur Pike are pretty  
17 accessible. Are you in agreement with that?

18 **A. That's correct, yes.**

19 Q. All right. So in an area like that,  
20 how long would you expect it to take a  
21 man -- or how many poles would a man do in a  
22 day, or however you would measure it? What  
23 would you expect out of one of the people  
24 you're supervising?

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1 Q. How often per year would you  
2 dispatch your crew to do walking  
3 inspections?

4 **A. It was more like once every five**  
5 **years, or something in that neighborhood.**

6 Q. And would that -- those occasions  
7 typically be a day or would they be a week  
8 in duration, or longer or shorter?

9 **A. Sometimes they would be fairly**  
10 **lengthy, like a week or so, for different**  
11 **people to take different sections and --**  
12 **sometimes it was like that.**

13 Q. How long did -- how long would it  
14 take a man -- how long would you figure it  
15 would take man to do a walking visual  
16 inspection of a pole and crossarm?

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

19 You can -- if you can answer that,  
20 go ahead.

21 **A. Well, it depends. When you said a**  
22 **pole and a crossarm, now, you're talking**  
23 **about just -- just that pole and crossarm,**  
24 **or are you talking about that pole and**

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1 **A. Okay. Now, there's a couple things**  
2 **I need to clear up here, too.**

3 Q. Okay.

4 **A. You understand that was in a**  
5 **cornfield -- or when you've got cornfields**  
6 **or any kind of fields like that and you've**  
7 **got a crossarm, you've got to take that in**  
8 **consideration, too. You can't just walk**  
9 **across them under the line, basically. Or**  
10 **if you do, it takes you a lot longer. So**  
11 **all those factors figure into it.**

12 But we call them spans from one pole  
13 to the next, you sort of talk in spans when  
14 you talk about covering an area. And like I  
15 said, it all depends on how many fences you  
16 have to cross, what kind of terrain you've  
17 got, what kind of crops are in the fields,  
18 and all that -- all those factors.

19 But if you don't have any  
20 obstructions and you're on flat ground,  
21 common sense is what you go by, how many  
22 structures you can check in a day, you know.

23 But -- now, give me a specific  
24 question.

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1 Q. Okay.  
 2 A. After we've -- give me a specific  
 3 question.  
 4 Q. What you're giving me is very  
 5 helpful, and I appreciate it.  
 6 A. Yeah.  
 7 Q. Let's say -- let's go back to the  
 8 poles that were around the area of this  
 9 accident.  
 10 As you pointed out, at least one or  
 11 two of them are in a cornfield, some of them  
 12 are in a fence row or barnyard area and  
 13 around a house.  
 14 A. Yeah. Yeah.  
 15 Q. And if -- if you're going to assign  
 16 someone to do a walking inspection in that  
 17 vicinity, how many poles would you expect  
 18 them to cover in a day, let's say, on  
 19 average?  
 20 A. At least ten, I think. In the  
 21 neighborhood of ten, possibly.  
 22 Q. Okay.  
 23 A. But that's a guess. I mean, like I  
 24 say, there's all kinds of obstructions --

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

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1 good visual inspection, to pound on the  
 2 pole, and that's it, basically, as far as  
 3 checking.  
 4 Q. Okay. What tools would he have with  
 5 him to do an inspection on the pole?  
 6 A. Basically a ball-peen hammer and a  
 7 screwdriver.  
 8 Q. And the hammer would -- the hammer  
 9 would be for pounding the pole?  
 10 A. Yes.  
 11 Q. And how many times would you expect  
 12 him to pound it if the pole was normal?  
 13 A. Six, half a dozen, close.  
 14 Q. Okay. And the screw --  
 15 A. You've got to go all the way around  
 16 at different areas.  
 17 Q. And the screwdriver would be for  
 18 picking or prodding the wood?  
 19 A. If he found any soft places, to  
 20 check deeper with the screwdriver, yes.  
 21 Q. All right. And when he's pounding  
 22 on the pole, would he pound just above  
 23 grade?  
 24 A. That is correct.

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

17 (Pages 65 to 68)

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

5 **A. They was usually single.**

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

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

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

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

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1 You can answer if you can. Go  
2 ahead.

3 BY MR. MOORE:

4 Q. Well --

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

10 Q. Okay.

11 **A. If that answers your question.**

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

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

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

24 **A. That is correct, yes. Iron pins.**

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

5 **A. Yes, that's correct.**

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

11 **A. That is correct.**

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

14 **A. No.**

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

19 **A. I do not know that.**

20 Q. Okay.

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

23 Q. Okay.

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

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1 **common sense, you know, and experience.**

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

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

9 Q. Okay.

10 **A. You said transmission.**

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

12 **A. Yeah.**

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

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

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

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

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

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

15 Q. Uh-huh.

16 A. But most of the time not that many.

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

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

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

4 Q. Right. Understood.

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

8 Q. Right.

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

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

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

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

21 A. That sounds right, yes.

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

24 A. No, I don't.

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

4 A. Yes, I do.

5 Q. Where were you?

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

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

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

16 Q. Scope it out?

17 A. Yeah.

18 Q. All right.

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

24 Q. What was going on in Bentonville?

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

3 Q. That's fine. Was it --

4 A. Probably a new --

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

7 THE WITNESS: Okay. I don't know.

8 BY MR. MOORE:

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

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

12 Q. That's --

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

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

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

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

21 A. Yeah.

22 Q. And what did you hear?

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

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

4 Q. And that was Tom Carter?

5 A. Uh-huh.

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

8 THE WITNESS: Yes.

9 MR. EVANS: Okay.

10 BY MR. MOORE:

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

13 A. He was my immediate supervisor.

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

16 A. That's correct.

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

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

22 Q. So you knew --

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

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

4 A. Yes.

5 Q. No more details?

6 A. Not over the radio, no.

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

10 A. No, I don't.

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

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

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

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

22 Q. Dry?

23 A. Yes.

24 Q. Clear and dry?

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1 A. Yes.

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

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

8 Q. You drove out in the cornfield?

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

11 Q. Who was there when you got there?

12 A. Nelson Dotson.

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

15 A. No.

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

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

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

24 A. No.

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

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

5 Q. So you went to where he was?

6 A. Yes.

7 Q. What did Nelson tell you?

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

11 Q. What was the rundown he gave you?

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

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



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

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

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

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

15 **A. Okay.**

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

18 **A. That's hard to say.**

19 Q. Okay.

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

23 Q. To open it or to close it?

24 **A. To open it, which kills it.**

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1 Q. Okay. Understood.

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

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

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

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

18 **A. That's exactly right.**

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

22 **A. That is correct.**

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

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1 vicinity; is that right?

2 **A. That is correct.**

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

7 **A. No.**

8 Q. Someone else had?

9 **A. Yes. Tom did that.**

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

12 **A. That is correct.**

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

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

18 Q. Did you get there before Denver  
19 Shoemaker?

20 **A. Yes, I did.**

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

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

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1 **about it, too. I think so.**

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

5 **A. 15 minutes.**

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

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

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

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

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

18 You can answer.

19 A. Yes, it would.

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

Page 86

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

3 Q. Okay.

4 A. -- real quick, okay?

5 Q. Sure.

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

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

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

19 Q. Uh-huh.

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

23 Q. And tripped it?

24 A. Yeah, in between those times, he

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1 would have been all right.

2 Q. Yeah.

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

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

12 MR. EVANS: Objection to the form.

13 MR. MOORE: That's fine.

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

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

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

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1 without touching something that is grounded.

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

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

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

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

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1 aspersions, I don't know that we've  
 2 established he has the requisite expert  
 3 qualifications to get into some of these  
 4 electrical issues.  
 5 You can answer to the best of your  
 6 ability.  
 7 MR. MOORE: And that's fair. We  
 8 don't have a problem with that.  
 9 A. And the whole thing was to start  
 10 with a theory, your ground conditions --  
 11 different ground conditions is going to  
 12 change all -- create all kinds of different  
 13 factors. Because you actually do drive  
 14 ground rods in the ground to ground things.  
 15 And if you've got -- if you've got primary  
 16 voltage coming down to -- in that ground  
 17 rod, which has happened before, you might be  
 18 able to walk right by that ground rod and  
 19 never know it. And, again, you might not.  
 20 You might -- depending on the ground  
 21 conditions themselves.  
 22 In other words, different soil --  
 23 Q. Conducts differently?  
 24 A. Conducts differently, yes.

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1 Q. And moisture, I'm sure, has a lot to  
 2 do with it?  
 3 A. That's correct.  
 4 Q. Well, with respect to these  
 5 circumstances, the recloser that was  
 6 protecting the circuit that was involved in  
 7 this accident, with reference to that  
 8 specifically, am I correct in my  
 9 understanding that once it throws open, it's  
 10 gone through its open/close, open/close,  
 11 open/close, and it opens because it detects  
 12 a fault, a nonclearing fault, is the only  
 13 way it can now be closed is by a man going  
 14 out and closing it?  
 15 A. Yes, manual operation.  
 16 Q. All right. And in this case, a crew  
 17 was dispatched by Mr. Carter, based on your  
 18 understanding, to lock it out and tag it out  
 19 so the line could be worked on?  
 20 A. If it wasn't already, yes.  
 21 Q. All right.  
 22 A. It may have been -- to my knowledge,  
 23 it could have been locked out. I really  
 24 don't know.

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1 Q. All right. You -- you've -- you're  
 2 familiar with a tool that's called a noisy?  
 3 A. A what?  
 4 Q. A noisy.  
 5 A. Not by that name. I think I know  
 6 what you're talking about, but I'm not --  
 7 no.  
 8 Q. It's an inductive electricity  
 9 detector?  
 10 A. Sounder, we call it.  
 11 Q. Sounder.  
 12 A. Okay.  
 13 Q. Okay. So it's a tool that you hold  
 14 in close proximity to an electrical line to  
 15 determine whether it's hot or not?  
 16 A. That's correct.  
 17 Q. And do you know -- did you use a  
 18 sounder on the line that was involved in  
 19 this accident?  
 20 A. No, I didn't personally, and I don't  
 21 recall whether Nelson had or not.  
 22 Q. All right. Did you make any  
 23 determination as to whether the line was hot  
 24 when you first arrived on the premises?

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1 A. No, I didn't. And I -- and I'll  
 2 tell you why, because I knew that the other  
 3 crew was on their way to the recloser to --  
 4 to de-energize it, and was going to be there  
 5 before I could get any kind of checks made.  
 6 MR. MOORE: Okay. Why don't we take  
 7 about a half-hour break.  
 8 MR. EVANS: Okay.  
 9 --O--  
 10 Thereupon, the luncheon recess was  
 11 taken at 11:44 a.m.  
 12 --O--  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24

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1 NOVEMBER 20, 2001  
 2 TUESDAY AFTERNOON SESSION  
 3 12:19 P.M.  
 4 --O--

5 BY MR. MOORE:

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

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

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

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

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1 That would be with dispatching in  
 2 Chillicothe.

3 Q. Okay.

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

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

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

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

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1 A. Oh, yes, definitely.

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

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

8 Q. All right.

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

11 Q. Did not?

12 A. That it did not happen.

13 Q. Okay.

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

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

22 A. No, I do not know that.

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

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

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

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

10 A. No, I do not know that.

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

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

19 Q. All right.

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

24 Q. All right. And the only time your

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1 crew would have removed or replaced a  
 2 recloser in the ordinary course of things  
 3 would be if you responded to a trouble call  
 4 or if you were asked to do so by  
 5 engineering, am I correct in that statement?  
 6 **A. Yes and no.**  
 7 **Q. Okay.**  
 8 **A. Yes, that we was responding to**  
 9 **engineering. No, if it was a trouble call.**  
 10 **We would just -- if -- if there was a**  
 11 **problem with the recloser and they had a**  
 12 **trouble call, we would just bypass the**  
 13 **recloser and leave it bypassed until**  
 14 **engineering had us to replace it.**  
 15 **Q. Okay. And it would be someone other**  
 16 **than your crew that would ultimately put the**  
 17 **new recloser on?**  
 18 **A. No, it would be our crew, usually.**  
 19 **Q. All right.**  
 20 **A. We would report that to engineering**  
 21 **and engineering would get right back with us**  
 22 **and have us to -- to replace it.**  
 23 **Q. Would they tell you specifically**  
 24 **what type of recloser to use?**

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1 **A. Yes. And -- and have it sent to us**  
 2 **from stores, because we did not stock**  
 3 **reclosers in Seaman. We didn't keep them in**  
 4 **stock there.**  
 5 **Q. All right. And she asked me earlier**  
 6 **how to spell Seaman.**  
 7 **A. Yeah, I told her.**  
 8 **Q. Okay. Good. S-E-A-M-A-N?**  
 9 **A. That's right.**  
 10 **Q. Okay. I wasn't sure.**  
 11 **Do you know the type of recloser**  
 12 **that was protecting the circuit that was**  
 13 **involved in this accident?**  
 14 **A. No, I can't answer that.**  
 15 **Q. Do you know --**  
 16 **A. There's a data tag on them that**  
 17 **tells you the name and -- and the type and**  
 18 **manufacturer serial number and all that**  
 19 **stuff, but I can't -- no, I can't tell you**  
 20 **what type.**  
 21 **Q. All right. And would you know the**  
 22 **brand?**  
 23 **A. No, I don't.**  
 24 **Q. All right. And this particular one,**

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1 as you sit here today, do you know the age  
 2 of the recloser that was protecting the  
 3 circuit that was involved in this accident  
 4 when the accident occurred?  
 5 **A. No, I don't.**  
 6 **Q. All right. Did you at any time --**  
 7 **well, strike that.**  
 8 **The recloser that was protecting the**  
 9 **circuit that was involved in this incident**  
 10 **was located in Cherry Fork, am I correct?**  
 11 **A. No, not --**  
 12 **Q. Okay.**  
 13 **A. Not -- not explicitly. State Route**  
 14 **137 runs between Seaman and Cherry Fork.**  
 15 **Q. Uh-huh.**  
 16 **A. And on State Route 137 is where this**  
 17 **recloser is located. However, the address**  
 18 **would probably be Cherry Fork.**  
 19 **Q. It would be between Cherry Fork and**  
 20 **Seaman?**  
 21 **A. That's correct.**  
 22 **Q. But mailing address, if there was**  
 23 **such a thing in that area --**  
 24 **A. Would probably be Cherry Fork, yeah.**

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1 **I don't know that for a fact, but I -- that**  
 2 **sounds reasonable.**  
 3 **Q. Was there only one recloser that**  
 4 **would have affected the circuit that was**  
 5 **involved in this accident?**  
 6 **A. Well, if you're talking about main**  
 7 **feed, yes. But there's such a thing as back**  
 8 **feed that you can encounter, and that would**  
 9 **be no in that case. Do you know what I'm**  
 10 **saying?**  
 11 **Q. Yes. Yes, I do. Have you had -- is**  
 12 **that a common occurrence in this area, back**  
 13 **feed?**  
 14 **A. No, it's not common, but it has**  
 15 **happened.**  
 16 **Q. All right. Is that often from when**  
 17 **someone has a generator --**  
 18 **A. That would be one cause of it, and**  
 19 **the main cause, yes.**  
 20 **Q. All right. Any indication that that**  
 21 **was involved in this accident in any way,**  
 22 **back feed?**  
 23 **A. No. But I can tell you it was -- it**  
 24 **was taken care of anyway, because we had the**

25 (Pages 97 to 100)

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

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

5 A. Nelson Dotson.

6 Q. And where was it?

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

9 MR. EVANS: I'm not sure.

10 A. Towards Decatur from where the  
11 accident happened.

12 Q. Okay.

13 A. Within three or four spans.

14 Q. Nelson do that after you arrived?

15 He had done that before?

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

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

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

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

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

3 A. I thought there was only one.

4 Q. Well --

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

7 Q. My --

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

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

11 A. Oh, there is?

12 Q. Yes. And --

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

14 Q. Okay.

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

18 Q. Yes, sir.

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

21 Q. All right. Would you --

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

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

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1 there was a service interruption.

2 A. Yes.

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

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

11 Q. All right.

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

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

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

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

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1 have been correct in referring to this as a  
2 12KV service?

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

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

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

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

15 A. Off of the crossarm. Off of the  
16 crossarm.

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

19 A. Yes, it was.

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

22 A. Yes, I do.

23 Q. What was it?

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

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1 conductor steel core.

2 Q. Were the -- the winding wire on top  
3 of the insulator that holds the conductor in  
4 place on the insulator in its proper  
5 position on the floating -- floating wire?

6 A. I believe so. That's called a tie  
7 wire. I believe it was -- I think -- I'm  
8 pretty sure it was tied in, yeah.

9 Q. Was the wire -- or the conductor off  
10 only one crossarm or was it off more than  
11 one crossarm?

12 A. Only one.

13 Q. Okay. Did you look at the  
14 crossarm's insulators and conductor on the  
15 next two poles in either direction from the  
16 one it had become detached from?

17 A. Yes, I did.

18 Q. And what did you find?

19 A. Well, they was in normal position,  
20 except the one -- the one on the Decatur  
21 side had been moved in on the arm, and --  
22 and that's normal. If you -- evidently  
23 there had been a floater there before at one  
24 time, and they had moved that in to

Page 107

1 A. It looked like the -- the outside of  
2 the arm had been burned a little bit, or  
3 something, which would have indicated that  
4 something had broke down there and let  
5 that -- let that burn a little bit.

6 Q. When you say something had broke  
7 down, what would be the likely things, based  
8 on your background and experience?

9 A. That has happened by the insulator  
10 cracking. It can -- could happen that way.

11 Q. Is that -- you think most likely --  
12 if it's burnt, that's what it was?

13 A. Well, that's a possibility. Another  
14 possibility is that could have floated right  
15 there and got on the bottom of the arm. Of  
16 course, that's the way it would have  
17 happened if the insulator had broke down,  
18 too, so it's hard to say what happened  
19 there.

20 Q. Were you satisfied that the markings  
21 that you saw on the crossarm of the pole  
22 we're talking about where the insulator had  
23 been moved in were markings caused by  
24 burning as opposed to rot?

Page 106

1 temporary the situation.

2 Q. To temporary the situation?

3 A. To temporary it till there was more  
4 damage there, or whatever.

5 Q. Okay. Let me ask you a couple of  
6 questions about what -- what you just said.

7 Is it -- it is my understanding that  
8 the -- that the insulator on the pole that  
9 was on the Decatur side, the next pole on  
10 the Decatur side from the pole where it  
11 came -- from which it came detached, the one  
12 you just described --

13 A. Okay.

14 Q. -- had a new insulator put on it,  
15 and the threaded rod was put in a new  
16 location on a crossarm from its original  
17 location. Is that your understanding, also?

18 A. I don't know about the new  
19 insulator, but it had been moved over to a  
20 different location on the crossarm, yes.

21 Q. Closer in towards the center of the  
22 crossarm?

23 A. That's correct.

24 Q. Do you know why?

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1 A. No, I don't recall that for sure.

2 There was some problem there that you could  
3 see, and I'm not positive what it was. It  
4 could have been deterioration.

5 Q. All right.

6 A. I'm not sure.

7 Q. If it were deterioration, based on  
8 your -- your background and experience with  
9 Columbus and Southern or AEP, what would be  
10 the standard protocol?

11 The line was moved in, we can see  
12 that. What would then happen? What should  
13 a lineman do in order to catalog what  
14 happened?

15 MR. EVANS: Show an objection to the  
16 form.

17 You can answer, if you know.

18 A. He could have made a note of it. I  
19 would have known -- what he would have done  
20 is made a note of it and passed it along.

21 Q. Based on your experience and  
22 training, should that crossarm have been  
23 scheduled for replacement, the one where the  
24 insulator had been moved in?

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1 A. Well --

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

5 Go ahead and answer if you can.

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

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

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

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

3 THE WITNESS: Sorry about that.

4 BY MR. MOORE:

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

8 A. Okay.

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

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

17 Q. All right.

18 A. -- for sure. Can you?

19 Q. I can guarantee you I can't.

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

24 Q. Yeah?

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

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

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

11 But you can answer again.

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

16 Q. All right.

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

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

24 A. Yes, sir.

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

2 A. That's right.

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

8 A. Yep.

9 Q. -- is that right?

10 A. Yes, sir.

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

15 A. That is correct.

16 Q. All right. And --

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

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

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

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



Page 113

1 **A. That is correct.**

2 Q. So if a piece of equipment or an  
3 animal or a person comes in contact with  
4 these lines while touching anything else  
5 that may be grounded, they're going to  
6 either be injured or killed; is that right?

7 **A. That is correct.**

8 Q. All right. So at least one of the  
9 reasons for the inspection of the crossarms  
10 is to make sure that they're still in good  
11 enough condition to do their job; is that  
12 right?

13 **A. That is correct.**

14 Q. When you arrived on the scene and  
15 Nelson gave you an idea of what he knew,  
16 what happened next?

17 What did you look at and what did  
18 you see?

19 **A. Well, I looked at the primary  
20 conductor, which was bird caged real bad  
21 there.**

22 Q. And when you say bird caged, that  
23 means that the aluminum has been pushed  
24 on -- bunched up on the steel --

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1 repaired, based on your assessment, when you  
2 arrived?

3 **A. Well, the crossarm needed to be  
4 replaced --**

5 Q. What was wrong with the crossarm?

6 **A. -- and --**

7 Q. I'm sorry, I interrupted you, and I  
8 didn't mean to do that.

9 **A. The end of the arm was split out and  
10 this -- the arm pin insulator and all was  
11 pulled out of it, and the rest of the arm  
12 looked so deteriorated that it wasn't nearly  
13 as sound looking as this crossarm  
14 (indicating).**

15 Q. And you're referring to the crossarm  
16 that we've got in VK-4 and 5 and 7; is that  
17 right?

18 It wasn't as sound as the one we're  
19 showing in VK-5 and VK-7?

20 **A. Yeah, that is correct. So we  
21 decided to replace that crossarm, and we had  
22 to splice the face, also.**

23 Q. Was it an easy decision that the  
24 crossarm had to be replaced?

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1 **A. That's right.**

2 MR. EVANS: Let him finish.

3 THE WITNESS: Sorry.

4 MR. MOORE: Yeah, thank you.

5 BY MR. MOORE:

6 Q. It means the aluminum's been bunched  
7 up on the steel core?

8 **A. That's correct.**

9 Q. Would you say it a different way, or  
10 have I got it right?

11 **A. Basically that's right.**

12 Q. Okay.

13 **A. There's several conductors around  
14 the steel core and they were severed and  
15 pulled back -- brought it into an  
16 accordion-looking contraption there of just  
17 wire, and that's called bird caged, yes. If  
18 that makes sense.**

19 Q. Sure. And do you have memory as to  
20 whether the wire was energized when you got  
21 there, this conductor?

22 **A. No, I don't know that for a fact.  
23 I'm not sure.**

24 Q. All right. What needed to be

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1 MR. EVANS: Objection.

2 You can answer.

3 **A. Common sense. I mean, I don't know  
4 if you call that easy or not, but yeah. I'm  
5 going to say it is. I'm going to say it  
6 was, yes.**

7 Q. All right. And was that because of  
8 the deteriorated condition?

9 **A. Yes. And deteriorated beyond the  
10 point of holding it up as on this structure  
11 here (indicating), you know.**

12 Q. I don't understand what you mean.

13 **A. Well, I mean we couldn't move it on  
14 in towards the center of the pole and it be  
15 all right, like in this case (indicating).**

16 Q. It was too bad for a temporary fix?

17 **A. That's right. Yeah, that's a good  
18 way to put it.**

19 Q. All right. Were there cracks and --  
20 and deteriorated places all through the  
21 crossarm that you saw?

22 MR. EVANS: Object to the form.

23 Answer if you know what it means.

24 **A. Well, you know, I really don't**

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

10 Q. Were you --

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

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

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

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

24 MR. EVANS: Objection to the form.

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1 A. No, I don't.

2 Q. Okay.

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

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

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

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

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

21 Q. Okay.

22 A. So, you know --

23 MR. EVANS: Don't guess.

24 BY MR. MOORE:

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1 Go ahead.

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

4 Q. Okay.

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

7 Q. Okay. Do you --

8 MR. EVANS: Wait for a question.

9 BY MR. MOORE:

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

13 A. I don't recall that, no.

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

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

20 Q. What kind of shape were the braces  
21 in?

22 A. I can't recall that either.

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

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

4 A. You're talking about the old  
5 crossarm?

6 Q. Yes, sir.

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

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

13 A. I did.

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

19 A. That's correct.

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

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

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1 quick.

2 Q. I was getting to that, and you're  
3 ahead of me, and that's fine.

4 A. In other words, that's why we didn't  
5 check it.

6 Q. Understood.

7 A. Okay.

8 Q. At some point Denver shows up?

9 A. Yes. And Denver's actually the one  
10 that replaced that arm. It wasn't Nelson.

11 Q. And it was you and Denver that  
12 worked on that job together?

13 A. That's correct.

14 Q. You stayed on the ground and he went  
15 up in the bucket?

16 A. That's correct.

17 Q. He didn't have to climb the pole,  
18 did he?

19 A. No. He worked it out of the bucket.

20 Q. Did either you or Nelson check the  
21 pole while you were there for soundness?

22 A. You know, I don't recall that. I  
23 can't tell you. I don't remember.

24 Q. Were you and Denver the only ones

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1 forthright, and I appreciate it.

2 A. I believe that's the way it was, but  
3 I wouldn't swear to it.

4 Q. How long did it take to replace the  
5 crossarm?

6 A. 15, 20 minutes, something like that.

7 Q. Did the old one come down in one  
8 piece?

9 A. I believe so. I picked it up and  
10 loaded it in the truck.

11 Q. How did it get down from the bucket  
12 to the ground?

13 A. Well, there again, I'm not  
14 absolutely positive, but I believe Denver  
15 brought that down in his bucket about 10 or  
16 12 foot off the ground and dropped it, but I  
17 wouldn't swear to it.

18 Q. Are you confident that he didn't  
19 hand it to you?

20 A. I could not swear to that. I'm not  
21 positive.

22 Q. Okay. Not sure?

23 A. That's right. I don't know for  
24 sure.

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1 who worked on that pole that day?

2 A. I believe so.

3 Q. Okay.

4 A. I wouldn't swear to that, but I  
5 believe so.

6 Q. Okay.

7 A. However, Tom and Nelson was both in  
8 the area, so I really don't -- I can't say  
9 absolutely for sure.

10 Q. Okay.

11 A. But I believe that's right.

12 Q. What about the splice that was done  
13 on the Decatur side of this pole that you  
14 were working on, was that done by Nelson?

15 A. That is correct, yes.

16 Q. Was -- did Nelson work alone or did  
17 he have a helper?

18 A. You know, I don't recall for sure.  
19 Of course, I helped, and normal procedure  
20 there would have been for Denver to be on  
21 one end of it and Nelson on the other with  
22 the two trucks, but I'm not positive that's  
23 the way it went. That's terrible, but --

24 Q. That's fine. You're being

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1 Q. Okay.

2 A. I don't remember. I absolutely  
3 don't remember.

4 Q. But at some point after it came down  
5 from the pole, you either picked it up or he  
6 handed it to you and you put it in the  
7 truck?

8 A. That is correct.

9 Q. And whose truck did you put it in?

10 A. I believe his, but I wouldn't swear  
11 to that, either.

12 Q. All right. And somehow a  
13 crossarm -- a replacement crossarm got to  
14 the -- got to this accident scene?

15 A. And now that you brought that up,  
16 seems like somebody brought that out to us  
17 in a smaller truck and I may have put this  
18 old arm back in their truck, and I don't  
19 remember who that was. Might have been Don,  
20 but I -- it seems like it was, but I don't  
21 know that for sure. I forget now exactly,  
22 you know.

23 Q. That's fine.

24 A. That's terrible, but I've forgotten

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1 who brought that arm to us.

2 Q. All right.

3 **A. But I -- I do recall that we relayed**  
4 **the information to the Seaman office that we**  
5 **needed an arm of that size.**

6 Q. When you look at an insulator, can  
7 you tell how old it is by the markings on  
8 it?

9 **A. An insulator?**

10 Q. Yes, sir.

11 **A. No.**

12 Q. Is there anything --

13 **A. Not to my knowledge. There's no**  
14 **date on the -- a regular insulator.**

15 Q. When I'm saying "you", I mean you  
16 specifically. In other words, do you happen  
17 to know because of your background or  
18 training --

19 **A. No, I can't look at an insulator and**  
20 **tell you. And if there was a date on there,**  
21 **I didn't know it. There may be.**

22 Q. As far as the crossarm, they don't  
23 have any brand or stamping on them to  
24 identify dates or numbers?

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1 **A. To my knowledge, there's not, but**  
2 **it's a possibility there is some of them do**  
3 **and some of them don't.**

4 Q. But there is a brand or a stamp as  
5 well as a tag on the pole?

6 **A. Right.**

7 Q. Okay. While you were there, did  
8 you -- well, first of all, were there any  
9 other observations of damage in the vicinity  
10 of this accident besides to the line that  
11 was bird caged and where the insulator had  
12 pulled loose from the crossarm and was free  
13 swinging?

14 MR. EVANS: I'll object to the form  
15 of the question.

16 **A. I don't recall any.**

17 Q. Okay. Were there any other  
18 observations that you made that told you  
19 something about how this accident occurred  
20 that we have not discussed that have to do  
21 with either the exact location of the  
22 accident or the lines, the poles, the  
23 insulators, or other electrically related  
24 equipment?

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1 **A. I can't think of anything.**

2 Q. Okay. I'm going to ask you some  
3 questions now about the combine.

4 **A. Okay.**

5 Q. Did you see the combine that was  
6 involved in this accident?

7 **A. Yes, I did.**

8 Q. Was it still in -- in the -- on the  
9 property when you got there?

10 **A. Yes.**

11 Q. Did you measure it?

12 **A. No, I didn't.**

13 Q. Do you know if anybody did?

14 **A. I think -- yes, somebody did, but I**  
15 **didn't -- I didn't have anything to do with**  
16 **that.**

17 Q. All right. Do you know what it  
18 measured?

19 **A. No, I don't.**

20 Q. Okay. What condition was the  
21 combine in when you saw it?

22 And by condition, I mean, was it  
23 running, and was it open, closed, what did  
24 you observe about the combine when you saw

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1 it?

2 **A. The combine was sitting there with**  
3 **no one around it and it was not running. As**  
4 **well as I remember, it had one -- one of the**  
5 **big tires, it was about half flat on it.**

6 Q. Front or rear?

7 **A. Well, they're the front, but they're**  
8 **the big tractor tires.**

9 Q. They're the tires that are on the  
10 combine as opposed to the head; is that  
11 right?

12 **A. Yeah, there's no -- there's no tires**  
13 **on the head, is there?**

14 Q. No, but the head is in front of the  
15 machine.

16 **A. Yeah, well, the front tires on the**  
17 **combine is the big tires, in other words,**  
18 **and the rear tires is the ones that guide**  
19 **it, you know --**

20 Q. Right.

21 **A. -- steer it.**

22 **It's the big tire, the tractor-type**  
23 **tire.**

24 Q. Okay. Did you see -- what condition

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1 was the discharge auger -- do you know what  
 2 I'm talking about when I talk about a  
 3 discharge auger?  
 4 **A. I believe so.**  
 5 Q. My understanding is that's --  
 6 **A. The arm, yeah.**  
 7 Q. -- the arm that you use to unload  
 8 the grain that you've collected in the  
 9 combine.  
 10 **A. Yes. Yes.**  
 11 Q. What position was it in when you  
 12 arrived?  
 13 **A. I'm not positive.**  
 14 Q. Do you --  
 15 **A. As far as I know -- I mean, I don't**  
 16 **know.**  
 17 Q. Was it protruding above the combine,  
 18 or was it -- was it in a more horizontal  
 19 position, to your memory?  
 20 MR. EVANS: Objection; asked and  
 21 answered.  
 22 **A. I absolutely don't know.**  
 23 Q. Okay.  
 24 **A. I'm assuming --**

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1 MR. EVANS: Don't assume. If you  
 2 don't know, you don't know.  
 3 **A. Yeah, okay, I don't know. I don't**  
 4 **know.**  
 5 Q. Okay.  
 6 **A. I don't remember that arm at all, to**  
 7 **tell you the truth about it.**  
 8 Q. Well, that's fine.  
 9 **A. But -- but after you described it, I**  
 10 **know what you're talking about, yeah.**  
 11 Q. Aside from the flat tire on the  
 12 combine, did you see any damage to the  
 13 combine?  
 14 **A. No, I couldn't detect any.**  
 15 Q. All right. Did you get on the  
 16 combine?  
 17 **A. No, I didn't.**  
 18 Q. Did you walk around the combine?  
 19 **A. Yes, I did.**  
 20 Q. Did you see any evidence -- let's go  
 21 back to the pole that the -- where the  
 22 crossarm was replaced. Any evidence that  
 23 the pole had been hit by the combine?  
 24 **A. No. That's the -- the pole now that**

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1 **the arm was replaced on, you said, right?**  
 2 Q. Yes, sir. Yes, sir.  
 3 **A. No, I didn't -- I don't remember any**  
 4 **evidence of that fact.**  
 5 Q. All right. Any evidence that any  
 6 other pole in that field had been hit by  
 7 that combine?  
 8 **A. Yes, there was. Now, back up on**  
 9 **that. I can't absolutely swear it was that**  
 10 **combine. Something hit that pole. Not too**  
 11 **hard, maybe, but there was some paint marks**  
 12 **and skid marks on the pole, yeah.**  
 13 Q. Which pole, in relationship to the  
 14 one that had the crossarm?  
 15 **A. The one down close to the road.**  
 16 Q. The one we've got the pictures of  
 17 that had the insulator moved on it, right?  
 18 **A. Yeah.**  
 19 Q. Same one?  
 20 **A. Yeah, it would be this pole**  
 21 **(indicating), yeah.**  
 22 Q. And I'll represent to you that  
 23 Plaintiff's Exhibit VK-8, which you have in  
 24 front of you is that same pole.

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1 **A. It is?**  
 2 Q. Yes. Do you see anywhere on there  
 3 where the evidence that had been --  
 4 **A. Well, it's hard -- it's really hard**  
 5 **to see from this picture here, but there was**  
 6 **some skid marks and what have you along in**  
 7 **here (indicating). But it couldn't have**  
 8 **been anything -- well, something hit that**  
 9 **pole, I can tell you that, and you can go**  
 10 **out there and look at it today and tell**  
 11 **that. However, it wasn't too terribly hard,**  
 12 **or whatever.**  
 13 Q. Was the pole damaged?  
 14 **A. No -- no further damage than a mark**  
 15 **on the pole.**  
 16 Q. And when you say a mark, was it like  
 17 a paint mark where paint had been scraped  
 18 on --  
 19 **A. More like a scrape or a scratch**  
 20 **mark.**  
 21 Q. Did it have color?  
 22 **A. I believe so. I don't remember, but**  
 23 **it seems like it did, maybe.**  
 24 Q. Do you remember the color?

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1 A. No, I don't.  
 2 Q. Do you remember the approximate  
 3 height from the ground?  
 4 A. Yes, it was in the neighborhood of  
 5 three feet. Or so. Two to three feet, I'm  
 6 going to guess. 36 inches or so, yeah.  
 7 Q. Okay. Did it affect the soundness  
 8 of the pole?  
 9 A. No.  
 10 Q. Did it affect any other aspect of  
 11 that pole?  
 12 A. No.  
 13 Q. Okay. Do you know whether or not it  
 14 had any effect on any other poles?  
 15 A. No, I don't.  
 16 Q. Any evidence of contact with the  
 17 electrical conductors in the vicinity of the  
 18 pole that's depicted by VK-8?  
 19 MR. EVANS: Object to the form as to  
 20 what the vicinity means.  
 21 But you can answer if you can.  
 22 A. I don't remember any, other than  
 23 this pole was not too far from where the  
 24 conductor was down.

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

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1 A. Ask me again, I forget.  
 2 Q. All right.  
 3 MR. MOORE: And we'll just make it a  
 4 standing objection?  
 5 MR. EVANS: Standing objection, if  
 6 you would.  
 7 MR. MOORE: Yeah, that's fine.  
 8 BY MR. MOORE:  
 9 Q. When you arrived on the -- on this  
 10 accident scene, you saw that one of the  
 11 conductors was hanging -- free swinging --  
 12 A. Yes.  
 13 Q. -- and it pulled loose --  
 14 A. Floating, we call it.  
 15 Q. Floating. I'm sorry, I was looking  
 16 for that term.  
 17 And were you able to -- after you  
 18 looked at all the -- the area of the  
 19 accident, and so on, were you able to  
 20 determine what caused the insulator to pull  
 21 from the crossarm and result in that  
 22 floating condition that you found?  
 23 A. No. I can't absolutely tell you  
 24 that, but I know that's the condition it was

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

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1 you found in an abnormal position when you  
2 were on the scene on the day of the accident  
3 other than what we've already discussed with  
4 respect to any of the electrical equipment?

5 **A. I can't remember anything else**  
6 **there, no.**

7 Q. Do you remember whether the corn was  
8 growing around the pole where the crossarm  
9 was -- had lost its insulator?

10 **A. Where the -- the floater was?**

11 Q. Yes, sir.

12 **A. Yes, there was corn around that**  
13 **pole.**

14 Q. And was that corn still standing?

15 **A. Yes.**

16 Q. So it hadn't been combined --

17 **A. No, it had been combined awful close**  
18 **to it, but I don't recall how many rows it**  
19 **was over to the pole. But it wasn't very**  
20 **many.**

21 Q. Okay.

22 **A. Three or four, maybe.**

23 Q. All right. Did you make any other  
24 observations other than the ones we've

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1 discussed already regarding the combine on  
2 the day of the accident?

3 **A. No. And I'm not real familiar with**  
4 **combines.**

5 Q. That was going to be my next  
6 question. Have you ever operated one?

7 **A. No, I haven't.**

8 Q. All right. Based on your  
9 observation, you didn't see any other damage  
10 or anything abnormal about the combine from  
11 just looking at it; is that correct?

12 **A. That is correct.**

13 Q. Okay. How long were you at the  
14 accident scene on the day of the accident?

15 **A. I'm going to say an hour and a half**  
16 **to two hours.**

17 Q. Do you know if there was any other  
18 power interruption besides the one  
19 instigated by AEP employees when they locked  
20 out and tagged out the circuit on the day of  
21 the accident?

22 **A. I'm not aware of that if there was.**

23 Q. As you sit here today, it's your  
24 belief that the only sustained power

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1 interruption would have been intentionally  
2 by the AEP employees for the repairs?

3 **A. Yes, sir. I would bet money on it,**  
4 **but I can't prove it.**

5 Q. Did you take any photographs on the  
6 day of this accident?

7 **A. No, I didn't.**

8 Q. Did you make any statements on the  
9 day of this accident or about the things  
10 that you saw, as far as company statements,  
11 reports, or anything like that?

12 MR. EVANS: Objection to the form.

13 By statements, you mean written statements  
14 or recorded statements, or do you mean did  
15 he just talk to somebody?

16 MR. MOORE: Well, thank you.

17 BY MR. MOORE:

18 Q. First, in a written form. In other  
19 words, did you fill out any forms or reports  
20 for the company, based on what you saw?

21 **A. You know, I'm not absolutely sure,**  
22 **but I'll tell you this: Normally we would**  
23 **have -- in our own words, on a yellow note**  
24 **pad like that, write -- write down what**

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1 **happened.**

2 Q. And did you do that?

3 **A. Well, I'm not positive, but I think**  
4 **maybe so.**

5 Q. Have you given any recorded  
6 statements to anyone about this accident,  
7 where someone recorded what you said?

8 **A. I don't remember if I had.**

9 Q. Are you aware of any information  
10 that indicated that the operators of the  
11 combine on the -- on or about the day of  
12 this accident did anything wrong that  
13 contributed to the accident?

14 MR. EVANS: Objection.

15 You can answer if you think you can.

16 **A. There's one factor, and I told Lee**  
17 **at lunch about this whole thing. A factor,**  
18 **in my opinion, this is only my opinion, but**  
19 **if that combine would have had a ground**  
20 **strap on it, nobody would have ever been**  
21 **killed. I believe the ground strap would**  
22 **have locked the recloser out the first**  
23 **contact it had instead of operating -- it**  
24 **would have locked it out before anybody**

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1 could ever have started to get off the  
2 combine.

3 Q. Do you know --

4 A. But --

5 Q. I'm sorry. You finish.

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

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

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

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

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

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1 been harvested?

2 A. Yes, I believe it was below that.

3 Q. Hanging below the level of the corn?

4 A. Yes.

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

7 A. No, I don't.

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

10 BY MR. MOORE:

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

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

15 Q. Is there a general specification  
16 that you recognize for the height of primary  
17 12KV service?

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

22 Q. When I found --

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

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1 combine --

2 MR. EVANS: Objection.

3 Q. -- relating to this accident?

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

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

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

16 A. Yeah.

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

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

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

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

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

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

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

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

15 A. Yes.

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

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

21 Q. Right.

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



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1 foot.  
 2 Q. And --  
 3 A. But --  
 4 Q. Go ahead.  
 5 A. But I absolutely don't remember for  
 6 sure.  
 7 Q. All right. Are you confident that  
 8 it was less than 16 foot at its lowest  
 9 point?  
 10 A. From the ground?  
 11 Q. Yes, sir.  
 12 A. Oh, yes, I know that for a fact.  
 13 Q. All right. Have you ever spoken to  
 14 either of the combine operators after this  
 15 accident?  
 16 A. No, I haven't.  
 17 Q. Did you ever see them?  
 18 A. No, I haven't.  
 19 Q. Did you speak to anyone who saw this  
 20 accident occur?  
 21 A. No. It was my understanding no one  
 22 did see it.  
 23 Q. That's my understanding as well, but  
 24 I've got to ask what you know.

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

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

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1 investigation responsibilities with respect  
 2 to this accident?  
 3 A. No.  
 4 Q. Did you supervise anyone who was?  
 5 A. No.  
 6 Q. Aside from attorneys for AEP, have  
 7 you talked to anyone else about this -- the  
 8 facts of this accident?  
 9 A. Other than employees, no.  
 10 Q. Okay. And what employees have  
 11 you --  
 12 A. Well, the -- everybody there  
 13 discussed it, you know.  
 14 Q. Did you hear any other theories as  
 15 to how this happened that we haven't already  
 16 discussed?  
 17 A. No.  
 18 Q. Were you able to determine the  
 19 timing of exactly when it was the insulator  
 20 pulled loose from the crossarm and became a  
 21 floating wire?  
 22 A. No.  
 23 Q. Could you say, based on the things  
 24 that you saw, whether that occurred as these

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1 men passed under it versus at some time  
 2 prior to them passing under it?  
 3 **A. No, I don't -- I don't think anybody**  
 4 **could do that.**

5 Q. All right. And based on your  
 6 answer, am I correct in assuming no one gave  
 7 you any theories or other ideas that would  
 8 indicate they could figure that out?

9 **A. That's true.**

10 Q. All right. I'm going to show you  
 11 what's been marked for identification  
 12 purposes as VK-1, ask you to take a minute  
 13 to look at that.

14 MR. MOORE: You've already got this.

15 MR. EVANS: I've got it.

16 MR. MOORE: Yeah.

17 BY MR. MOORE:

18 Q. And I just have a quick question or  
 19 two to ask you.

20 **A. Okay.**

21 Q. You said before you were familiar  
 22 with Osmose?

23 **A. Yes.**

24 Q. Is that --

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1 **A. I say it don't look -- each pole has**  
 2 **a -- has it stenciled on them how long they**  
 3 **are, and the class, but this don't really**  
 4 **look like that. However, one's got a**  
 5 **30-foot long pole would be something similar**  
 6 **to that.**

7 Q. Okay. So --

8 **A. I can't tell what the top numbers**  
 9 **are, can you?**

10 Q. I can't from this picture, but I'm  
 11 also not accustomed to looking at the stamps  
 12 or brands.

13 **A. I don't -- I can't answer that --**

14 Q. Okay. All right. That's fine.

15 **A. -- for sure. I don't know.**

16 Q. Take a look at VK-3 and see if  
 17 you're able to read that round tag and  
 18 either identify it or eliminate it as an  
 19 Osmose tag.

20 MR. EVANS: Don't guess. Only if  
 21 you can read it.

22 **A. No, I can't read it. I'm sorry.**

23 Q. That's fine.

24 **A. My glasses -- I can't see good**

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1 **A. Somewhat. Not --**

2 Q. Can you tell by looking at it if  
 3 that's one of their circular tags above the  
 4 company grid tag?

5 **A. It certainly looks like it is.**

6 Q. It does look like on Osmose tag?

7 **A. Yes, it does.**

8 Q. All right. That's all I'm going to  
 9 ask you about that. You're welcome to look  
 10 at that all you want --

11 **A. Well, I was trying to read it, and I**  
 12 **can't. But it looks like an Osmose tag.**

13 Q. Going to show you another one,  
 14 Exhibit VK-2, and I'll represent to you that  
 15 this is on the pole where the floater  
 16 insulator came loose.

17 Would that indicate that that pole's  
 18 a 1930 pole? Is that what that means to  
 19 you?

20 **A. Well, I would rather think it's a**  
 21 **30-foot long pole, but then I don't know.**  
 22 **That really don't -- don't look like the**  
 23 **length too much, either.**

24 Q. I'm sorry, I didn't understand --

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1 **enough to tell you.**

2 Q. I'm going to ask you a question.  
 3 You've already got the original pictures in  
 4 front of you. On VK-5, the pole that's on  
 5 the Decatur side of this accident --

6 **A. Okay.**

7 Q. -- would you look carefully at the  
 8 silhouette of those insulators, because it  
 9 appears to me as if they're somewhat  
 10 different. And if they are different, then  
 11 would you believe it's more likely when they  
 12 moved that one, they changed the insulator?

13 **A. Yes.**

14 Q. Do they look different to you?

15 **A. One looks brown and the other one**  
 16 **looks gray and black, which is normal.**

17 Q. Look here, there's the one --

18 **A. Yes.**

19 Q. The gray one.

20 **A. Yes.**

21 Q. Okay. Is there -- are there records  
 22 or anything to indicate when that -- when  
 23 that change in insulator and relocation of  
 24 insulator on that crossarm would have taken

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1 place?  
 2 **A. Possibly. I'm not positive of that,**  
 3 **but, yes, I think that -- well, it depends**  
 4 **on whether or not it was done on a trouble**  
 5 **call.**  
 6 Q. Okay.  
 7 **A. There would be a record of it if it**  
 8 **was done on a trouble call. If it wasn't,**  
 9 **then there probably wouldn't be a record of**  
 10 **it.**  
 11 Q. All right. The company doesn't keep  
 12 records of insulator replacement under what  
 13 circumstances?  
 14 MR. EVANS: Objection. You can  
 15 answer if you know.  
 16 **A. That's -- that somebody would be**  
 17 **driving by and notice it and fix it.**  
 18 **Insulator is part of the truck stock and --**  
 19 **and something that you don't have to keep**  
 20 **real accurate count of.**  
 21 Q. Is that something that they should  
 22 make a record of, though, according to  
 23 company policy?  
 24 **A. That insulator itself?**

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1 Q. Replacing it on a particular pole?  
 2 MR. EVANS: Objection.  
 3 **A. I don't know -- I don't know as it**  
 4 **would be, necessarily.**  
 5 Q. Okay. If when this insulator was  
 6 moved, did the line have to be de-energized?  
 7 **A. Probably not. No, it didn't have to**  
 8 **be and probably wasn't.**  
 9 Q. Would company procedures require it  
 10 to be de-energized?  
 11 **A. No.**  
 12 Q. They just used rubber gloves --  
 13 **A. That's right.**  
 14 Q. -- and try not to be grounded?  
 15 **A. Right.**  
 16 Q. Okay. I'm going to show you what's  
 17 been marked for identification purposes as  
 18 JW-A, as in the witness's name, ask you to  
 19 take a minute to look at that, then I'm  
 20 going to ask you a couple questions about  
 21 it.  
 22 **A. Okay.**  
 23 Q. I'll represent to you that that's a  
 24 four-page document.

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1 (Pause in proceedings.)  
 2 **A. Okay.**  
 3 Q. Have you had a chance to look at it?  
 4 **A. Yeah, a little bit.**  
 5 Q. Okay. Is this a document that  
 6 you've ever seen before?  
 7 **A. Well, I've seen part of it before,**  
 8 **probably, anyway.**  
 9 Q. Well, what part?  
 10 **A. It looks like, a possibility, that**  
 11 **I've seen this --**  
 12 MR. EVANS: Well, do you know  
 13 whether you've seen it or not? I don't want  
 14 you to guess, because there's going to be  
 15 more questions.  
 16 **A. I can't absolutely say that, but it**  
 17 **looks like something in the -- our spec --**  
 18 **spec book.**  
 19 Q. All right. And -- and it appears to  
 20 me as if the copy from which this was made  
 21 came from a three-ring binder. If you look  
 22 on the left side, it looks like there's  
 23 little marks where there's little holes.  
 24 **A. Okay. I'll buy that.**

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1 Q. Is there a three-ring binder that  
 2 you have been issued or is in your office,  
 3 when you were working for AEP, that  
 4 contained maintenance specifications?  
 5 **A. I believe that's right, yes.**  
 6 Q. All right. Is this something --  
 7 these guidelines for transmission and  
 8 distribution maintenance frequencies, is  
 9 that something that you were expected to be  
 10 familiar with when you were functioning as a  
 11 line supervisor or a crew supervisor for  
 12 AEP?  
 13 **A. No. That spec book was for**  
 14 **engineering personnel, the same as line**  
 15 **personnel. And those things were basically**  
 16 **the engineering department.**  
 17 Q. Okay. Were you familiar with the  
 18 company's living preventive maintenance  
 19 program as a supervisor for AEP?  
 20 **A. No, absolutely wasn't.**  
 21 Q. Were you familiar with -- as a  
 22 supervisor for AEP, were you familiar with  
 23 the company philosophy of reliably centered  
 24 maintenance, or RCM?

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1 A. No.

2 Q. Were those things that you had  
3 training on or were taught by the company?

4 A. No. These were all engineering  
5 areas.

6 Q. Could you tell me -- or could you  
7 describe for me the operations improvement  
8 division of Columbus and Southern or AEP,  
9 based on your experience with the company.

10 A. I'm not familiar with them, no.

11 Q. Okay. There is a statement on the  
12 fourth page, and it says, the operations  
13 improvement division will be responsible for  
14 maintaining the guidelines for transmission  
15 and distribution maintenance, frequency  
16 manual -- frequencies, plural.

17 Do you know where this division was  
18 located, operations improvement division?

19 MR. EVANS: Objection. He testified  
20 he doesn't know what it is.

21 A. No, I don't know. I don't know that  
22 either.

23 Q. Okay.

24 A. I don't know. That's the first time

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1 A. Yeah.

2 Q. Did I read that right?

3 A. Yes.

4 Q. Okay. Let's look over to -- well,  
5 first, would that be a walking inspection,  
6 or drive-by inspection, or do you know?

7 MR. EVANS: I'm going to object. He  
8 testified he's seen that but he hasn't  
9 worked with it.

10 A. I can shorten this up if I can make  
11 a statement here, I think.

12 Q. Go ahead.

13 A. This would be Tom's boss's decision  
14 to -- to -- I mean, this is his area, to  
15 keep track of these things and pass orders  
16 down to when we would do them. At one time,  
17 Tom was in that capacity, too, but not me.

18 Q. Okay.

19 A. This is above me.

20 Q. All right.

21 A. One notch above me.

22 Q. Well, that will shorten things. Let  
23 me ask a couple more questions and we'll  
24 move on.

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1 I ever heard of it, to tell you the truth  
2 about it.

3 Q. All right. I'm going to show you  
4 what's been marked as JW-B and ask you to  
5 take a minute -- you don't have to read all  
6 of it. It's a fairly lengthy exhibit. I'll  
7 ask you some specific questions, I'll refer  
8 you to specific areas, but just take a  
9 minute to glance over it.

10 I will represent to you that that's  
11 a six-page document with the words in the  
12 upper right-hand corner, "overhead  
13 distribution," on the first page.

14 A. Okay.

15 Q. Is this a document with which you  
16 were familiar when working as a crew  
17 supervisor for AEP, slash, Columbus  
18 Southern?

19 A. No. I don't remember ever working  
20 with this. However, I have seen it before.

21 Q. All right. And on Page 1 it says,  
22 under the subheading A, distribution lines,  
23 including transformers inspect. Recommended  
24 frequency, five years.

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1 A. Sure. Sure.

2 Q. If you would, kick it over to  
3 Page 2.

4 A. Okay.

5 Q. And under A --

6 A. Insulators, okay.

7 Q. -- it says, an inspection of the  
8 distribution lines, transformers, secondary  
9 lines, and services will normally be visual,  
10 including the status of the following.

11 Do you know, when they say visual  
12 there, whether they're referring to a  
13 walking visual or a drive-by visual?

14 MR. EVANS: Objection.

15 A. No. I've never heard them  
16 distinguish between the two.

17 Q. Okay. If you look down on Number 9,  
18 A-9, same page, it mentions crossarms.

19 A. Uh-huh.

20 Q. It also talks about -- as you -- if  
21 you would, just read the list. Don't read  
22 it out loud, but read it to yourself for a  
23 minute. Tell me when you're done.

24 (Pause in proceedings.)

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1 THE WITNESS: Okay. I got that far,  
2 anyway.  
3 BY MR. MOORE:  
4 Q. Could you do a visual inspection of  
5 items 1 through 28 in a drive-by, or would  
6 that require a walk-by or walking  
7 inspection?  
8 **A. Well, it can be yes or no. I mean,**  
9 **all the different factors -- if you're**  
10 **close, sitting in a vehicle and using**  
11 **binoculars to look at it with, you can --**  
12 **you can pretty well tell sitting in a**  
13 **vehicle.**  
14 Q. How about the pole that was -- had  
15 the insulator pulled loose from it in this  
16 accident, could you have done a drive-by on  
17 that and inspected all the things, 1 through  
18 28, as set forth in Plaintiff's  
19 Exhibit JW-B?  
20 **A. No.**  
21 MR. EVANS: Objection; requires  
22 speculation.  
23 THE WITNESS: What's that?  
24 MR. EVANS: I'm objecting. You can

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1 answer.  
2 **A. No, you couldn't have done that from**  
3 **a distance.**  
4 Q. All right. And since that was your  
5 territory, was this quality of inspection,  
6 as set forth on Page 2 of JW-B, done every  
7 five years on the pole and the lines in the  
8 area where this accident happened, based on  
9 your knowledge?  
10 MR. EVANS: Objection. It's been  
11 established that he doesn't get involved  
12 with scheduling these. I think it's an  
13 unfair question to ask him whether it was  
14 done.  
15 MR. MOORE: Okay. And I'll object  
16 to the talking objections.  
17 MR. EVANS: And I'll make them if I  
18 need to, because it's an unfair question.  
19 MR. MOORE: It's also coaching.  
20 MR. EVANS: I'm objecting to the  
21 question.  
22 MR. MOORE: And I'm objecting to the  
23 objection.  
24 MR. EVANS: Good.

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

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1 you know that there was no walking  
2 inspections, but there may have been a few  
3 drive-by inspections; am I correct?  
4 MR. EVANS: Objection.  
5 **A. That -- I'm sorry.**  
6 MR. EVANS: Go ahead.  
7 **A. That's only of our people. Now,**  
8 **what contractors done, I have no -- no**  
9 **knowledge of.**  
10 Q. Understood. That's fair.  
11 **A. I have no knowledge whatsoever.**  
12 Q. Okay.  
13 **A. And I said I think, too, I'm not**  
14 **positive that we didn't have some**  
15 **walk-through inspections. However, I know**  
16 **the whole area wasn't inspected while I was**  
17 **there.**  
18 Q. All right. And you were there how  
19 long?  
20 **A. Well, approximately five years, I'm**  
21 **going to say, yeah.**  
22 Q. All right.  
23 **A. But they might have been split up,**  
24 **too, like a year and a half the first time,**

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

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

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

10 Q. Were you instructed Item 1 through  
11 28 are supposed to be -- an inspection of  
12 all these things are supposed to be  
13 conducted on a periodic basis?

14 A. You said was I instructed?

15 Q. Yes.

16 A. To do these?

17 Q. Yes.

18 A. No. Okay.

19 Q. Were you instructed on how to do  
20 them?

21 A. On how to do them?

22 Q. Yes.

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

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

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

8 Q. Okay.

9 A. -- this operation, yes.

10 Q. And the instruction you gave them  
11 was pretty much in compliance with GI  
12 through 8?

13 A. Right.

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

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

19 Q. All right.

20 A. And -- okay. Period.

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

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1 company instructed me on this.

2 Q. Okay. That's my question.

3 A. Is that what you --

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

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

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

14 A. No.

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

17 A. No.

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

20 A. Okay.

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

23 (Pause in proceedings.)

24 A. Okay.

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1 prior to this accident?

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

5 Q. Okay.

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

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

12 A. Okay.

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

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

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

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1 been overhauled?  
 2 **A. No, I don't. And, again, that's**  
 3 **another -- another department that does**  
 4 **that, that handles that.**  
 5 Q. It would not have been you or your  
 6 crew?  
 7 **A. That is correct.**  
 8 Q. Okay.  
 9 **A. And something else, before we go any**  
 10 **further, back in G --**  
 11 Q. Uh-huh.  
 12 **A. -- that could be either us or a**  
 13 **different department.**  
 14 Q. Okay.  
 15 **A. So that's -- you know, that's the**  
 16 **reason I couldn't answer that any better**  
 17 **than I did.**  
 18 Q. All right. With respect to Item K,  
 19 which is on Page 5 and 6, just glance over  
 20 it. I've got a couple questions. It's not  
 21 in great detail.  
 22 **A. Okay.**  
 23 Q. All right. Do you know when the  
 24 last time a ground line inspection and

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1 want you to guess.  
 2 BY MR. MOORE:  
 3 Q. I don't want you to guess, either.  
 4 My question is can you identify it. Either  
 5 you can or you can't.  
 6 **A. I can't without studying it a little**  
 7 **more, I can tell you that.**  
 8 Q. You can take all the time you need.  
 9 (Pause in proceedings.)  
 10 **A. No, I can't do it anyway, that I can**  
 11 **see.**  
 12 Q. All right. This is -- JW-C is not a  
 13 document with which you're familiar, am I  
 14 correct?  
 15 **A. That is correct.**  
 16 Q. And this is not a document that you  
 17 used during the course of your work with AEP  
 18 and Columbus and Southern?  
 19 **A. That's not what I used. That's not**  
 20 **to say that the engineers didn't use this.**  
 21 **I don't know, they possibly could have.**  
 22 Q. Okay.  
 23 **A. But not one I used, yeah.**  
 24 Q. All right.

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

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1 **A. As a matter of fact, it looks**  
 2 **like -- now that I see the front of it, it**  
 3 **looks like it was the old pole numbers.**  
 4 **This is real -- the real old system. I**  
 5 **don't think this is current at all, to tell**  
 6 **you the truth about it.**  
 7 Q. All right. Is there another map  
 8 that you're aware of that shows poles, their  
 9 locations and identifications?  
 10 **A. Yes. They're called grid maps.**  
 11 Q. And where are they maintained, for  
 12 the area where this accident occurred?  
 13 **A. Right there at the Seaman office.**  
 14 Q. Are there any other documents that  
 15 would show the location or records regarding  
 16 the pole that had the crossarm that was  
 17 replaced in this accident besides the grid  
 18 map?  
 19 **A. Not to my knowledge. But, now,**  
 20 **engineering, yeah, they probably have**  
 21 **something. I don't know --**  
 22 Q. Okay.  
 23 **A. -- for sure.**  
 24 Q. All right.

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

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

7 (Pause in proceedings.)

8 **A. Okay.**

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

11 **A. No, it's not.**

12 Q. Have you seen a document like this  
13 before?

14 **A. I don't think I have.**

15 Q. All right.

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

18 Q. All right. That's fine.

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

22 **A. Yes.**

23 Q. What would you use it for?

24 **A. Location.**

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1 Q. So if --

2 **A. To look --**

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

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

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

13 **A. An address would be how we would be**  
14 **dispatched.**

15 Q. Street address?

16 **A. Yes.**

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

19 MR. EVANS: If you know.

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

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

3 MR. EVANS: I don't.

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

6 (Discussion off the record.)

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

13 MR. EVANS: I understand.

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

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

19 MR. MOORE: Okay. Thank you.

20 BY MR. MOORE:

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

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1 **A. Yes.**

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

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

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

10 **A. Okay.**

11 Q. -- and jump around a little bit.

12 **A. Okay.**

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

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

18 **A. No, I don't know.**

19 Q. Okay.

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

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



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1 MR. EVANS: I'm going to object. He  
2 didn't prepare this --  
3 MR. MOORE: Right.  
4 MR. EVANS: -- document, but --  
5 **A. Well, yeah, it all depends on**  
6 **whether or not you consider the combine a**  
7 **vehicle.**  
8 Q. Well, do you believe that the  
9 combine caused the wire to come down?  
10 MR. EVANS: Objection.  
11 You can answer.  
12 **A. I don't know about that. And, you**  
13 **know, it's --**  
14 Q. Just so you know --  
15 **A. What else would you put?**  
16 Q. Well, there's a list of different --  
17 **A. Unknown.**  
18 Q. Well, it says deterioration, 11. I  
19 don't know whether that's -- I don't know  
20 the company's policy with respect to filling  
21 out these forms. Is this the type of form  
22 that you've filled out before?  
23 **A. Yes, it is.**  
24 Q. Have you filled out many of them?

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

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

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1 **held and the rest of them broke.**  
2 Q. Uh-huh.  
3 **A. Indicating that one of them was**  
4 **stronger than the rest.**  
5 Q. When it --  
6 **A. But --**  
7 Q. Go ahead. I'm sorry. I didn't mean  
8 to interrupt you. I'm sorry.  
9 **A. But I can -- like I say, I can see**  
10 **why he put that. I mean, it's impossible to**  
11 **tell the difference between the two by**  
12 **looking at them.**  
13 Q. All right. Where it says type, open  
14 wire, is that a correct designation?  
15 **A. Yes, it is.**  
16 Q. All right. And where it says  
17 failure and it says C-O-N-D, period,  
18 W-R-A-P, what does that mean?  
19 **A. Conductor wrap.**  
20 Q. Okay. And that would be the actual  
21 aluminum conductors around the core?  
22 **A. That's correct.**  
23 Q. All right. And size code is a  
24 number two. Is that -- is that true, to the

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1 best of your memory?

2 **A. Yes, that was Number 2 wire, best of**  
3 **my...**

4 Q. Okay. When -- under isolation  
5 device, he entered in human manual. What  
6 does that mean?

7 **A. It means that it wasn't automatic,**  
8 **but a human had to operate it manually.**

9 Q. So it would -- it was automatic, as  
10 far as opening in the case of a fault, but  
11 it would not automatically reclose once it  
12 had been opened; is that right?

13 **A. Well, you remember -- you remember I**  
14 **mentioned the back feed?**

15 Q. Uh-huh.

16 **A. And the only -- the only recloser**  
17 **that Nelson operated was the one on the**  
18 **Decatur side.**

19 Q. Yes, sir.

20 **A. He wasn't out at -- and operated the**  
21 **recloser that controlled the feed to this**  
22 **location, so --**

23 Q. Your belief that the isolation  
24 device that he was referring to is the one

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1 **there, and I think she was one of them. And**  
2 **I think probably Jim Woods is one of them,**  
3 **but I don't know for a fact. I don't know**  
4 **who else was on it.**

5 Q. Okay. You were not?

6 **A. I was not on it.**

7 Q. You know that?

8 **A. I do know that, yeah.**

9 Q. Okay.

10 **A. I don't think Tom was, but it's a**  
11 **possibility he might have been.**

12 Q. Okay. What kind of truck were you  
13 driving the day -- or at the time of the  
14 accident?

15 **A. Pickup. Chevrolet pickup truck, had**  
16 **a cap on it.**

17 Q. Had a cap on it?

18 **A. Yes.**

19 Q. I'm going to show you what's been  
20 marked for identification purposes as -- we  
21 just have it marked as Defendant's  
22 Exhibit D, and this -- these were pictures  
23 that were introduced in Brian's -- Brian  
24 Tomlin's deposition. Does the lower picture

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1 he operated?

2 **A. I'm -- I'm -- yes. I think that's**  
3 **right.**

4 Q. Okay.

5 **A. And that was only manual operation.**

6 Q. All right. So that's basically just  
7 like a throw or a -- a switch?

8 **A. That's right.**

9 Q. All right. And then the voltage  
10 involved in this case he shows as a 12,470?

11 **A. Yeah.**

12 Q. And is that correct, based on your  
13 memory after looking at the pictures?

14 **A. Well, yeah, after you pointed out it**  
15 **was two phases, that's what it would be,**  
16 **yes.**

17 Q. Okay. And he made a note at the  
18 bottom, investigating committee. Do you  
19 know who the investigating committee was  
20 comprised of?

21 **A. No, I'm not sure. But I can tell**  
22 **you a couple of them, I think.**

23 Q. Okay. Who were they?

24 **A. Well, I know Valerie Kandal was**

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1 show your truck?

2 **A. Yes, sir. That's my truck right**  
3 **there (indicating).**

4 Q. On the far right-hand side of the  
5 picture?

6 **A. Yes.**

7 Q. Is that the combine we were talking  
8 about earlier?

9 **A. Yes, it is, I believe.**

10 Q. And it's in the location and in the  
11 condition that you remember it to be in when  
12 you were there?

13 **A. Yes.**

14 **(Pause in proceedings.)**

15 **BY MR. MOORE:**

16 Q. I've shown you a couple of exhibits  
17 that have maintenance and inspection  
18 procedures.

19 **A. Yes.**

20 Q. Are there any other maintenance or  
21 inspection procedure manuals or memos or  
22 information that you were given when you  
23 were working for AEP or Columbus Southern  
24 with respect to this type of equipment,

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1 poles and lines, and a distribution system?  
 2 **A. No.**  
 3 Q. Okay. Did you generate any other  
 4 documents than perhaps the written statement  
 5 that you might have written out when you got  
 6 back to the office after this incident that  
 7 had to do with this incident?  
 8 **A. No, I personally didn't have to fill**  
 9 **out any forms, that I can recall.**  
 10 Q. Did you receive any from anyone  
 11 else?  
 12 **A. No.**  
 13 Q. Okay. Do you know who was in charge  
 14 of the operations analysis section of AEP in  
 15 the district where you were located?  
 16 **A. No. I'm not familiar with that**  
 17 **section at all.**  
 18 Q. Okay. Have you ever heard of it  
 19 before?  
 20 **A. No, I can't say as I have.**  
 21 Q. Okay. Do you know of any records  
 22 kept during your tenure with AEP or Columbus  
 23 and Southern about keeping track of what  
 24 informational materials linemen are given --

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1 Q. All right. Do you know whether  
 2 Columbus Southern or AEP kept maintenance  
 3 records on the individual poles, crossarms,  
 4 and in the power distribution system?  
 5 **A. No, I don't know personally, but**  
 6 **that's an engineering function, too.**  
 7 Q. Okay. But they'd have to get their  
 8 information from your crew, wouldn't they,  
 9 generally?  
 10 **A. No, not necessarily. They had --**  
 11 **they had contractors that -- to do a lot of**  
 12 **inspections, also, and they would then some**  
 13 **way get their information to engineering and**  
 14 **we'd never know about it until we got to the**  
 15 **job, you know.**  
 16 Q. All right. But if the  
 17 information -- if the -- if it was a job  
 18 that was going to be done by AEP, Columbus  
 19 and Southern employees, it would have been  
 20 your men, generally?  
 21 **A. To do the work?**  
 22 Q. Yes.  
 23 **A. But not necessarily to have done the**  
 24 **inspection.**

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1 linemen or their crew supervisors?  
 2 **A. No.**  
 3 Q. You understand what I'm saying?  
 4 **A. No, I don't, really.**  
 5 Q. All right.  
 6 **A. Ask me that again. Maybe rephrase**  
 7 **it.**  
 8 Q. Yeah, I want to make sure you  
 9 understand what I'm saying.  
 10 If -- if you guys, when you were  
 11 working for Columbus and Southern and AEP,  
 12 if you're given a -- let's say a thing that  
 13 tells you what -- what -- how to conduct a  
 14 visual inspection for distribution lines, do  
 15 they -- do you sign something or do they  
 16 keep a copy of what you've been given or do  
 17 you know?  
 18 MR. EVANS: Object to the form.  
 19 You can answer if you understand.  
 20 **A. You know, I absolutely don't**  
 21 **remember. I don't know. When they give us**  
 22 **a walking inspection, whether we had forms**  
 23 **to fill out and had to check them off, I'm**  
 24 **not really sure about that.**

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1 Q. And as far as when your men would do  
 2 the work, would they generate records that  
 3 would be filed away or kept somehow on what  
 4 equipment was maintained and what -- what  
 5 things were worked on?  
 6 MR. EVANS: Objection.  
 7 Go ahead.  
 8 **A. No. The generation of the paperwork**  
 9 **was at engineering. They would send it to**  
 10 **us. We would do it and sign it off and send**  
 11 **it back to engineering.**  
 12 Q. All right. Inspection records were  
 13 something that you and your men did not  
 14 keep; is that correct?  
 15 **A. That is correct.**  
 16 Q. And would I be correct if I said  
 17 that it was engineering who was responsible  
 18 for tracking the inspection schedules of a  
 19 particular distribution line?  
 20 **A. I can't --**  
 21 MR. EVANS: Objection. Go ahead and  
 22 answer, if you know what --  
 23 **A. I do not know absolutely for sure,**  
 24 **but I think that's right.**

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1 Q. Okay. Would there be a feeder  
2 circuit map of the distribution line that  
3 was involved in this accident?

4 A. Yes.

5 Q. And would that be different than the  
6 grid map that we talked about earlier?

7 A. That would be it.

8 Q. Same thing?

9 A. Yes.

10 Q. But you're sure that a map like that  
11 exists for the area where this accident  
12 happened?

13 A. Yes. And let me explain something  
14 right here. I've heard since I've been  
15 retired that Ohio Power and Columbus and  
16 Southern Power had two different systems,  
17 and they -- I think they went to a high  
18 power system, which was called a one-line  
19 diagram. They're basically the same thing,  
20 but they might call it a one-line now  
21 instead of a grid map like I'm used to and  
22 familiar with.

23 Q. All right. Do you know if the --  
24 what the phase level of this distribution

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1 commencement of repairs after a serious  
2 accident before other supervisors are on the  
3 job?

4 A. Not that I know of. No more than  
5 normal.

6 Q. Do you know if any pictures were  
7 taken of the line before it was repaired?

8 A. Yes, I do know that. And I know  
9 that's one thing you don't want to do is go  
10 ahead and -- and repair it before you take  
11 pictures and measurements and all that type  
12 thing, you know.

13 Q. Okay.

14 A. But other supervisors don't have to  
15 be there to do that. They were in this  
16 case, but it wasn't necessarily had to been.

17 Q. Who took the pictures of the line  
18 before it was repaired?

19 A. Well, I'm not --

20 MR. EVANS: If you --

21 A. -- I'm not positive of that, but I  
22 can tell you it was either one, two, three  
23 or four people.

24 Q. And those names were Carter --

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1 line was initially? Has it always been the  
2 12KV, the way it is now, or was it at  
3 another level at some point in the past?

4 A. I can't answer that. I really don't  
5 know. I never worked on this line before in  
6 that area, so...

7 Q. Okay. Were you involved in the  
8 replacement of the recloser that related to  
9 this circuit since this accident?

10 A. No.

11 Q. Do you know who was?

12 A. I didn't know it had been replaced.  
13 Has it been?

14 Q. That's my understanding.

15 A. I didn't know that.

16 Q. When you worked with Denver to  
17 replace the crossarm, had the other  
18 supervisors arrived before you all replaced  
19 the crossarm?

20 MR. EVANS: Object to the form.

21 A. I'm not -- I'm not positive. I  
22 believe they had, but I'm not positive.

23 Q. Okay. Was there -- was there any  
24 specific procedure in place about the

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1 A. Valerie and Carter and Woods. And  
2 Caroline Irion may have had a camera. I'm  
3 really not sure.

4 Q. But we know pictures were taken of  
5 the sagging line before it was repaired?

6 A. Yes. And measured --

7 Q. All right.

8 A. -- and all that, I think.

9 Q. And likewise with the crossarm?

10 A. I believe so.

11 Q. All right. Would there be a record,  
12 to your knowledge -- I think I may have  
13 asked you this, but I want to make sure I  
14 covered it.

15 Would there be a record, to your  
16 knowledge, of when the insulator was moved  
17 in on the crossarm that we have in the  
18 picture?

19 MR. EVANS: Objection; asked and  
20 answered.

21 Go ahead and answer again if you  
22 know.

23 A. Well, it's like I said, if it was  
24 done on a -- on a trouble call --

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

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1 \*Attach to the deposition of JAMES E. WARNER  
 2 TOMLIN, et al. VS. AEP COMPANY, et al. and  
 3 TOMLIN VS. AEP COMPANY, INC., et al.  
 4 Case No. 01CVC-07-6999 and 01CVC-09-09072  
 5  
 6 STATE OF OHIO :  
 7 SS:  
 8 COUNTY OF :  
 9  
 10 I, JAMES E. WARNER, do hereby  
 11 certify that I have read the foregoing  
 12 transcript of my deposition given on  
 13 November 20, 2001; that together with the  
 14 correction page attached hereto noting  
 15 changes in form or substance, if any, it is  
 16 true and correct.  
 17  
 18 I do hereby certify that the  
 19 foregoing transcript of JAMES E. WARNER was  
 20 submitted for reading and signing; that  
 21 after it was stated to the undersigned  
 22 notary public that the deponent read and  
 23 examined the deposition, the deponent signed  
 24 the same in my presence on this day  
 of , 2001.  
 NOTARY PUBLIC  
 My commission expires:

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1 would come in, for a further deposition  
 2 based on the grid map, but I'm not  
 3 necessarily consenting to that at this  
 4 point.  
 5 MR. MOORE: And we're not asking for  
 6 it at this point. I just want to make that  
 7 reservation.  
 8 (Discussion off the record.)  
 9 (Signature not waived.)  
 10 --O--  
 11 Thereupon, the testimony of  
 12 November 20, 2001, was concluded at 2:10  
 13 p.m.  
 14 --O--  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24

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1 CERTIFICATE  
 2 STATE OF OHIO :  
 3 SS:  
 4 COUNTY OF FRANKLIN :  
 5 I, Gary Burgard, do hereby certify  
 6 that the within-named JAMES E. WARNER was  
 7 first duly sworn to testify to the truth,  
 8 the whole truth, and nothing but the truth  
 9 in the cause aforesaid; that the testimony  
 10 then given was reduced to stenotypy in the  
 11 presence of said witness, afterwards  
 12 transcribed by Angela R. Starbuck, RPR; that  
 13 the foregoing is a true and correct  
 14 transcript of the testimony; that this  
 15 deposition was taken at the time and place  
 16 in the foregoing caption specified.  
 17  
 18 I do further certify that I am not  
 19 a relative, employee or attorney of any of  
 20 the parties hereto; that I am not a relative  
 21 or employee of any attorney or counsel  
 22 employed by the parties hereto; that I am  
 23 not financially interested in the action;  
 24 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:

<b>A</b>				
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1 December 7, 2001

2 James E. Warner  
3 1500 Wheat Ridge Road  
4 West Union, Ohio 45693

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

7 Dear Mr. Warner:

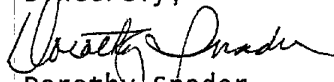
8 Attached you will find the transcript of your  
9 deposition which was taken in the above-styled  
10 cause on November 20, 2001, which is being sent to  
11 you for the purpose of reading and signing.

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

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

Your cooperation in attending to this matter  
promptly is appreciated.

Sincerely,

  
Dorothy Snader

21 CC: Mr. Donald Moore  
22 Mr. Leland Evans  
23  
24

Professional Reporters, Inc.  
(614) 460-5000 or (800) 229-0675

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

4 STATE OF OHIO :  
5 COUNTY OF Adams : SS:

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

13 James E. Warner

14 I do hereby certify that the  
15 foregoing transcript of JAMES E. WARNER was  
16 submitted for reading and signing; that  
17 after it was stated to the undersigned  
18 notary public that the deponent read and  
19 examined the deposition, the deponent signed  
20 the same in my presence on this 7<sup>th</sup> day  
21 of January, 2001.

22 Elend D. Johnson  
NOTARY PUBLIC

23 My commission expires: 8-7-02  
24

# 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.

[illegible]

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

3 1. ADDENDUM TO CERTIFICATE  
4

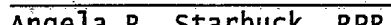
5 I do hereby certify that JAMES E. WARNER did not  
6 read or sign his deposition taken November 20,  
7 2001; that the deponent was notified by letter and  
8 informed of the Rules of Civil Procedure,  
9 providing the agreed number of days within which  
10 to read and sign the deposition or the deposition  
11 may be used without signature, and the witness did  
12 not do so.

13   
14 Angela R. Starbuck, RPR

15 2. SIGNATURE

16 Please attach the enclosed sheet(s) to the  
17 transcript of JAMES E. WARNER taken November 20,  
18 2001.

19 Thank you,

20   
21 Angela R. Starbuck, RPR

22 3. LATE SIGNATURE

23 Enclosed you will find the errata sheet(s) and/or  
24 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