

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NEVADA POWER COMPANY,  
a Nevada corporation,

Plaintiff,

vs.

MONSANTO COMPANY, a foreign  
corporation; GENERAL  
ELECTRIC COMPANY, a foreign  
corporation; WESTINGHOUSE  
ELECTRIC CORPORATION, a  
foreign corporation; and  
DOES I-XXV, inclusive,

Defendants.

No. CV-S-89-555-LDG (LRL)

**COPY**

DEPOSITION OF ROBERT B. KIMBALL

Santa Ana, California

Monday, March 15, 1993

*Sarnoff*  
**DEPOSITION  
SERVICE, INC.**

REPORTED BY:

SHERI L. CLARK-BELL, CSR NO. 6368  
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### ATTORNEY'S NOTES

[illegible]



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C E R T I F I E D  
S H O R T H A N D  
R E P O R T E R S

April 15, 1993

Holly Dewar  
BRADLEY & MERRELL  
c/o JONES, CLOSE & BROWN  
300 South Fourth Street  
Suite 700  
Las Vegas, Nevada 89101

Job No. 132029

Please be advised that the sealed original transcript of the below-captioned deposition is hereby being forwarded to your office.

CASE NAME: Nevada Power Comapny vs. Monsanto Company  
CASE NO.: CV-S-89-555-LDG DATE TAKEN: 3/15/93  
WITNESS: Robert B. Kimball  
REPORTER: Sheri Clark-Bell

The following changes should be noted:

| <u>PAGE</u> | <u>LINE</u> | <u>FROM</u>                          | <u>TO</u> |
|-------------|-------------|--------------------------------------|-----------|
| 7           | 23          | Delete "so"                          |           |
| 8           | 12          | Between are & two, insert "at least" |           |
| 10          | 6           | it                                   | my effort |
| 10          | 16          | Between failed & the, insert "at"    |           |
| 10          | 23          | Uh-huh.                              | Yes.      |
| 12          |             | See Attached                         |           |
| 13          |             | See Attached                         |           |
| 14          | 13          | After Substations, insert "also"     |           |
| 17          | 7           | if                                   | where     |
| 17          | 8           | After people insert "or"             |           |
| 18          |             | See Attached                         |           |
| 20          | 17          | yeah                                 | "yes"     |

page 2  
Continued  
Robert B. Kimball

April 15, 1993  
Job No. 132029

| <u>PAGE</u> | <u>LINE</u> | <u>FROM</u>   | <u>TO</u>             |
|-------------|-------------|---------------|-----------------------|
| 21          | 15          | you           | Mr. Hutchison         |
| 21          | 19          | that          | because               |
| 21          | 21          | yeah          | yes.                  |
| 22          | 6           | Delete "And"  |                       |
| 22          | 21          | yeah.         | yes                   |
| 24          | 18          | Between you & | already insert "have" |
| 25          | 21          | stuff         | issues                |
| 25          | 21          | After relays  | insert "for example"  |
| 27          | 21          | Dietrick      | Dietrich              |

*Jill S. Rodomsky*

Jill S. Rodomsky  
Sarnoff Deposition Service, Inc.

cc: Mark A. Hutchison, Esq.  
Scott R. Bauer, Esq.  
Peggy A. Leen, Esq.

1 A No.

2 Q Let's get back to your dealings with Nevada  
3 Power. You said that you assisted them with your expertise  
4 in purchasing equipment. Who developed the specifications,  
5 or did you work together?

6 A Well, we did work together on some things, like  
7 the protective relaying, we worked together and figured out  
8 what they needed, then they would write the specifications.

9 And generally this was true on other things  
10 too, although <sup>for RSK</sup> some things we didn't really have too much  
11 input. They knew what they wanted, and they wrote the  
12 specifications. I think <sup>that for RSK</sup> protective relaying, <sup>yes RSK</sup> yeah, we did  
13 contribute to that.

14 Q So did you have more expertise in what were the  
15 characteristics of the equipment and what the needs were for  
16 the system than did Nevada Power?

17 A In general, I think <sup>that for RSK</sup> the newer, sophisticated  
18 equipment, yes. <sup>for RSK</sup> The equipment <sup>already RSK</sup> they had, they had more  
19 expertise than we did probably because they were used to it  
20 and had been using it for years.

21 <sup>for RSK</sup> But the newer equipment that was coming out,  
22 the electronic equipment that was replacing the  
23 electromechanical equipment, we helped them with that, which  
24 was all brand-new. Then we had our factory engineers come  
25 out too, and they had the real expertise on how things were.

1 Q What did the factory engineers do?

2 A Well, they would explain the nitty-gritty  
3 details of all these things that those of us in the field  
4 ~~were not~~ <sup>who</sup> ~~didn't~~ work entirely on design <sup>and</sup> and didn't know  
5 about.

6 Q When did the electronic equipment start  
7 replacing the mechanical?

8 A Oh, it started replacing it, I'd say, in the  
9 late 1950s in a crude way by today's standards, but it was a  
10 gradual process, ~~that is~~ <sup>that is</sup> as new technology became  
11 available.

12 Q So when you were talking about the later years,  
13 you meant from like the '50s and '60s on?

14 A Uh-huh. <sup>yo</sup> ~~uh-huh~~

15 Q Were you ever told of any studies about askarel  
16 or PCBs? Did anyone at work ever discuss those?

17 A Studies?

18 Q Health studies.

19 A No.

20 Q Did you ever develop any instructional programs  
21 for Nevada Power?

22 A I and others taught a class at least once. I  
23 ~~can't recall~~ <sup>exactly how many times</sup> ~~because we taught this~~ <sup>class</sup> at several utilities,  
24 ~~on really an overview of the utility industry.~~ <sup>what was</sup> All  
25 utilities have specialists, and a lot of them don't know

1 Q I've never been to a plant. Maybe you could  
2 just talk a little bit about some of the general safety  
3 precautions that you would consider to be normal.

4 A Well, I might just tell you that when I first  
5 graduated from college, I worked in the factory for about 18  
6 months. They had a rotating program where you'd go around  
7 to different factories. So I worked in half a dozen  
8 different factories, I guess.

9 Well, of course there's always -- and I was in  
10 the testing area and we were testing transformers, and this  
11 meant they were energized, so there was always a lot of  
12 emphasis on safety, from staying away from high-voltage so  
13 you wouldn't get electrocuted. And we always had certain  
14 procedures you had to follow, <sup>such as staying</sup> ~~stay~~ away and <sup>putting</sup> ~~put~~ tape around  
15 <sup>energized equipment</sup> ~~it~~, and this sort of thing. So that's just one illustration  
16 of the type of thing. <sup>that</sup> ~~that~~

17 Others were <sup>you</sup> stayed away, just common sense,  
18 stayed away from <sup>big</sup> machine tools that might cut your  
19 finger off <sup>or something</sup> ~~or something~~, or that type of thing. In general,  
20 GE, and I expect other companies, were quite conscious about  
21 safety. They had committees and people whose responsibility  
22 it was to make sure there were safe practices followed.

23 <sup>and</sup> ~~Now~~ Now, particularly on capacitors, I never worked  
24 in that -- I did not work in that factory, but I have been  
25 there, and --

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

|                             |   |                           |
|-----------------------------|---|---------------------------|
| NEVADA POWER COMPANY,       | ) |                           |
| a Nevada corporation,       | ) |                           |
|                             | ) |                           |
| Plaintiff,                  | ) |                           |
|                             | ) |                           |
| vs.                         | ) | No. CV-S-89-555-LDG (LRL) |
|                             | ) |                           |
| MONSANTO COMPANY, a foreign | ) |                           |
| corporation; GENERAL        | ) |                           |
| ELECTRIC COMPANY, a foreign | ) |                           |
| corporation; WESTINGHOUSE   | ) |                           |
| ELECTRIC CORPORATION, a     | ) |                           |
| foreign corporation; and    | ) |                           |
| DOES I-XXV, inclusive,      | ) |                           |
|                             | ) |                           |
| Defendants.                 | ) |                           |
|                             | ) |                           |

Deposition of ROBERT B. KIMBALL, taken on  
behalf of the Plaintiff, at 2100 North Broadway, Third  
Floor, Santa Ana, California, commencing at 8:20 a.m., on  
Monday, March 15, 1993, before SHERI L. CLARK-BELL,  
Certified Shorthand Reporter No. 6368, pursuant to Subpena.

1 APPEARANCES:

2  
3  
4 For Plaintiff:

5 BRADLEY & MERRELL  
6 Attorneys at Law  
7 BY: DEBORAH N. MAILANDER  
8 JOSEPH MAILANDER, Legal Assistant  
9 c/o JONES, CLOSE & BROWN, Chartered  
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11 Suite 700  
12 Las Vegas, Nevada 89101

13  
14 For Defendant General Electric Company  
15 and the deponent, Robert B. Kimball:

16 ALVERSON, TAYLOR, MORTENSEN & NELSON  
17 Attorneys at Law  
18 BY: MARK A. HUTCHISON  
19 3821 West Charleston Boulevard  
20 Las Vegas, Nevada 89102

21 For Defendant Monsanto Company:

22 KIRKLAND & ELLIS  
23 Attorneys at Law  
24 BY: SCOTT R. BAUER  
25 1999 Broadway  
Denver, Colorado 80202

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I N D E X

| <u>WITNESS</u>     | <u>EXAMINATION</u> | <u>PAGE</u> |
|--------------------|--------------------|-------------|
| KIMBALL, ROBERT B. | BY MS. MAILANDER   | 5           |

EXHIBITS FOR IDENTIFICATION

(None)

1 Santa Ana, California, Monday, March 15, 1993

2 8:20 a.m.

3  
4 ROBERT B. KIMBALL,

5 produced as a witness by and on behalf of the Plaintiff, and  
6 having been first duly sworn, was examined and testified as  
7 follows:

8  
9 EXAMINATION

10 BY MS. MAILANDER:

11 Q I'm Deborah Mailander, and I'm the counsel for  
12 Nevada Power in the case of Nevada Power versus Monsanto,  
13 General Electric and Westinghouse. And I just have a few  
14 questions to ask you this morning. Thanks for coming.

15 Just some preliminary questions first. Are you  
16 represented by an attorney here today?

17 A Well, I guess I'm represented. Am I  
18 represented?

19 MR. HUTCHISON: Of course. What kind of an answer is  
20 that? Yes, you are.

21 THE WITNESS: I didn't know if you were just sitting  
22 in or whether you were representing me.

23 BY MS. MAILANDER:

24 Q For the record, could you give the name of your  
25 attorney.

1 A For the record?

2 Q Yes.

3 A Mr. Hutchison.

4 Q And have you met with him before today?

5 A No.

6 Q Have you spoken on the phone with him?

7 A Yes, once.

8 Q And about how long ago was that?

9 A Saturday. Last Saturday. Friday or Saturday

10 last week.

11 Q Did you review any documents in preparation for

12 today?

13 A No.

14 Q Are you currently employed?

15 A No, I'm not. I'm retired.

16 Q And you worked for General Electric; is that

17 correct?

18 A Yes, I did.

19 Q What period was it that you worked for them?

20 A 1939 to 1985.

21 Q Did Mr. Hutchison or somebody explain the

22 purpose of this deposition to you?

23 A Yes.

24 Q And so you understand that if you answer a

25 question, I assume that you understand what I'm asking?

1 A Yes.

2 Q And that if I asked you the same or similar  
3 question at trial, that you would answer the same?

4 A Yes.

5 Q Have you made an agreement with Mr. Hutchison  
6 or the defendants to actually appear at trial at this time?

7 A No.

8 Q Do you know why you have been listed as a  
9 potential witness in this case?

10 A Well, I know why, yes, because over a period of  
11 years I knew some people in Nevada Power Company and visited  
12 them.

13 Q And do you remember the names of the people  
14 that you visited at Nevada Power?

15 A Well, I remember a few of them, not all of them  
16 certainly. But there was a Keith Grant, Jim Zornes, Harry  
17 Novak, Cliff Kaiser.

18 Q And in what capacity did you know these people?

19 A Well, I was what we called an application  
20 engineer for General Electric in the Los Angeles sales  
21 office. And, in as few words as possible, the job is sort  
22 of a technical liaison between the sales force -- the office  
23 was a sales office -- so between the Los Angeles office and  
24 the client's technical people to assist them to select the  
25 right equipment and help them make studies, and this sort of

1 thing, so in that capacity I visited Nevada Power over a  
2 period of years.

3 Q Do you recall the approximate dates that you  
4 were meeting with people from Nevada Power?

5 A Well, approximately, and this is approximate,  
6 from the late 1960s to the early 1980s.

7 Q You stated that you assisted Nevada Power in  
8 selecting the proper equipment. Could you explain how a  
9 typical transaction would occur.

10 A Well, first of all, let me tell you a little  
11 more about the job. My job was not with what we call  
12 distribution equipment. There are two classifications --  
13 two or three or four classifications of equipment. There is  
14 distribution equipment, which is the small equipment that's  
15 on the poles that you see around the residential areas.  
16 There is the transmission equipment, which is the  
17 high-voltage power lines and the substations. There's the  
18 generation area, which is where the generating plants are.

19 And my work was primarily in the transmission  
20 and, to some extent, generation, very little in the  
21 distribution area. So when I was over there talking to  
22 them, I was talking to them primarily about  
23 transmission-type equipment, possibly control equipment for  
24 transmission, some generation equipment.

25 Q Did any of that equipment have PCBs in it that

1 you were dealing with?

2 A No, I don't believe it did. The PCBs are  
3 primarily in capacitors, and at least at that time there  
4 were no capacitors in high-voltage equipment that Nevada  
5 Power had anyway.

6 Q What about transformers, was that involved in  
7 your type of work?

8 A Yes, the transformers were. But, as far as I  
9 was concerned, I didn't have anything to do with  
10 transformers that had askarel at Nevada Power.

11 These are primarily used in office buildings  
12 and places like that. A utility usually doesn't buy them.  
13 I mean, they are bought by the user, and they are not the  
14 large sizes generally. So no, I had nothing to do with  
15 askarel transformers at Nevada Power.

16 Q What about for other utilities, were you  
17 involved with askarel transformers for those, say, larger  
18 ones like --

19 A Only on the fringes. Let's see. I'm trying to  
20 think here. Well, I worked with people that bought them,  
21 but, I mean, it really didn't have anything to do with the  
22 actual selection.

23 Q When you were working with Nevada Power, what  
24 kind of expertise would you provide that they needed from  
25 you? What was your training --

1           A       A lot of it is what we call protective  
2 relaying, and this is the control equipment that protects  
3 the power system when there is some kind of a difficulty,  
4 emergency, a fault, open circuit, or something like that.

5                   This is a big area that has a lot of pretty  
6 sophisticated equipment, and a lot of it was working with  
7 their protective relaying engineers and selecting the right  
8 equipment. That was probably the biggest area, and also, to  
9 some extent, substation equipment, transformers, circuit  
10 breakers.

11           Q       Did you ever have involvement with a situation  
12 where there were spills or leaks from the equipment?

13           A       No. You mean with them? No.

14           Q       Or with other companies, with other utilities.

15           A       The only one I can recall is one time there was  
16 a capacitor that failed, the Los Angeles Department of Water  
17 and Power -- and this wasn't a spill or a leak or anything.  
18 It was a capacitor that failed -- and they wanted to  
19 disassemble it to find out why it failed. So it was opened  
20 up, and we all got our hands on it and thought nothing of  
21 it.

22           Q       So was that askarel?

23           A       Uh-huh.

24           Q       Did you have any idea that there were PCBs as a  
25 constituent part of the askarel at that time?

1           A     Not really. We knew this was a very desirable  
2 fluid from a technical standpoint. It had three very  
3 desirable characteristics. It was a good heat transfer  
4 agent, it was a good dielectric agent, that's electrical  
5 insulation, and it was nonflammable or almost nonflammable.  
6 And this made it very desirable for use in these  
7 applications, and that's why it was used. The so-called  
8 safety or health issue when I worked with it was never an  
9 issue.

10           Q     So did you ever hear of any hazards associated  
11 with the askarel?

12           A     Not medical or health hazards.

13           Q     You didn't hear something about chloracne?

14           A     No.

15           Q     You said you got your hands in it a lot --

16           A     Not a lot. I mean, once or twice over 40  
17 years, that's not a lot.

18           Q     Do you recall what it felt like or if you got  
19 it on your clothes, or was there anything memorable about  
20 that?

21           A     No. Felt like oil, which is what the other  
22 fluid that's used is.

23           Q     In the time that you worked at General  
24 Electric, did you ever see any kind of warning having to do  
25 with the askarel?

1           A       No.

2           Q       Let's get back to your dealings with Nevada  
3 Power. You said that you assisted them with your expertise  
4 in purchasing equipment. Who developed the specifications,  
5 or did you work together?

6           A       Well, we did work together on some things, like  
7 the protective relaying, we worked together and figured out  
8 what they needed, then they would write the specifications.

9                   And generally this was true on other things  
10 too, although some things we didn't really have too much  
11 input. They knew what they wanted, and they wrote the  
12 specifications. I think protective relaying, yeah, we did  
13 contribute to that.

14          Q       So did you have more expertise in what were the  
15 characteristics of the equipment and what the needs were for  
16 the system than did Nevada Power?

17          A       In general, I think the newer, sophisticated  
18 equipment, yes. The equipment they had, they had more  
19 expertise than we did probably because they were used to it  
20 and had been using it for years.

21                   But the newer equipment that was coming out,  
22 the electronic equipment that was replacing the  
23 electromechanical equipment, we helped them with that, which  
24 was all brand-new. Then we had our factory engineers come  
25 out too, and they had the real expertise on how things were.

1 Q What did the factory engineers do?

2 A Well, they would explain the nitty-gritty  
3 details of all these things that those of us in the field  
4 were not -- didn't work entirely on design and didn't know  
5 about.

6 Q When did the electronic equipment start  
7 replacing the mechanical?

8 A Oh, it started replacing it, I'd say, in the  
9 late 1950s in a crude way by today's standards, but it was a  
10 gradual process, that is, as new technology became  
11 available.

12 Q So when you were talking about the later years,  
13 you meant from like the '50s and '60s on?

14 A Uh-huh.

15 Q Were you ever told of any studies about askarel  
16 or PCBs? Did anyone at work ever discuss those?

17 A Studies?

18 Q Health studies.

19 A No.

20 Q Did you ever develop any instructional programs  
21 for Nevada Power?

22 A I and others taught a class at least once, I  
23 can't recall, because we taught this at several utilities,  
24 on really an overview of the utility industry. All  
25 utilities have specialists, and a lot of them don't know

1 what the other people in the other parts of the company are  
2 doing.

3 And this class was an effort to get people  
4 together, and we'd kind of cover the waterfront on the  
5 different aspects of the utility business all the way from  
6 financing to some of the technical areas, the transmission,  
7 the generation, distribution, to explain to them in a  
8 general way how the industry grew up. And so I did  
9 contribute to that. I think we had possibly eight or ten  
10 sessions, and I would teach two or three possibly.

11 Q Do you recall what sessions you were in charge  
12 of teaching?

13 A Protective relaying was one, substations, I  
14 think.

15 Q During those programs was the issue of safety  
16 or usage of the equipment ever brought up?

17 A No.

18 Q At any time did you discuss safety with your  
19 customers?

20 A Oh, we discussed safety, but not in the context  
21 of PCBs. I mean, we discussed safety from the standpoint  
22 of, well, just general common sense safety on what to do and  
23 how to handle oil, for example, in a transformer and not to  
24 allow it to become flammable, and this sort of thing. But  
25 we never discussed safety in the context of PCBs, no.

1 Q And was there a particular reason for that?

2 A No, there was no reason, because it wasn't an  
3 issue. Nobody even thought of it. As far as I know, and  
4 you can correct me if I'm wrong, but as far as I know, the  
5 whole safety issue didn't emerge until at least after 1980,  
6 in this country anyway.

7 Q So that's when you first heard about the safety  
8 issue of PCBs?

9 A It was after that sometime, yes.

10 Q Do you recall when that was?

11 A Well, I think that Bonneville Power first  
12 brought this up in, I think it was, the middle 1980s.

13 Q And what did you hear at that time?

14 A We heard that there could be a problem.

15 Q Do you remember specifically what some of the  
16 problems were that were discussed?

17 A No.

18 (Whereupon Mr. Bauer entered  
19 the deposition proceedings.)

20 BY MS. MAILANDER:

21 Q Did you hear about chloracne?

22 A What was the word?

23 Q Chloracne.

24 A No, I've never heard it before in my life.

25 Q That's a skin irritation.

1 A Okay.

2 Q You've never heard of that?

3 A No, I've never heard the word.

4 Q Did you ever hear that PCBs could be absorbed  
5 through the skin?

6 A Well, the first time I heard about that was  
7 when I talked to your lawyer in Bloomington, Indiana. He  
8 told me that certain studies had indicated this to be the  
9 case.

10 MS. MAILANDER: It looks like somebody else has just  
11 walked in.

12 MR. BAUER: Scott Bauer for Monsanto Company. I  
13 apologize for being late. Some people's definition of a  
14 short cab ride is different than others apparently.

15 MS. MAILANDER: I'm Deborah Mailander for Nevada  
16 Power Company.

17 MR. HUTCHISON: And I'm Mark Hutchison from GE.

18 THE WITNESS: Bob Kimball from GE.

19 MR. BAUER: You were answering the questions, so I  
20 figured that's who you were.

21 MR. MAILANDER: Joseph Mailander, also for Nevada  
22 Power.

23 BY MS. MAILANDER:

24 Q We were talking about when you first heard  
25 about the hazards of PCBs, and you said that was in the

1 mid-1980s; is that correct?

2 A I think so. I can't be too sure of these  
3 dates, but that's my guess.

4 Q Do you remember who you first heard it from?  
5 You mentioned Bonneville Power. Was that a study that you  
6 heard of or from discussing it with other people?

7 A No. I don't remember if I first heard it --  
8 could have been probably discussing it with other people  
9 possibly in the technical press.

10 Q Did you ever hear that PCBs could cause liver  
11 damage?

12 A No.

13 Q Did you ever take a tour of some of the plants  
14 where they were making the equipment, especially  
15 transformers and capacitors?

16 A Yes.

17 Q Do you recall at that time seeing people  
18 wearing special clothing?

19 A No.

20 Q At that time did you see any warnings or signs  
21 in the plant?

22 A No.

23 Q Did you hear of any safety precautions?

24 A Well, there's always safety precautions in a  
25 plant, but none that I saw that related to PCB hazards.

1           Q       I've never been to a plant. Maybe you could  
2 just talk a little bit about some of the general safety  
3 precautions that you would consider to be normal.

4           A       Well, I might just tell you that when I first  
5 graduated from college, I worked in the factory for about 18  
6 months. They had a rotating program where you'd go around  
7 to different factories. So I worked in half a dozen  
8 different factories, I guess.

9                   Well, of course there's always -- and I was in  
10 the testing area and we were testing transformers, and this  
11 meant they were energized, so there was always a lot of  
12 emphasis on safety, from staying away from high-voltage so  
13 you wouldn't get electrocuted. And we always had certain  
14 procedures you had to follow, stay away and put tape around  
15 it, and this sort of thing. So that's just one illustration  
16 of the type of thing.

17                   Others were you stayed away, just common sense,  
18 stayed away from big machine tools that might cut your  
19 finger off or something, or that type of thing. In general,  
20 GE, and I expect other companies, were quite conscious about  
21 safety. They had committees and people whose responsibility  
22 it was to make sure there were safe practices followed.

23                   Now, particularly on capacitors, I never worked  
24 in that -- I did not work in that factory, but I have been  
25 there, and --

1 Q Which factory was that?

2 A It's the GE Hudson Falls, New York factory  
3 where capacitors are made. And I saw the tanks with PCBs in  
4 them and saw them make the foil that they use to make  
5 capacitors and saw them put them together. But I have no  
6 recollection of any particular safety instructions or  
7 hazards there.

8 Q Do you recall who at that plant was working  
9 with the capacitors?

10 A No. I was just back there on a tour that went  
11 through half a day, and we looked and left.

12 Q Okay. Who else at GE was working as an  
13 applications engineer that had dealings with Nevada Power?

14 A I'm trying to think, because we had different  
15 people at different times. First of all, there was only two  
16 of us, and the only one I can think of that possibly did,  
17 and I'm not sure that he did, was a fellow named Dave  
18 Hopkins.

19 Q H-o-p-k-i-n-s?

20 A Yes.

21 Q Do you know if he is still around this area?

22 A I think he's in San Diego, and I believe he's  
23 still working for San Diego Gas and Electric Company. But I  
24 could be wrong. I'm not sure that he went to Nevada Power  
25 even. I'm just saying this is a possibility.

1 Q Can you think of anyone else that possibly --

2 A No.

3 Q Are you aware of any other lawsuits that have  
4 been filed against General Electric related to PCBs?

5 A No.

6 Q You may have heard that one of the claims in  
7 this case is that General Electric did not provide a warning  
8 on PCBs. Are you aware of any facts that would relate to  
9 that claim?

10 A No.

11 Q When did you first hear that Nevada Power had  
12 filed this claim?

13 A Well, let's see. I don't have a date. It was  
14 probably a month or two ago. Mr. Shaughnessy --

15 Q What is that document you are looking at? Are  
16 those just your notes you're looking at?

17 A That's my file, yeah. Mr. Shaughnessy called  
18 me and said that I might be contacted by the plaintiff's  
19 lawyers.

20 Q And, I'm sorry, how long ago did you think that  
21 was?

22 A Possibly a month, possibly two months. I don't  
23 have a date on it.

24 MS. MAILANDER: For the record, his file is a  
25 half-page piece of pink paper with handwritten notes on it

1 there.

2 THE WITNESS: I don't intend to file this. I'm  
3 referring to it.

4 BY MS. MAILANDER:

5 Q Right. Are those notes you took when you were  
6 talking with Mr. Shaughnessy?

7 A I wrote down his name, yes, and who he was.  
8 That's what's on here, and a phone number.

9 Q So that's all, or is there anything else on  
10 that piece of paper that relates to this case?

11 A Mr. David McCrae called me and I talked to him,  
12 and I don't have a date on that, but that was possibly a  
13 week or two after I talked to Shaughnessy. Then I talked to  
14 Shaughnessy again. I do have a date on that. That's when I  
15 talked to you and Shaughnessy, and that was on 3/11, March  
16 11th.

17 Q In more recent years have you heard of any  
18 questions from customers regarding PCBs?

19 A Oh, I've heard that there is big talk in the  
20 industry about all the problems, and so forth. After it  
21 became prevalent, I certainly heard a lot about it, yeah.  
22 But I was not involved directly.

23 Q What are some of the things that you've heard  
24 discussed in the industry? Just give me --

25 A You hear horror stories about how the

1 capacitors blow up and go into swimming pools and utilities  
2 get sued for lots of money, and this sort of thing.

3 I had a personal experience. We had a  
4 capacitor out on the property line where I live in my house,  
5 and I noticed one day, one weekend, that the capacitor was  
6 bulging. And this was probably about 1980. So I called up  
7 a friend of mine at Southern California Edison the next  
8 day -- we are on the Southern California Edison system --  
9 and said -- this was a Monday morning -- "Looks like this  
10 capacitor is in bad shape."

11 And I came home that night at 5:00 in the  
12 afternoon and there were 15 people there from Southern  
13 California Edison with drums, big 55-gallon drums,  
14 protective clothing, district manager, and the lab guy was  
15 picking up dirt, and all the protective clothing and tools  
16 were going in the barrels. Apparently there had been a few  
17 drops of PCB drop out of that onto the ground, and that was  
18 the reason for the attention given to it.

19 Q Did you speak with anyone at that time about  
20 what happened?

21 A Oh, yeah.

22 Q Did they give you any warnings at that time  
23 about the PCBs?

24 A Warnings?

25 MR. BAUER: Object to the form. Who is warning who

1 at this point?

2 BY MS. MAILANDER:

3 Q Was Southern California Edison warning you?

4 A They didn't need to warn me. I was staying  
5 away from it at that time.

6 Q You were staying away from it because by that  
7 point you had heard of some of the --

8 A Well, no. I knew that they would be in trouble  
9 if I did anything. And there wasn't really anything to warn  
10 about, as far as I was concerned. It was a classic case of  
11 overkill.

12 Q Are you aware that PCBs are treated as  
13 hazardous waste when they are disposed of?

14 A Yes.

15 Q Do you know how they're disposed of?

16 A Well, I guess there is a controversy over it,  
17 but, as far as I know, they take them now to certain  
18 approved disposal sites.

19 Q And do you know if they are disposed in  
20 landfills?

21 A No, I don't. If they are disposed in  
22 landfills, and I don't know that they are, I am sure that  
23 there are certain very well-defined landfills.

24 Q At any time while you were working at General  
25 Electric do you recall attorneys coming in and reviewing the

1 files?

2 A No.

3 Q Do you recall files being removed from General  
4 Electric?

5 A No.

6 Q About how often would you meet with personnel  
7 at Nevada Power?

8 A Oh, possibly once a month or twice a month,  
9 possibly.

10 Q And you mentioned some names earlier. Keith  
11 Grant, was he a sales representative? I mean, was he a  
12 purchaser?

13 A No. These people were engineering people, all  
14 of them I mentioned, either engineering or operating people.

15 Q Who else did you work with from GE when you  
16 would go to visit? Did you have a sales representative that  
17 would go with you?

18 A Yes. And I know you already talked to a couple  
19 of them. Mr. Garrison, Mr. Marston, Mr. Les Fickel. Those  
20 are the ones that come to mind. Mr. Eddie Powell was there,  
21 but he's dead. His name may have come up in your testimony.  
22 But he died, I think, before this all came to be an issue.

23 Q Have you spoken with any of the sales  
24 representatives who we've already deposed?

25 A Yes.

1 Q And what did you discuss at those meetings  
2 or --

3 A You mean have I spoken to them when?

4 Q I'm sorry. Have you spoken with them since  
5 we've taken their depositions?

6 A Yes.

7 Q And what did you discuss at those times?

8 A Well, I asked them what happened.

9 Q Were you trying to get the scoop?

10 A No. I just wondered what the issue was,  
11 although I was pretty sure what it was, and all they did was  
12 confirm what I already knew.

13 Q And what was that?

14 A What you're asking me about here, the  
15 possibility of a safety/medical issue of PCBs.

16 Q Could you explain a little bit about how you  
17 would work with the sales representatives when you were  
18 meeting with Nevada Power.

19 A Well, in general, I wouldn't meet with them. I  
20 mean, I'd be on my own. For example, on the technical  
21 stuff, technical material on protective relays, the sales  
22 engineer, in general, didn't want to be involved, and so it  
23 was just talk between the engineers.

24 Occasionally we would have people come out,  
25 factory experts come out from the east, and I would sit in

1 on meetings where the factory people were there. But, in  
2 general, I was by myself with the customer people.

3 Q So you would meet with the customers and at a  
4 separate time the sales representative would meet with the  
5 customers?

6 A I would fly over typically and spend the day  
7 and go over things and fly back in the afternoon. Sometimes  
8 I'd stay overnight, but usually it was a one-day or two-day  
9 visit.

10 Q Would you take a tour of the Nevada Power  
11 facility to look at their equipment?

12 A Yes, sometimes.

13 Q And would you typically discuss it with a  
14 number of people or just Nevada Power?

15 A Usually it was a very small group, one or two,  
16 except for this class that we taught.

17 Q When would the sales representatives become  
18 involved? Would that be before you met with or after you  
19 met with Nevada Power, or was it a totally separate --

20 A Pretty much totally separate. I mean, I went  
21 my way and they went theirs, in general. But I would talk  
22 to them when I came back, and we had a reasonably consistent  
23 approach.

24 MS. MAILANDER: Why don't we take about a five-minute  
25 break.

1 (Recess taken.)

2 MS. MAILANDER: On the record.

3 Q You've stated that you were not aware of any  
4 warnings about PCBs while you were with GE; is that correct?

5 A Yes.

6 Q Who would have been in charge of developing  
7 warnings?

8 MR. BAUER: Object to the form; lacks foundation.

9 BY MS. MAILANDER:

10 Q If there were any warnings, what department  
11 would have developed those?

12 A I have no idea. I was not involved with that  
13 end of it. It would be somebody in the factory, I presume.

14 Q I'm going to read you a few names and see if  
15 any of them sound familiar to you.

16 Do you know Booth Turner?

17 A Slightly, yes. He's a Westinghouse salesman,  
18 right?

19 Q Did you ever work with him?

20 A No.

21 Q How about Joseph Dietrick?

22 A Oh, yes, I know Joe Dietrick. He worked in  
23 our, and still works in our, GE Los Angeles office.

24 Q And was he a sales rep?

25 A He was what we called a sales assistant. He

1 didn't visit customers, in general didn't visit customers.  
2 He might have occasionally. He would answer inquiries and  
3 complaints and follow up on orders and this sort of thing.

4 Q How about Melvin Belcher?

5 A Yes.

6 Q And who was he or is he?

7 A He was a GE sales engineer at one time.

8 Q What was your working relationship with the  
9 Westinghouse salespeople? Did you know them?

10 A I had no working relationship, or else we'd be  
11 in jail. I would see them at industry meetings and  
12 technical meetings occasionally. That was my relationship.

13 Q Do you know James Gabelsberg?

14 A Who?

15 Q James Gabelsberg.

16 A No.

17 Q Yo Fukunaga?

18 A No.

19 Q Richard Pace?

20 A No.

21 Q James McCarthy?

22 A Yes.

23 Q And who is he?

24 A He was my counterpart at Westinghouse.

25 Q How about Ken Robinson?

1           A       Yes, I knew him slightly.

2           Q       Do you know what position he held?

3           A       He was manager of the local Westinghouse

4 office.

5           Q       How about Robert Anderson?

6           A       No.

7           Q       Wayne Conaway?

8           A       No.

9           Q       How about Al Salazar?

10          A       No.

11          Q       G.C. Gainer?

12          A       No.

13          Q       Gary Cunningham?

14          A       Gary Cunningham?

15          Q       Yes.

16          A       No.

17          Q       At any time while you were working at General

18 Electric did you see pamphlets from the manufacturers of

19 PCBs?

20          A       Oh, we always issued instructions on almost all

21 equipment, and if that's what you mean, yes.

22          Q       Who were the manufacturers of the PCBs?

23          A       Excuse me. Possibly I misunderstood you there.

24 Pamphlets from the manufacturer of PCBs, like Monsanto, you

25 mean?

1 Q Right.

2 A No.

3 Q Were there any other manufacturers of PCBs that  
4 you are aware of?

5 A No.

6 Q Did you have any communications with Monsanto?

7 A No.

8 Q You mentioned that GE developed pamphlets.  
9 Were those for the customers?

10 A Yes.

11 Q What kind of information was in those?

12 A Well, in general, it was how to install the  
13 equipment, how to use it, same type of thing you get when  
14 you buy a washing machine. There would be some safety  
15 things, and I can't think of an example, but I'm sure there  
16 were because there always are, that they put in to protect  
17 themselves. But I never saw anything related to the health  
18 issue as far as PCBs were concerned.

19 Q What department developed those pamphlets?

20 A Well, in general, whoever built the equipment,  
21 it would be that product department.

22 MS. MAILANDER: Well, I think I don't have any more  
23 questions at this time. We'll leave it open in case there  
24 is additional information when we get closer to trial.

25 MR. HUTCHISON: I don't have any questions.

1 MR. BAUER: I don't have any questions. Not that I  
2 expect that we're going to reach agreement on this issue,  
3 but our position is that the deposition is concluded.

4 MS. MAILANDER: We're considering it open.

5 MR. BAUER: I understand. I didn't want my silence  
6 to be deemed acquiescence in that view.

7 MR. HUTCHISON: I didn't think that we were going to  
8 reopen this deposition, are we?

9 MS. MAILANDER: It depends on what you intend to use  
10 Mr. Kimball for at trial.

11 MR. BAUER: They've never said they are going to use  
12 him. They identified him in response to a request by your  
13 firm for people who had contact with Nevada Power.

14 MS. MAILANDER: Okay. We'll just leave it at that,  
15 then.

16 THE WITNESS: What does leaving the deposition open  
17 mean practically?

18 MS. MAILANDER: That means there could be a  
19 continuance. And we don't expect this, but if there was  
20 additional information we needed from you, we could issue  
21 another subpoena. But we don't expect to do that at this  
22 time.

23 THE WITNESS: Okay.

24 (Whereupon the deposition proceedings  
25 concluded at 9:10 a.m.)

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STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, say that I have read  
the foregoing deposition and I declare, under penalty of  
perjury under the laws of the State of California, that the  
foregoing is a true and correct transcript of my testimony  
contained therein.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
199\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
ROBERT B. KIMBALL

The undersigned Certified Shorthand Reporter of the State of California does hereby certify:

That prior to being examined, the witness in the foregoing proceedings was duly sworn to testify the truth, the whole truth and nothing but the truth.

That said proceedings were taken before me at the time and place therein set forth, and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision; and I hereby certify that the foregoing transcript of proceedings is a full, true and correct transcript of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action, nor in anywise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name this 24th day of March, 1983.



SHERI CLARK BELL  
CSR No. 6368

|                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| '50s 13:13<br>'60s 13:13                                                                                                                                                                                                | against 20:4<br>agent 11:4,4<br>agreement 7:5; 31:2<br>allow 14:24<br>almost 11:5; 29:20<br>already 24:18,24; 25:12<br>although 12:10; 25:11<br>ALVERSON 3:13<br>always 17:24; 18:9,11,13;<br>29:20; 30:16<br>Ana 1:23; 2:18; 5:1<br>Anderson 29:5<br>Angeles 7:20,23; 10:16;<br>27:23<br>answer 5:19; 6:24; 7:3;<br>28:2<br>answering 16:19<br>anyone 13:16; 20:1; 22:19<br>anything 9:9,21; 10:17;<br>11:19; 21:9; 23:9,9; 30:17<br>anyway 9:5; 15:6<br>apologize 16:13<br>apparently 16:14; 22:16<br>appear 7:6<br>APPEARANCES 3:1<br>application 7:19<br>applications 11:7; 19:13<br>approach 26:23<br>approved 23:18<br>approximate 8:3,5<br>approximately 8:5<br>area 8:18,21; 10:5,8;<br>18:10; 19:21<br>areas 8:15; 14:6<br>around 8:15; 18:6,14;<br>19:21<br>ask 5:14<br>askarel 9:10,15,17;<br>10:22,25; 11:11,25; 13:15<br>asked 7:2; 25:8<br>asking 6:25; 25:14<br>aspects 14:5<br>assist 7:24<br>Assistant 3:27<br>assisted 8:7; 12:3<br>assume 6:25<br>attention 22:18<br>attorney 5:16,25<br>Attorneys 3:3,23<br>available 13:11<br>aware 20:3,8; 23:12; 27:3;<br>30:4<br>away 18:12,14,17,18;<br>23:5,6 | bit 18:2; 25:16<br>Bloomington 16:7<br>blow 22:1<br>Bob 16:18<br>Bonneville 15:11; 17:5<br>Booth 27:16<br>bought 9:13,20<br>Boulevard 3:0<br>BRADLEY 3:5<br>brand-new 12:24<br>break 26:25<br>breakers 10:10<br>Broadway 2:17; 3:0<br>brought 14:16; 15:12<br>BROWN 3:7<br>buildings 9:11<br>built 30:20<br>bulging 22:6<br>business 14:5<br>buy 9:12; 30:14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 2:4,2; 3:3; 7:11; 14:1;<br>16:12,16; 19:23<br>complaints 28:3<br>Conaway 29:7<br>concerned 9:9; 23:10;<br>30:18<br>concluded 31:3,25<br>confirm 25:12<br>conscious 18:20<br>consider 18:3<br>considering 31:4<br>consistent 26:22<br>constituent 10:25<br>contact 31:13<br>contacted 20:18<br>contained 32:13<br>context 14:20,25<br>continuance 31:19<br>contribute 12:13; 14:9<br>control 8:23; 10:2<br>controversy 23:16<br>corporation<br>1:4,11,13,14,15; 2:2,9,2<br>correct 6:17; 15:4; 17:1;<br>27:4; 32:12<br>counsel 5:11<br>counterpart 28:24<br>country 15:6<br>COUNTY 32:2<br>couple 24:18<br>course 5:19; 18:9<br>COURT 1:1; 2:1<br>cover 14:4<br>crude 13:9<br>CSR 1:25<br>Cunningham 29:13,14<br>currently 6:14<br>customer 26:2<br>customers 14:19; 21:18;<br>26:3,5; 28:1,1; 30:9<br>cut 18:18<br>CV-S-89-555-LDG 1:8; 2:0 |
| 1<br><br>11th 21:16<br>132029 1:26<br>15 1:24; 2:19; 5:1; 22:12<br>18 18:5<br>1939 6:20<br>1950s 13:9<br>1960s 8:6<br>1980 15:5; 22:6<br>1980s 8:6; 15:12<br>1985 6:20<br>199 32:15<br>1993 1:24; 2:19; 5:1<br>1999 3:0 | anyway 9:5; 15:6<br>apologize 16:13<br>apparently 16:14; 22:16<br>appear 7:6<br>APPEARANCES 3:1<br>application 7:19<br>applications 11:7; 19:13<br>approach 26:23<br>approved 23:18<br>approximate 8:3,5<br>approximately 8:5<br>area 8:18,21; 10:5,8;<br>18:10; 19:21<br>areas 8:15; 14:6<br>around 8:15; 18:6,14;<br>19:21<br>ask 5:14<br>askarel 9:10,15,17;<br>10:22,25; 11:11,25; 13:15<br>asked 7:2; 25:8<br>asking 6:25; 25:14<br>aspects 14:5<br>assist 7:24<br>Assistant 3:27<br>assisted 8:7; 12:3<br>assume 6:25<br>attention 22:18<br>attorney 5:16,25<br>Attorneys 3:3,23<br>available 13:11<br>aware 20:3,8; 23:12; 27:3;<br>30:4<br>away 18:12,14,17,18;<br>23:5,6                                                                                                                                                                                                                                                                                                                                                                                                                                       | C<br><br>c/o 3:7<br>cab 16:14<br>California 1:23; 2:18; 5:1;<br>22:7,8,13; 23:3; 32:11<br>call 8:11; 10:1<br>called 7:19; 20:17; 21:11;<br>22:6; 27:25<br>can't 13:23; 17:2; 30:15<br>capacitor 10:16,18;<br>22:4,5,10<br>capacitors 9:3,4; 17:15;<br>18:23; 19:3,5,9; 22:1<br>capacity 7:18; 8:1<br>case 5:12; 7:9; 16:9; 20:7;<br>21:10; 23:10; 30:23<br>cause 17:10<br>certain 16:8; 18:13;<br>23:17,23<br>certainly 7:16; 21:21<br>Certified 2:20<br>characteristics 11:3;<br>12:15<br>charge 14:11; 27:6<br>Charleston 3:0<br>Chartered 3:7<br>chloracne 11:13; 15:21,23<br>circuit 10:4,9<br>claim 20:9,12<br>claims 20:6<br>CLARK-BELL 1:25; 2:19<br>class 13:22; 14:3; 26:16<br>classic 23:10<br>classifications 8:12,13<br>client's 7:24<br>Cliff 7:17<br>CLOSE 3:7<br>closer 30:24<br>clothes 11:19<br>clothing 17:18; 22:14,15<br>college 18:5<br>Colorado 3:21<br>coming 5:14; 12:21;<br>23:25<br>commencing 2:18<br>committees 18:21<br>common 14:22; 18:17<br>communications 30:6<br>companies 10:14; 18:20<br>COMPANY 1:3,10,12; |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2<br><br>2100 2:17                                                                                                                                                                                                      | 2<br><br>2100 2:17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2<br><br>2100 2:17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3<br><br>3/11 21:15<br>300 3:0<br>3821 3:0                                                                                                                                                                              | 3<br><br>3/11 21:15<br>300 3:0<br>3821 3:0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 3<br><br>3/11 21:15<br>300 3:0<br>3821 3:0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4<br><br>40 11:16                                                                                                                                                                                                       | 4<br><br>40 11:16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 4<br><br>40 11:16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 5<br><br>5 4:3<br>55-gallon 22:13<br>5:00 22:11                                                                                                                                                                         | 5<br><br>5 4:3<br>55-gallon 22:13<br>5:00 22:11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 5<br><br>5 4:3<br>55-gallon 22:13<br>5:00 22:11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 6<br><br>6368 1:25; 2:20                                                                                                                                                                                                | 6<br><br>6368 1:25; 2:20                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 6<br><br>6368 1:25; 2:20                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 7<br><br>700 3:8                                                                                                                                                                                                        | 7<br><br>700 3:8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 7<br><br>700 3:8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8<br><br>80202 3:21<br>89101 3:0<br>89102 3:15<br>8:20 2:18; 5:2                                                                                                                                                        | 8<br><br>80202 3:21<br>89101 3:0<br>89102 3:15<br>8:20 2:18; 5:2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 8<br><br>80202 3:21<br>89101 3:0<br>89102 3:15<br>8:20 2:18; 5:2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9<br><br>9:10 31:25                                                                                                                                                                                                     | 9<br><br>9:10 31:25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 9<br><br>9:10 31:25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| A<br><br>a.m. 5:2; 31:25<br>a.m. 2:18<br>absorbed 16:4<br>acquiescence 31:6<br>actual 9:22<br>actually 7:6<br>additional 30:24; 31:20<br>afternoon 22:12; 26:7<br>again 21:14                                           | B<br><br>back 12:2; 19:10; 26:7,22<br>bad 22:10<br>barrels 22:16<br>BAUER 3:20; 15:18;<br>16:12,12,19; 22:25; 27:8;<br>31:1,5,11<br>became 13:10; 21:21<br>become 14:24; 26:17<br>behalf 2:17; 5:5<br>Belcher 28:4<br>believe 9:2; 19:22<br>big 10:5; 18:18; 21:19;<br>22:13<br>biggest 10:8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | D<br><br>damage 17:11<br>date 20:13,23; 21:12,14<br>dates 8:3; 17:3<br>Dave 19:17<br>David 21:11<br>day 19:11; 22:5,8; 26:6;<br>32:14<br>dead 24:21<br>dealing 9:1<br>dealings 12:2; 19:13<br>DEBORAH 3:6; 5:11;<br>16:15<br>declare 32:10<br>deemed 31:6<br>Defendant 3:3<br>Defendants 1:18; 2:7<br>definition 16:13<br>Denver 3:21<br>Department 10:16; 27:10;<br>30:19,21<br>depends 31:9<br>deponent 3:12<br>deposed 24:24<br>DEPOSITION 1:21; 2:16;<br>6:22; 15:19; 31:3,8,16,24;<br>32:10<br>depositions 25:5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>design 13:4<br/>desirable 11:1,3,6<br/>details 13:3<br/>develop 13:20<br/>developed 12:4; 27:11;<br/>30:8,19<br/>developing 27:6<br/>didn't 5:21; 9:9,21; 11:13;<br/>12:10; 13:4,4; 15:5; 23:4;<br/>25:22; 28:1,1; 31:5,7<br/>died 24:22<br/>Diego 19:22,23<br/>dielectric 11:4<br/>Dietrick 27:21,22<br/>different 14:5; 16:14;<br/>18:7,8; 19:14,15<br/>difficulty 10:3<br/>directly 21:22<br/>dirt 22:15<br/>disassemble 10:19<br/>discuss 13:16; 14:18;<br/>25:1,7; 26:13<br/>discussed 14:20,21,25;<br/>15:16; 21:24<br/>discussing 17:6,8<br/>disposal 23:18<br/>disposed 23:13,15,19,21<br/>distribution 8:12,14,21;<br/>14:7<br/>DISTRICT 1:1,2; 2:1,2;<br/>22:14<br/>document 20:15<br/>documents 6:11<br/>DOES 1:16; 2:31<br/>doesn't 9:12<br/>doing 14:2<br/>down 21:7<br/>dozen 18:7<br/>drop 22:17<br/>drops 22:17<br/>drums 22:13,13<br/>duly 5:6<br/>During 14:15</p> <p><b>E</b></p> <p>earlier 24:10<br/>early 8:6<br/>east 25:25<br/>Eddie 24:20<br/>Edison 22:7,8,13; 23:3<br/>effort 14:3<br/>eight 14:9<br/>either 24:14<br/>ELECTRIC 1:12,14; 2:2;<br/>3:5; 6:16; 7:20; 11:24;<br/>19:23; 20:4,7; 23:25; 24:4;<br/>29:18<br/>electrical 11:4<br/>electrocuted 18:13<br/>electromechanical 12:23<br/>electronic 12:22; 13:6<br/>ELLIS 3:19<br/>else 16:10; 19:12; 20:1;<br/>21:9; 24:15; 28:10<br/>emerge 15:5<br/>emergency 10:4<br/>emphasis 18:12<br/>employed 6:14<br/>end 27:13<br/>energized 18:11<br/>engineer 7:20; 19:13;</p> | <p>25:22; 28:7<br/>engineering 24:13,14<br/>engineers 10:7; 12:24;<br/>13:1; 25:23<br/>entered 15:18<br/>entirely 13:4<br/>equipment 7:25;<br/>8:8,12,13,14,14,16,23,23,24,<br/>9:4; 10:2,6,8,9,12;<br/>12:4,15,18,18,21,22,23;<br/>13:6; 14:16; 17:14; 26:11;<br/>29:21; 30:13,20<br/>especially 17:14<br/>EXAMINATION 4:2; 5:9<br/>examined 5:6<br/>example 14:23; 25:20;<br/>30:15<br/>except 26:16<br/>Excuse 29:23<br/>EXECUTED 32:14<br/>EXHIBITS 4:15<br/>expect 18:20; 31:2,19,21<br/>experience 22:3<br/>expertise 9:24;<br/>12:3,14,19,25<br/>experts 25:25<br/>explain 6:21; 8:8; 13:2;<br/>14:7; 25:16<br/>extent 8:20; 10:9</p> <p><b>F</b></p> <p>facility 26:11<br/>factories 18:7,8<br/>factory 12:24; 13:1;<br/>18:5,24; 19:1,2; 25:25;<br/>26:1; 27:13<br/>facts 20:8<br/>failed 10:16,18,19<br/>Falls 19:2<br/>familiar 27:15<br/>far 9:8; 15:3,4; 23:10,17;<br/>30:18<br/>fault 10:4<br/>fellow 19:17<br/>felt 11:18,21<br/>few 5:13; 7:15,21; 22:16;<br/>27:14<br/>Fickel 24:19<br/>field 13:3<br/>figured 12:7; 16:20<br/>file 20:17,24; 21:2<br/>filed 20:4,12<br/>files 24:1,3<br/>financing 14:6<br/>find 10:19<br/>finger 18:19<br/>firm 31:13<br/>first 5:6,15; 8:10; 15:7,11;<br/>16:6,24; 17:4,7; 18:4;<br/>19:15; 20:11<br/>five-minute 26:24<br/>flammable 14:24<br/>Floor 2:18<br/>fluid 11:2,22<br/>fly 26:6,7<br/>foil 19:4<br/>follow 18:14; 28:3<br/>followed 18:22<br/>follows 5:7<br/>force 7:22<br/>foregoing 32:10,12</p> | <p>foreign 1:10,12,15; 2:2,10<br/>form 22:25; 27:8<br/>forth 21:20<br/>foundation 27:8<br/>four 8:13<br/>Fourth 3:0<br/>Friday 6:9<br/>friend 22:7<br/>fringes 9:19<br/>Fukunaga 28:17</p> <p><b>G</b></p> <p>G.C 29:11<br/>Gabelsberg 28:13,15<br/>Gainer 29:11<br/>Garrison 24:19<br/>Gary 29:13,14<br/>Gas 19:23<br/>GE 16:17,18; 18:20;<br/>19:2,12; 24:15; 27:4,23;<br/>28:7; 30:8<br/>GENERAL 1:11; 2:8; 3:5;<br/>6:16; 7:20; 11:23; 12:17;<br/>14:8,22; 18:2,19; 20:4,7;<br/>23:24; 24:3; 25:19,22;<br/>26:2,21; 28:1; 29:17;<br/>30:12,20<br/>generally 9:14; 12:9<br/>generating 8:18<br/>generation 8:18,20,24;<br/>14:7<br/>going 22:16; 27:14;<br/>31:2,7,11<br/>good 11:3,4<br/>gradual 13:10<br/>graduated 18:5<br/>Grant 7:16; 24:11<br/>grew 14:8<br/>ground 22:17<br/>group 26:15<br/>guess 5:17; 17:3; 18:8;<br/>23:16<br/>guy 22:14</p> <p><b>H</b></p> <p>H-o-p-k-i-n-s 19:19<br/>half 18:7; 19:11<br/>half-page 20:25<br/>handle 14:23<br/>hands 10:20; 11:15<br/>handwritten 20:25<br/>happened 22:20; 25:8<br/>Harry 7:16<br/>hazardous 23:13<br/>hazards 11:10,12; 16:25;<br/>17:25; 19:7<br/>health 11:8,12; 13:18;<br/>30:17<br/>hear 11:10,13; 15:13,21;<br/>16:4; 17:10,23; 20:11;<br/>21:25<br/>heard 15:7,14,24;<br/>16:2,3,6,24; 17:4,6,7; 20:6;<br/>21:17,19,21,23; 23:7<br/>heat 11:3<br/>held 29:2<br/>help 7:25<br/>helped 12:23<br/>high-voltage 8:17; 9:4;<br/>18:12</p> | <p>home 22:11<br/>Hopkins 19:18<br/>horror 21:25<br/>house 22:4<br/>Hudson 19:2<br/>HUTCHISON 3:14; 5:19;<br/>6:3,21; 7:5; 16:17,17;<br/>30:25; 31:7</p> <p><b>I</b></p> <p>I've 15:24; 16:3; 18:1;<br/>21:19<br/>I-XXV 1:16; 2:0<br/>idea 10:24; 27:12<br/>IDENTIFICATION 4:15<br/>identified 31:12<br/>illustration 18:15<br/>inclusive 1:16; 2:0<br/>Indiana 16:7<br/>indicated 16:8<br/>industry 13:24; 14:8;<br/>21:20,24; 28:11<br/>information 30:11,24;<br/>31:20<br/>input 12:11<br/>inquiries 28:2<br/>install 30:12<br/>instructional 13:20<br/>instructions 19:6; 29:20<br/>insulation 11:5<br/>intend 21:2; 31:9<br/>involved 9:6,17; 21:22;<br/>25:22; 26:18; 27:12<br/>involvement 10:11<br/>irritation 15:25<br/>issue 11:8,9; 14:15;<br/>15:3,5,8; 24:22; 25:10,15;<br/>30:18; 31:2,20<br/>issued 29:20</p> <p><b>J</b></p> <p>jail 28:11<br/>James 28:13,15,21<br/>Jim 7:16<br/>JOB 1:26; 7:21; 8:11,11<br/>Joe 27:22<br/>JONES 3:7<br/>JOSEPH 3:16; 27:21</p> <p><b>K</b></p> <p>Kaiser 7:17<br/>Keith 7:16; 24:10<br/>Ken 28:25<br/>KIMBALL 1:21; 2:16; 3:12;<br/>4:3; 5:4; 16:18; 31:10; 32:0<br/>kind 5:19; 9:24; 10:3;<br/>11:24; 14:4; 30:11<br/>KIRKLAND 3:19</p> <p><b>L</b></p> <p>lab 22:14<br/>lacks 27:8<br/>landfills 23:20,22,23<br/>large 9:14<br/>larger 9:17<br/>Las 3:3<br/>Last 6:9,10<br/>late 8:6; 13:9; 16:13</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

later 13:12  
 Law 3:3,0  
 laws 32:11  
 lawsuits 20:3  
 lawyer 16:7  
 lawyers 20:19  
 leak 10:17  
 leaks 10:12  
 least 9:3; 13:22; 15:5  
 leave 30:23; 31:14  
 leaving 31:16  
 left 19:11  
 Legal 3:0  
 Les 24:19  
 Let's 9:19; 12:2; 20:13  
 liaison 7:22  
 life 15:24  
 line 22:4  
 lines 8:17  
 listed 7:8  
 little 8:10,20; 18:2; 25:16  
 live 22:4  
 liver 17:10  
 local 29:3  
 long 6:8; 20:20  
 look 26:11  
 looked 19:11  
 looking 20:15,16  
 looks 16:10; 22:9  
 Los 7:20,23; 10:16; 27:23  
 lot 10:15,6; 11:15,16,17;  
 13:25; 18:11; 21:21  
 lots 22:2  
 LRL 1:8; 2:0

## M

machine 18:18; 30:14  
 MAILANDER 3:6,4;  
 5:10,11,23; 15:20;  
 16:10,15,15,21,21,23; 20:24;  
 21:4; 23:2; 26:24; 27:2,9;  
 30:22; 31:4,9,14,18  
 make 7:25; 18:22; 19:4,4  
 making 17:14  
 manager 22:14; 29:3  
 manufacturer 29:24  
 manufacturers 29:18,22;  
 30:3  
 March 1:24; 2:19; 5:1;  
 21:15  
 MARK 3:14; 16:17  
 Marston 24:19  
 material 25:21  
 may 20:6; 24:21  
 Maybe 18:1  
 McCarthy 28:21  
 McCrae 21:11  
 mean 9:13,21; 10:13;  
 11:16; 14:21; 24:11;  
 25:3,20; 26:20; 29:21,25;  
 31:17  
 means 31:18  
 meant 13:13; 18:11  
 mechanical 13:7  
 medical 11:12  
 meet 24:6; 25:19; 26:3,4  
 meeting 8:4; 25:18  
 meetings 25:1; 26:1;  
 28:11,12  
 Melvin 28:4  
 memorable 11:19

mentioned 17:5;  
 24:10,14; 30:8  
 MERRELL 3:5  
 met 6:4; 26:18,19  
 mid-1980s 17:1  
 middle 15:12  
 mind 24:20  
 mine 22:7  
 misunderstood 29:23  
 Monday 1:24; 2:19; 5:1;  
 22:9  
 money 22:2  
 MONSANTO 1:10; 2:3;  
 5:12; 16:12; 29:24; 30:6  
 month 20:14,22; 24:8,8  
 months 18:6; 20:22  
 morning 5:14; 22:9  
 MORTENSEN 3:13

## N

name 5:24; 21:7; 24:21  
 named 19:17  
 names 7:13; 24:10; 27:14  
 need 23:4  
 needed 9:24; 12:8; 31:20  
 needs 12:15  
 NELSON 3:13  
 NEVADA 1:2,3,4; 2:2,4,3;  
 3:15; 5:12,12; 7:11,14;  
 8:1,4,7; 9:4,10,15,23;  
 12:2,16; 13:21; 16:15,21;  
 19:13,24; 20:11; 24:7;  
 25:18; 26:10,14,19; 31:13  
 new 13:10; 19:2  
 newer 12:17,21  
 next 22:7  
 night 22:11  
 nitty-gritty 13:2  
 Nobody 15:3  
 None 4:16; 17:25  
 nonflammable 11:5,5  
 normal 18:3  
 North 2:17  
 notes 20:16,25; 21:5  
 nothing 9:14; 10:20  
 noticed 22:5  
 Novak 7:17  
 number 21:8; 26:14

## O

Object 22:25; 27:8  
 Occasionally 25:24;  
 28:2,12  
 occur 8:9  
 off 18:19  
 office 7:21,22,23,23; 9:11;  
 27:23; 29:4  
 often 24:6  
 Oh 13:8; 14:20; 21:19;  
 22:21; 24:8; 27:22; 29:20  
 oil 11:21; 14:23  
 Okay 16:1; 19:12;  
 31:14,23  
 once 6:7; 11:16; 13:22;  
 24:8  
 one 10:15,15; 14:13;  
 18:15; 19:16; 20:6; 22:5,5;  
 26:15; 28:7  
 one-day 26:8  
 ones 9:18; 24:20

onto 22:17  
 open 10:4; 30:23; 31:4,16  
 opened 10:19  
 operating 24:14  
 orders 28:3  
 others 13:22; 16:14;  
 18:17  
 overkill 23:11  
 overnight 26:8  
 overview 13:24  
 own 25:20

## P

Pace 28:19  
 PAGE 4:2  
 pamphlets 29:18,24;  
 30:8,19  
 paper 20:25; 21:10  
 part 10:25  
 particular 15:1; 19:6  
 particularly 18:23  
 parts 14:1  
 PCB 17:25; 22:17  
 PCBs 8:25; 9:2; 10:24;  
 13:16; 14:21,25; 15:8;  
 16:4,25; 17:10; 19:3;  
 20:4,8; 21:18; 22:23; 23:12;  
 25:15; 27:4; 29:19,22,24;  
 30:3,18  
 penalty 32:10  
 people 7:11,13,18,24; 8:4;  
 9:20; 14:1,3; 17:6,8,17;  
 18:21; 19:15; 22:12;  
 24:13,13,14; 25:24;  
 26:1,2,14; 31:13  
 people's 16:13  
 period 6:19; 7:10; 8:2  
 perjury 32:11  
 personal 22:3  
 personnel 24:6  
 phone 6:6; 21:8  
 picking 22:15  
 piece 20:25; 21:10  
 pink 20:25  
 places 9:12  
 Plaintiff 1:6; 2:2; 3:4; 5:5  
 plaintiffs 20:18  
 plant 17:21,25; 18:1; 19:8  
 plants 8:18; 17:13  
 point 23:1,7  
 poles 8:15  
 pools 22:1  
 position 29:2; 31:3  
 possibility 19:25; 25:15  
 possible 7:21  
 possibly 8:23; 14:9,10;  
 17:9; 19:16; 20:1,22,22;  
 21:12; 24:8,9; 29:23  
 potential 7:9  
 Powell 24:20  
 POWER 1:3; 2:4; 5:12,12;  
 7:11,14; 8:1,4,7,17;  
 9:5,10,15,23; 10:3,17;  
 12:3,16; 13:21; 15:11;  
 16:16,22; 17:5; 19:13,24;  
 20:11; 24:7; 25:18;  
 26:10,14,19; 31:13  
 practically 31:17  
 practices 18:22  
 precautions 17:23,24;  
 18:3

preliminary 5:15  
 preparation 6:11  
 press 17:9  
 presume 27:13  
 pretty 10:5; 25:11; 26:20  
 prevalent 21:21  
 primarily 8:19,22; 9:3,11  
 probably 10:8; 12:19;  
 17:8; 20:14; 22:6  
 problem 15:14  
 problems 15:16; 21:20  
 procedures 18:14  
 proceedings 15:19; 31:24  
 process 13:10  
 produced 5:5  
 product 30:21  
 program 18:6  
 programs 13:20; 14:15  
 proper 8:8  
 property 22:4  
 protect 30:16  
 protective 10:1,7; 12:7,12;  
 14:13; 22:14,15; 25:21  
 protects 10:2  
 provide 9:24; 20:7  
 purchaser 24:12  
 purchasing 12:4  
 purpose 6:22  
 pursuant 2:20  
 put 18:14; 19:5; 30:16

## Q

question 6:25; 7:3  
 questions 5:14,15; 16:19;  
 21:18; 30:23,25; 31:1  
 quite 18:20

## R

reach 31:2  
 read 27:14; 32:9  
 real 12:25  
 really 9:21; 11:1; 12:10;  
 13:24; 23:9  
 reason 15:1,2; 22:18  
 reasonably 26:22  
 recall 8:3; 10:15; 11:18;  
 13:23; 14:11; 15:10; 17:17;  
 19:8; 23:25; 24:3  
 recent 21:17  
 Recess 27:1  
 recollection 19:6  
 record 5:24; 6:1; 20:24;  
 27:2  
 referring 21:3  
 regarding 21:18  
 relate 20:8  
 related 17:25; 20:4; 30:17  
 relates 21:10  
 relationship 28:8,10,12  
 relaying 10:2,7; 12:7,12;  
 14:13  
 relays 25:21  
 remember 7:13,15; 15:15;  
 17:4,7  
 removed 24:3  
 reopen 31:8  
 rep 27:24  
 replacing 12:22; 13:7,8  
 Reporter 2:20  
 representative 24:11,16;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                              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| <p>26:4<br/> <b>representatives</b> 24:24; 25:17; 26:17<br/> <b>represented</b> 5:16,17,18<br/> <b>representing</b> 5:22<br/> <b>request</b> 31:12<br/> <b>residential</b> 8:15<br/> <b>response</b> 31:12<br/> <b>responsibility</b> 18:21<br/> <b>retired</b> 6:15<br/> <b>review</b> 6:11<br/> <b>reviewing</b> 23:25<br/> <b>Richard</b> 28:19<br/> <b>ride</b> 16:14<br/> <b>right</b> 7:25; 10:7; 21:5; 27:18; 30:1<br/> <b>ROBERT</b> 1:21; 2:16; 3:12; 4:3; 5:4; 29:5; 32:0<br/> <b>Robinson</b> 28:25<br/> <b>rotating</b> 18:6</p> <p><b>S</b></p> <p><b>safe</b> 18:22<br/> <b>safety</b> 11:8; 14:15,18,20,21,22,25; 15:5,7; 17:23,24; 18:2,12,21; 19:6; 30:14<br/> <b>safety/medical</b> 25:15<br/> <b>Salazar</b> 29:9<br/> <b>sales</b> 7:20,22,23; 24:11,16,23; 25:17,21; 26:4,17; 27:24,25; 28:7<br/> <b>salesman</b> 27:17<br/> <b>salespeople</b> 28:9<br/> <b>San</b> 19:22,23<br/> <b>Santa</b> 1:23; 2:18; 5:1<br/> <b>Saturday</b> 6:9,9,9<br/> <b>saw</b> 17:25; 19:3,4,5; 30:17<br/> <b>saying</b> 19:25<br/> <b>scoop</b> 25:9<br/> <b>SCOTT</b> 3:20; 16:12<br/> <b>seeing</b> 17:17<br/> <b>select</b> 7:24<br/> <b>selecting</b> 8:8; 10:7<br/> <b>selection</b> 9:22<br/> <b>sense</b> 14:22; 18:17<br/> <b>separate</b> 26:4,19,20<br/> <b>sessions</b> 14:10,11<br/> <b>several</b> 13:23<br/> <b>shape</b> 22:10<br/> <b>Shaughnessy</b> 20:14,17; 21:6,13,14,15<br/> <b>SHERI</b> 1:25; 2:19<br/> <b>short</b> 16:14<br/> <b>Shorthand</b> 2:20<br/> <b>signs</b> 17:20<br/> <b>silence</b> 31:5<br/> <b>similar</b> 7:2<br/> <b>sit</b> 25:25<br/> <b>sites</b> 23:18<br/> <b>sitting</b> 5:21<br/> <b>situation</b> 10:11<br/> <b>sizes</b> 9:14<br/> <b>skin</b> 15:25; 16:5<br/> <b>Slightly</b> 27:17; 29:1<br/> <b>small</b> 8:14; 26:15<br/> <b>so-called</b> 11:7<br/> <b>somebody</b> 6:21; 16:10; 27:13<br/> <b>something</b> 10:4; 11:13; 18:19</p> | <p><b>sometime</b> 15:9<br/> <b>Sometimes</b> 26:7,12<br/> <b>sophisticated</b> 10:6; 12:17<br/> <b>sorry</b> 20:20; 25:4<br/> <b>sort</b> 7:21,25; 14:24; 18:15; 22:2; 28:3<br/> <b>sound</b> 27:15<br/> <b>South</b> 3:0<br/> <b>Southern</b> 22:7,8,12; 23:3<br/> <b>speak</b> 22:19<br/> <b>special</b> 17:18<br/> <b>specialists</b> 13:25<br/> <b>specifically</b> 15:15<br/> <b>specifications</b> 12:4,8,12<br/> <b>spend</b> 26:6<br/> <b>spill</b> 10:17<br/> <b>spills</b> 10:12<br/> <b>spoken</b> 6:6; 24:23; 25:3,4<br/> <b>ss</b> 32:0<br/> <b>standards</b> 13:9<br/> <b>standpoint</b> 11:2; 14:21<br/> <b>start</b> 13:6<br/> <b>started</b> 13:8<br/> <b>STATE</b> 32:1,11<br/> <b>stated</b> 8:7; 27:3<br/> <b>STATES</b> 1:1; 2:1<br/> <b>stay</b> 18:14; 26:8<br/> <b>stayed</b> 18:17,18<br/> <b>staying</b> 18:12; 23:4,6<br/> <b>stories</b> 21:25<br/> <b>Street</b> 3:0<br/> <b>studies</b> 7:25; 13:15,17,18; 16:8<br/> <b>study</b> 17:5<br/> <b>stuff</b> 25:21<br/> <b>Subpena</b> 2:20; 31:21<br/> <b>substation</b> 10:9<br/> <b>substations</b> 8:17; 14:13<br/> <b>sued</b> 22:2<br/> <b>Suite</b> 3:8<br/> <b>swimming</b> 22:1<br/> <b>sworn</b> 5:6<br/> <b>system</b> 10:3; 12:16; 22:8</p> <p><b>T</b></p> <p><b>taken</b> 2:16; 25:5; 27:1<br/> <b>talk</b> 18:2; 21:19; 25:23; 26:21<br/> <b>talked</b> 16:7; 21:11,13,13,15; 24:18<br/> <b>talking</b> 8:21,22; 13:12; 16:24; 21:6<br/> <b>tanks</b> 19:3<br/> <b>tape</b> 18:14<br/> <b>taught</b> 13:22,23; 26:16<br/> <b>TAYLOR</b> 3:13<br/> <b>teach</b> 14:10<br/> <b>teaching</b> 14:12<br/> <b>technical</b> 7:22,24; 11:2; 14:6; 17:9; 25:20,21; 28:12<br/> <b>technology</b> 13:10<br/> <b>tell</b> 8:10; 18:4<br/> <b>ten</b> 14:9<br/> <b>testified</b> 5:6<br/> <b>testimony</b> 24:21; 32:12<br/> <b>testing</b> 18:10,10<br/> <b>Thanks</b> 5:14<br/> <b>that's</b> 8:14; 11:4,7,17,22; 15:7,25; 16:20; 17:3; 18:15; 20:17; 21:8,9,14; 29:21<br/> <b>theirs</b> 26:21</p> | <p><b>themselves</b> 30:17<br/> <b>There's</b> 8:17; 17:24; 18:9<br/> <b>therein</b> 32:13<br/> <b>they're</b> 23:15<br/> <b>They've</b> 31:11<br/> <b>thing</b> 8:1; 14:24; 18:15,16,19; 22:2; 28:3; 30:13<br/> <b>things</b> 12:6,9,10,25; 13:3; 21:23; 26:7; 30:15<br/> <b>think</b> 9:20; 12:12,17; 14:9,14; 15:11,12; 17:2; 19:14,16,22; 20:1,20; 24:22; 30:15,22; 31:7<br/> <b>Third</b> 2:17<br/> <b>thought</b> 10:20; 15:3<br/> <b>three</b> 8:13; 11:2; 14:10<br/> <b>time</b> 7:6; 9:3; 10:15,25; 11:23; 14:18; 15:13; 16:6; 17:17,20; 22:19,22; 23:5,24; 26:4; 28:7; 29:17; 30:23; 31:22<br/> <b>times</b> 19:15; 25:7<br/> <b>today</b> 5:16; 6:4,12<br/> <b>today's</b> 13:9<br/> <b>together</b> 12:5,6,7; 14:4; 19:5<br/> <b>told</b> 13:15; 16:8<br/> <b>took</b> 21:5<br/> <b>tools</b> 18:18; 22:15<br/> <b>totally</b> 26:19,20<br/> <b>tour</b> 17:13; 19:10; 26:10<br/> <b>training</b> 9:25<br/> <b>transaction</b> 8:9<br/> <b>transcript</b> 32:12<br/> <b>transfer</b> 11:3<br/> <b>transformer</b> 14:23<br/> <b>transformers</b> 9:6,8,10,15,17; 10:9; 17:15; 18:10<br/> <b>transmission</b> 8:16,19,24; 14:6<br/> <b>transmission-type</b> 8:23<br/> <b>treated</b> 23:12<br/> <b>trial</b> 7:3,6; 30:24; 31:10<br/> <b>trouble</b> 23:8<br/> <b>true</b> 12:9; 32:12<br/> <b>trying</b> 9:19; 19:14; 25:9<br/> <b>Turner</b> 27:16<br/> <b>twice</b> 11:16; 24:8<br/> <b>two</b> 8:12,13; 14:10; 19:15; 20:14,22; 21:13; 26:15<br/> <b>two-day</b> 26:8<br/> <b>type</b> 9:7; 18:16,19; 30:13<br/> <b>typical</b> 8:9<br/> <b>typically</b> 26:6,13</p> <p><b>U</b></p> <p><b>Uh-huh</b> 10:23; 13:14<br/> <b>undersigned</b> 32:9<br/> <b>understand</b> 6:24,25; 31:5<br/> <b>UNITED</b> 1:1; 2:1<br/> <b>usage</b> 14:16<br/> <b>use</b> 11:6; 19:4; 30:13; 31:9,11<br/> <b>used</b> 9:11; 11:7,22; 12:19<br/> <b>user</b> 9:13<br/> <b>using</b> 12:20<br/> <b>usually</b> 9:12; 26:8,15<br/> <b>utilities</b> 9:16; 10:14; 13:23,25; 22:1</p> | <p><b>utility</b> 9:12; 13:24; 14:5</p> <p><b>V</b></p> <p><b>Vegas</b> 3:3<br/> <b>versus</b> 5:12<br/> <b>view</b> 31:6<br/> <b>visit</b> 24:16; 26:9; 28:1,1<br/> <b>visited</b> 7:11,14; 8:1<br/> <b>vs</b> 1:8; 2:0</p> <p><b>W</b></p> <p><b>walked</b> 16:11<br/> <b>want</b> 25:22; 31:5<br/> <b>wanted</b> 10:18; 12:11<br/> <b>warn</b> 23:4,9<br/> <b>warning</b> 11:24; 20:7; 22:25; 23:3<br/> <b>warnings</b> 17:20; 22:22,24; 27:4,7,10<br/> <b>washing</b> 30:14<br/> <b>wasn't</b> 10:17; 15:2; 23:9<br/> <b>waste</b> 23:13<br/> <b>Water</b> 10:16<br/> <b>waterfront</b> 14:4<br/> <b>Wayne</b> 29:7<br/> <b>we'd</b> 14:4; 28:10<br/> <b>We'll</b> 30:23; 31:14<br/> <b>we're</b> 31:2,4<br/> <b>we've</b> 24:24; 25:5<br/> <b>wearing</b> 17:18<br/> <b>week</b> 6:10; 21:13<br/> <b>weekend</b> 22:5<br/> <b>well-defined</b> 23:23<br/> <b>went</b> 19:10,24; 26:20,21<br/> <b>West</b> 3:0<br/> <b>WESTINGHOUSE</b> 1:13; 2:9; 5:13; 27:17; 28:9,24; 29:3<br/> <b>Whereupon</b> 15:18; 31:24<br/> <b>whether</b> 5:22<br/> <b>whoever</b> 30:20<br/> <b>whole</b> 15:5<br/> <b>whose</b> 18:21<br/> <b>why</b> 7:8,10; 10:19; 11:7; 26:24<br/> <b>WITNESS</b> 4:2; 5:5,21; 7:9; 16:18; 21:2; 31:16,23<br/> <b>wondered</b> 25:10<br/> <b>word</b> 15:22; 16:3<br/> <b>words</b> 7:21<br/> <b>work</b> 8:19; 9:7; 12:5,6; 13:4,16; 18:24; 24:15; 25:17; 27:19<br/> <b>worked</b> 6:16,19; 9:20; 11:8,23; 12:7; 18:5,7,23; 27:22<br/> <b>working</b> 9:23; 10:6; 19:8,12,23; 23:24; 28:8,10; 29:17<br/> <b>works</b> 27:23<br/> <b>wouldn't</b> 18:13; 25:19<br/> <b>write</b> 12:8<br/> <b>wrong</b> 15:4; 19:24<br/> <b>wrote</b> 12:11; 21:7</p> <p><b>Y</b></p> <p><b>yeah</b> 12:12; 20:17; 21:21; 22:21<br/> <b>years</b> 7:11; 8:2; 11:17;</p> |
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12:20; 13:12; 21:17  
Yo 28:17  
York 19:2  
you'd 18:6  
you're 20:16; 25:14  
You've 16:2; 21:23; 27:3