

In The Matter Of:

NEVADA POWER COMPANY VS MONSANTO COMPANY

Theodore Lee Whisler
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[1] the number for that transformer; that number isn't
 [2] going to be assigned to another type of equipment,
 [3] like a capacitor or capacitor bank?
 [4] A: That's correct.
 [5] Q: And the higher the number the more
 [6] recent the purchase date?
 [7] A: That's correct.
 [8] Q: Well, take a look a little bit
 [9] further down on page one, at company number 513,
 [10] which shows a February 17th, 1954 purchase date.
 [11] It's approximately eight years after company number
 [12] 877, which was purchased in 1946.
 [13] A: I don't know how that could be,
 [14] whether it's a typographical error or — I don't
 [15] know.
 [16] Q: Well, let's take another example,
 [17] then, a little bit further down on the page.
 [18] Fourth one from the bottom, company number 1666,
 [19] which was purchased on June 23rd, 1948, and company
 [20] number — strike that. Excuse me, right above it,
 [21] 994, November 30, 1950.
 [22] A: I have no explanation for that.
 [23] Q: Who would know why the company
 [24] numbers and the purchase dates don't match up the
 [25] way you describe them?

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[1] A: I'm thinking to try to —
 [2] MR. McCREA: It would be my
 [3] suggestion, because I think you've pointed out an
 [4] obvious error here, that we see if we can go back
 [5] through these documents for any typographical
 [6] errors. It could be as simple as a typographical
 [7] error. But I agree with you, and I think you would
 [8] agree, wouldn't you?
 [9] THE WITNESS: Yes.
 [10] MR. McCREA: That those should be in
 [11] sequence. So why don't we make that commitment to
 [12] see if these are typographical errors. In other
 [13] words, 513, if that had a one in it, I'm trying to
 [14] think, would that make any sense, or maybe if it
 [15] had a two in front of it.
 [16] THE WITNESS: Or if it was a 4, 44
 [17] instead of 54.
 [18] MR. McCREA: Or if there was a 44
 [19] instead of 54. But —
 [20] MR. TATLOCK: Can you do this for the
 [21] entire list?
 [22] MR. McCREA: Yeah, we'll try and go
 [23] through and just double check at least obvious
 [24] errors in the sequence. Maybe we could even
 [25] computerize it by number and date. See what I

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[1] mean?
 [2] MR. TATLOCK: Yes.
 [3] MR. CLAYSON: Because looking
 [4] through, most of the numbers do appear to be
 [5] consistent. It's just those two blaring ones on
 [6] the first page.
 [7] MR. McCREA: Yeah.
 [8] MR. TATLOCK: Well, I'd prefer to
 [9] have either an understanding of why the numbers
 [10] were out of sequence like that or get a
 [11] clarification on all of them.
 [12] Q: (BY MR. TATLOCK) Let me just direct
 [13] your attention to page five. Seventh transformer
 [14] down, 12/10/50 something. Looks like it's been cut
 [15] off in the copying process. Would you be able to
 [16] go back to the original warehouse cards and
 [17] determine what the missing date is?
 [18] A: Yes.
 [19] MR. McCREA: And I just wanted to
 [20] call your attention, there are a number of cutoff
 [21] purchase date entries on page five and the
 [22] succeeding pages as well. So I'd request that we
 [23] get a complete set.
 [24] MR. McCREA: Off the record.
 [25] MR. CLAYSON: Let's go off the

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[1] record.
 [2] (Discussion off the record.)
 [3] Q: (BY MR. TATLOCK) Earlier,
 [4] Mr. Whisler, you testified that Dennis Schwehr in
 [5] the environmental affairs department asked you to
 [6] prepare this series of memos that we've identified
 [7] as Exhibit A; is that correct?
 [8] A: That's correct.
 [9] Q: What information did you use to
 [10] identify transformers that are contained in this
 [11] list that we've marked as Exhibit A?
 [12] A: From information we'd received from
 [13] the safety department.
 [14] Q: Now, did the safety department
 [15] identify these particular pieces of equipment as
 [16] the ones that you were supposed to gather
 [17] information for?
 [18] A: It worked in reverse. They told us
 [19] which ones were disposed of as being PCB
 [20] contaminated. They monitored the whole program.
 [21] Q: How did the safety department know
 [22] that these were PCB transformers?
 [23] A: Of my own knowledge, I don't know.
 [24] Q: Did Mr. Fabbi or Mr. Reddaway ever
 [25] tell you that these were all the PCB transformers?