

1 WEST VIRGINIA MINE SAFETY AND HEALTH ADMINISTRATION

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4 IN THE MATTER OF:

5

6 THE INVESTIGATION OF THE
7 APRIL 5, 2010 MINE EXPLOSION
8 AT UPPER BIG BRANCH MINE.

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13 The interview of PAUL R. THOMPSON, JR.,
14 taken upon oral examination, before Karen Kay
15 Skeen, Registered Professional Reporter and Notary
16 Public in and for the State of West Virginia,
17 Friday, October 29, 2010, at 8:01 a.m., at the Mine
18 Academy, 1301 Airport Road, Beaver, West Virginia.

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14 **ALSO PRESENT:**

15 **J.C. Maggard, MSHA**
16 **Bill Kelly, MSHA**
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PAUL R. THOMPSON, JR.

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P R O C E E D I N G S

1
2 MR. KOERBER: Let's go on the
3 record. My name is Barry Koerber, I'm an
4 Assistant Attorney General. I'm assigned
5 to represent the West Virginia Office of
6 Miners' Health, Safety & Training.

7 Today is October 29th, 2010. We
8 have two members of the Miners' Health,
9 Safety & Training team here today. I
10 would ask that they identify themselves.

11 MR. FARLEY: I'm Terry Farley.

12 MR. O'BRIEN: I'm John O'Brien.

13 MR. KOERBER: And we also have
14 two other investigation teams present. I
15 would ask that they identify themselves
16 and who they're with.

17 MR. SHERER: I'm Erik Sherer with
18 MSHA.

19 MR. BAXTER: Derek Baxter, Office
20 of the Solicitor, Department of Labor.

21 MR. McATEER: I'm Davitt McAteer
22 with the Governor's investigation.

23 MR. KOERBER: Mr. Thompson, we
24 have a court reporter here, and she will

1 be transcribing everything that's said
2 today. She's with Johnny Jackson &
3 Associates. I have a business card here
4 I'll give to you in a second.

5 They are operating under a
6 three-day turnaround as far as preparing
7 the transcript or getting it in paper
8 form, which would mean come Thursday
9 morning of next week, if you choose, you
10 or you and your attorney can call Johnny
11 Jackson & Associates at the number here on
12 the card and schedule a time where you go
13 into Johnny Jackson's office in downtown
14 Charleston and will have an opportunity
15 to -- they'll put you in a conference room
16 where you'll have privacy, and you can
17 read the transcript. And if you find any
18 mistakes, on an errata sheet you can
19 correct those mistakes; okay?

20 THE WITNESS: Okay.

21 MR. KOERBER: I also want to let
22 you know that if at any time for any
23 reason today you want to take a break, you
24 just say so, and we'll take a break; okay?

1 THE WITNESS: Okay.

2 MR. KOERBER: We would request
3 that you not discuss your interview with
4 anybody other than your attorney after you
5 leave today, and that's to protect the
6 integrity of the investigation.

7 I think Derek would like to
8 identify a letter that he has given you.
9 And if he'd like to do that now, he can do
10 so.

11 MR. BAXTER: Sure, yeah. Before
12 the interview, Mr. Thompson, I gave you a
13 letter discussing the interview today. Do
14 you have any questions about it?

15 THE WITNESS: No.

16 MR. BAXTER: It does say at the
17 end that if you later come across or think
18 of any more information you'd like to
19 share with us, you -- or in this case,
20 your attorney -- can contact MSHA. Norman
21 Page is the contact. He's at the bottom
22 of that letter.

23 THE WITNESS: Okay.

24 MR. KOERBER: Would you please

1 swear in the witness.

2 PAUL R. THOMPSON, JR., WITNESS, SWORN

3 MR. KOERBER: Sir, would you
4 please state your full name for the record
5 and spell your last name.

6 THE WITNESS: Paul R. Thompson,
7 Jr., Thompson, T-h-o-m-p-s-o-n.

8 MR. KOERBER: And would you
9 please state your address and telephone
10 number.

11 THE WITNESS: Mailing address?
12 Physical address?

13 MR. KOERBER: Mailing is fine.

14 THE WITNESS: (b) (7)(C)

17 MR. KOERBER: Do you have an
18 attorney with you here today?

19 THE WITNESS: Yes.

20 MR. KOERBER: And would you
21 identify yourself and the firm you're
22 with, sir?

23 MR. WARNER: My name is Brian
24 Warner. I'm with Shuman, McCuskey &

1 Slicer.

2 MR. KOERBER: Is Mr. Thompson
3 your client today?

4 MR. WARNER: Yes, sir.

5 MR. KOERBER: I also see that we
6 have another attorney at the table. I
7 would ask that she identify herself, her
8 firm, and who she represents.

9 MS. DEEM: My name is Pamela
10 Deem. My firm is Allen, Guthrie & Thomas,
11 and I represent the company.

12 MR. KOERBER: Sir, are you
13 appearing here today as the result of
14 receiving a subpoena?

15 THE WITNESS: Yes.

16 MR. KOERBER: Would this be a
17 copy of that subpoena?

18 THE WITNESS: Yes, it is.

19 MR. KOERBER: Okay. Could that
20 be marked as Thompson Exhibit 1, please.

21 (Thompson Exhibit No. 1 marked
22 for identification.)

23 MR. KOERBER: Sir, I'd also like
24 to just provide you with some

1 information. On this memorandum is the
2 address for the West Virginia Board of
3 Appeals. This was probably given to you
4 at your prior interview; I'm going to give
5 it to you again.

6 If you believe you are
7 discriminated against for participating in
8 this interview, this is the address of the
9 body charged with hearing those types of
10 cases. The Code Section is 22A-1-22. You
11 can talk this over with your attorney
12 after the interview.

13 I do just want to caution you,
14 though, that if you do believe you are
15 discriminated against, you only have 30
16 days from the day of the discriminatory
17 event to file your complaint with the
18 Board of Appeals.

19 I also have with me two business
20 cards, one for our lead interviewer,
21 Mr. Farley, and one for our lead
22 underground investigator, Mr. Bill
23 Tucker. Should you have any information
24 that you'd like to provide after this

1 interview is over, please feel free to
2 call either one of those individuals.

3 And as I mentioned earlier, I
4 want to provide to you a business card
5 from Johnny Jackson & Associates; okay?

6 THE WITNESS: Okay.

7 MR. KOERBER: We also have two
8 other people present in the room. I'd ask
9 that they identify themselves.

10 MR. MAGGARD: J.C. Maggard,
11 accident investigation team.

12 THE REPORTER: I'm sorry. Your
13 last name?

14 MR. MAGGARD: Maggard,
15 M-a-g-g-a-r-d.

16 MR. KELLY: Bill Kelly, MSHA
17 approval and certification.

18 MR. KOERBER: Mr. Farley, would
19 you begin the interview?

20 MR. FARLEY: Sure.

21 EXAMINATION

22 BY MR. FARLEY:

23 Q. Mr. Thompson, thank you for coming back.

24 We brought you back to clarify a few things

1 regarding your previous interview and another
2 incident. And let me just get right to it here.
3 And I want to distribute copies of a fan chart here
4 and give everyone an opportunity to see the same
5 thing as we speak.

6 And now at the conclusion of our
7 interview, we'll enter this chart as Exhibit 1 --
8 or 2. Excuse me. Beg your pardon.

9 Now, let me, just for the record, read
10 aloud what we seem to be looking at here. It shows
11 a fan chart here, and we see a line drawn on a
12 Thursday indicating a noon start-up time as
13 indicated by an arrow drawn toward that line. And
14 it reads as follows: "UBB #1 fan, Bandytown. New
15 chart" with the date 4-1-10. It shows a signature,
16 Paul -- I believe that to be Thompson; is that
17 correct?

18 A. Yes, that's my signature.

19 Q. Okay. It shows a time of 11:30 a.m. It
20 shows a number below there. What would that number
21 indicate, sir?

22 A. That's my electrical number.

23 Q. All right. Now, does that reflect a
24 start-up date for that -- this fan chart?

1 A. This is when the chart was changed.

2 Q. Changed, okay.

3 All right. Now, we'll move, as time
4 passes around, to Monday on the same chart. Now,
5 Monday would, of course, have been April 5th,
6 2010. We see where the red line, which seems to be
7 fairly consistent as it travels around the chart,
8 at around 3:00 p.m. makes a significant -- marks a
9 significant change. Would that reflect the time of
10 the explosion at UBB?

11 A. I'm guessing that that's what that is.

12 Q. At any rate, can you confirm that the
13 chart does show a noticeable change at around
14 3:00 p.m. on April 5th?

15 A. Yes.

16 Q. Okay. Later the same day -- and you
17 may -- I don't know whether we have our microscope
18 there, just in case.

19 Later the same day, the chart reflects an
20 event somewhere -- it appears to be about halfway
21 between 9:00 p.m. and midnight on April the 5th.
22 And there's an arrow drawn to that point on the
23 chart. And on the same chart we read, "Lightning,
24 power off, back on" and the words what I believe to

1 be "Automatic start" --

2 A. Yes.

3 Q. -- "less than two minutes." Can you
4 explain what necessitated that entry on the chart?

5 A. Well, there was a scribe on the chart, and
6 there was obviously an event that happened. So
7 it's my belief that lightning -- or not -- either
8 lightning or some event caused the power to trip to
9 shut the fan off. And it's designed to auto
10 restart in less -- in two minutes. It has an auto
11 restart timer.

12 Q. Now, did the fan automatically restart --

13 A. Yes.

14 Q. -- within two minutes?

15 A. I mean, I wasn't there to see that. But,
16 you know, based on, you know, the weather and
17 things, that's kind of what that appeared to be.

18 Q. What would have been your actual location
19 at that time, if you recall?

20 A. I can't remember. I don't know.

21 Q. Okay. Now, when you have the entry
22 "lightning," is that based on a presumption or
23 theory? I mean, is there an actual factual basis
24 to indicate that lightning caused the fan stoppage?

1 A. No facts, no. I mean, that's just an
2 assumption.

3 Q. Okay. Was it reported to you during that
4 evening that there might have been thunderstorms or
5 lightning in the area?

6 A. I seen some flashing in the sky. It just
7 appeared that that's probably what caused that.

8 Q. All right. But, again, you know, the
9 entry was based on an assumption?

10 A. Yes.

11 Q. Okay. And can you approximate the time of
12 that event on the chart? Let's say it appears to
13 be somewhere roughly halfway between 9:00 p.m. and
14 midnight, but is there a closer estimate on the
15 time that you can give us?

16 A. No. Just by looking at the chart is all I
17 can go by.

18 Q. All right. If we want to approximate the
19 time here, again, it appears to be about halfway
20 between 9:00 p.m. and midnight, which halfway
21 between 9:00 p.m. and midnight would be around
22 10:30 p.m. Is that a fair --

23 A. Yes.

24 Q. -- a fair assertion?

1 A. Uh-huh.

2 Q. All right. I have a --

3 A. And I did go and investigate that, and
4 that's why my initial is there.

5 Q. At what point did you go and investigate?

6 A. There was an alarm, I think, at the mine.
7 The alarms calls the mine, and I did go verify that
8 the thing was running.

9 Q. Would that have been the same evening?

10 A. Yes.

11 Q. Do you know approximately what time you
12 visited the fan?

13 A. No. No.

14 Q. Do you think it would have been before
15 midnight or after midnight?

16 A. It was right after that. I'm not sure
17 exactly what time.

18 Q. And at that time, did the fan appear to be
19 --

20 A. Yes.

21 Q. -- fully operational?

22 A. Yes.

23 MR. McATEER: Did he testify
24 right after 10:30? Is that what you

1 said?

2 MR. FARLEY: When you received
3 the alarm.

4 THE WITNESS: After we received
5 the alarm, I went to check the fan, and it
6 appeared to be okay.

7 BY MR. FARLEY:

8 Q. Okay. Is it fair to say you received the
9 alarm at the time of the event?

10 A. Yes.

11 Q. All right. Thank you. I want to clarify
12 some things from your previous testimony. And I
13 have a copy of the transcript with me. And if
14 you'd like to follow along with what I may ask
15 here, you can begin on Page 15.

16 Okay. At the bottom of Page 15, it reads,
17 "Question: Now, let me ask you a specific
18 question. Are you involved with the day-to-day
19 maintenance of that diesel unit at the Bandytown
20 location?"

21 And, of course, the answer is on the
22 following page. It reads, "I walk a mile every day
23 but not a lot." Would you clarify for me what you
24 meant by --

1 A. Give me just a minute to catch up.

2 Q. Sure. I'm sorry. Go right ahead.

3 A. Now, which line are we looking at? Where
4 do you want to start?

5 Q. Are you on Page -- start at the bottom.

6 MR. WARNER: If you need to read
7 more to refresh yourself, go ahead.

8 A. I don't know where that -- I don't
9 remember that answer. Be specific on what you're
10 asking me.

11 Q. Okay. Well, the question again at that
12 time and now, if we can start over, is are you
13 involved -- were you involved with the day-to-day
14 maintenance of that diesel unit at the Bandytown
15 location?

16 A. Yes, I'm involved with the maintenance on
17 the compressors.

18 Q. All right. Now, on the following page,
19 Page 16, about halfway down it reads, "Do you know
20 if there was any problems with those units in the
21 week or so prior to the explosion?"

22 And the answer reads, "Oh, yeah, there
23 were some breakdowns and stuff, diesel fuel filters
24 or whatever."

1 Again the answer following, "Just general
2 maintenance. We shut them down to work on them and
3 to check oils."

4 So you're indicating that there was some
5 maintenance work ongoing during the weekend
6 preceding the April 5th explosion; is that correct?

7 A. Yes, there was a compressor failure that
8 weekend. But, you know, there is a spare unit
9 there that we can run off of, yeah.

10 Q. Okay. Do you know if the spare unit was
11 placed into service while the other was undergoing
12 maintenance?

13 A. Yes.

14 Q. Okay. So if the spare unit were in
15 service, does that mean that the pumps underground
16 near the Bandytown area would have continued to be
17 in operation?

18 A. I don't know. I have no way of knowing
19 that. I just know the compressor was on.

20 Q. Okay. Now, the question at the top of
21 Page 17 from your previous interview reads, "Do you
22 have any records of when those units were down?"

23 And the answer reads, "None comes to mind,
24 but there's probably something that we can find,

1 I'm sure."

2 Now, do such records exist?

3 A. Yes, I think -- I was trying to think of
4 the name of the company. Logan Corporation should
5 have a record where they came to repair the
6 compressor.

7 Q. It's Logan Corporation?

8 A. Yes.

9 Q. Now, would they have been -- do I
10 understand you correctly that Logan Corporation
11 would have been on site during the weekend
12 preceding the April 5th explosion?

13 A. No, that was an emergency breakdown, so we
14 called them to come repair the compressor.

15 Q. So they were there that weekend?

16 A. I don't know if it was that weekend or
17 Thursday or Friday. I can't remember what time.

18 Q. All right. You think they could --

19 A. Yeah, they could probably produce
20 something, some kind of a record. But the spare
21 compressor, we were running on the spare
22 compressor.

23 Q. Okay. Now, do you have a contact name,
24 phone number and address for someone with Logan

1 Corporation that we might contact for that
2 information?

3 A. Yes. Gary Miller, I think, could probably
4 find those records.

5 Q. And who's Gary Miller?

6 A. He's a representative for Logan's Corp.

7 Q. Logan's Corp?

8 A. Yeah.

9 Q. Now, Logan's Corp, is this a private
10 company, contractor?

11 A. Yes, right.

12 Q. And Mr. Miller is employed by Logan's
13 Corp?

14 A. Yes.

15 Q. Do you possibly know a phone number for
16 Mr. Miller at Logan's Corp?

17 A. Not right offhand, I don't.

18 Q. Where is the Logan's Corp business
19 location, if you know?

20 A. They have an office in Huntington, I
21 think.

22 Q. In Huntington?

23 A. Yeah.

24 Q. Do you have contact information for

1 Logan's Corp at your office?

2 A. Yes.

3 Q. Can I ask that you provide that
4 information to us, please?

5 A. Yes, I can.

6 Q. I'd like to move now to Page 28 of the
7 same transcript, if you want to take a moment to
8 refresh yourself. I'm looking primarily at the
9 bottom of Page 28 and into Page 29 and possibly
10 Page 30. Take your time.

11 A. Okay.

12 Q. All right. On the bottom of Page 28,
13 there's an answer that reads, "Down at the turbine
14 pump, the turbine pump does the primary" -- and
15 then on the following page it reads -- "pumping,
16 you know what I mean, and they used air pumps to
17 pump puddles or whatever to make it travelable."

18 And then further down it reads, "Answer:
19 Examiners, if it was roofed, I would think I would
20 have seen it on the fan charts."

21 Now, I think we're referring to water in
22 the area of the Bandytown behind the longwall with
23 that question and answer. And, of course, the
24 answer is if the water was roofed, I would think I

1 would have seen it on the fan charts.

2 Can you explain how the fan charts, any
3 fan chart, would alert you to the possibility or
4 likelihood or fact that water had roofed at some
5 location in the mine?

6 A. Again, you know, I don't know what's going
7 on underground. All I can do is look at the chart
8 and just notice an event in the graph.

9 Q. Sure.

10 A. The turbine pumps, just to clarify what I
11 said here, does the dewatering for the fan.

12 Q. Okay.

13 A. And then the air pumps just make the
14 travel ways friendly for examiners. To answer your
15 question, I guess you want to know how would I
16 know?

17 Q. Yes. I'm sorry. Let me clarify this.
18 You know, the answer at the time, read again, "If
19 it was roofed, I would think I would have seen it
20 on the fan charts." The question again is just can
21 you explain how the fan chart would tell you that
22 water was roofed, or what about the fan chart might
23 make you believe that?

24 A. Well, typically, if there's, you know, an

1 increase in air restriction, you would see an
2 increase in the fan pressure on the chart, on this
3 recorded chart.

4 Q. Okay.

5 A. And if you look back at the chart, it's
6 really smooth around through there, and there's
7 nothing that reflects an increase in pressure
8 anywhere.

9 Q. Now, again, the chart we're looking at is
10 Exhibit 2, which apparently originated around noon
11 on Thursday, April 1st; is that correct?

12 A. Yes. Now, just on the fan itself, you
13 know, it has the capability of doing 24 inches of
14 water gauge or even more. To me, I don't see any
15 alarms on this chart.

16 Q. Okay. Now, prior to the event on April
17 5th -- now if I remember your previous testimony
18 correctly, you would have checked fan charts as a
19 matter of routine; is that correct?

20 A. Well, there was -- we have an examiner
21 that checks the fans daily. And he retrieves the
22 charts and takes it back to the mine. And if I'm
23 in the area, I always swing by and look at it
24 myself. But it's not dependent on me to daily

1 examine those fans.

2 Q. Okay. Now, prior to April 5th of this
3 year, can you recall a specific instance where you
4 looked at a fan chart and came to the conclusion
5 that water might have been roofed --

6 A. No.

7 Q. -- in the mine at some location?

8 A. No.

9 Q. Now, I guess the question also is is it
10 entirely possible that water could be roofed in the
11 mine at some location and the fan chart very well
12 would not indicate in any way that that condition
13 existed?

14 A. I don't know. All I can tell you is the
15 chart doesn't -- I looked at the charts, I checked
16 the fan and didn't see anything wrong.

17 Q. All right. Very well.

18 MR. FARLEY: Mr. Sherer, do you
19 have any questions?

20 MR. SHERER: Sure.

21 EXAMINATION

22 BY MR. SHERER:

23 Q. Mr. Thompson, I'm going to ask some
24 follow-up questions, so I'll jump around a bit.

1 Just bear with me. The last time we spoke with
2 you, you explained in part what the compressors
3 were at Bandytown, and we've since heard some
4 further testimony that, to be quite honest with
5 you, just kind of confused me.

6 Could you tell us exactly what the air
7 compressors were at the Bandytown fan prior to the
8 April the 5th explosion?

9 A. The air compressors provide, I guess, an
10 energy source to run air pumps underground, to
11 remove water, I suppose.

12 Q. Okay. How did the air get down to the
13 mine? Did it go down the fan shaft?

14 A. No. There was some holes drilled
15 exclusively for air. There's two of them. One is
16 a spare, and one was being used for the pumps.
17 So --

18 Q. What size pipe went down those holes?

19 A. 4-inch.

20 Q. 4-inch steel pipe?

21 A. Yes.

22 Q. How many compressor units were in
23 operation or that were capable of being in
24 operation prior to April the 5th?

1 A. You mean -- what are you referring to? Be
2 more specific.

3 Q. You've been talking about the air
4 compressor and you've spoken about a spare air
5 compressor. So that indicates at least two
6 compressor units?

7 A. Yes.

8 Q. Okay. Were they both the same type and
9 capacity units?

10 A. There was two diesel units of the same
11 capacity, I think they were 1600s. And then
12 there's an electric unit.

13 Q. So there were three compressors?

14 A. Yes.

15 Q. What was the capacity of the various
16 units?

17 A. The two diesels were 1600s. The
18 electrical was -- I think it's a 200.

19 Q. 200 cubic feet per minute?

20 A. I'm thinking that's what that means.

21 Q. Okay. The electrical unit, was that
22 powered off the electrical grid, or was that
23 powered --

24 A. Yes.

1 Q. Okay. So you had two big diesel units and
2 one small electrical unit?

3 A. Yes.

4 Q. When you talked about the spare unit that
5 was the backup, was that the electrical unit?

6 A. No.

7 Q. It was another diesel unit?

8 A. Yes. We ran a diesel and an electrical
9 together.

10 Q. Okay. And are you aware of any problem
11 with the electrical unit?

12 A. From time to time, you'll have to make an
13 adjustment or change a filter or shut it down for
14 maintenance. As far as problems, no.

15 Q. So the few days prior to the explosion,
16 there shouldn't have been any problem with the
17 electrical unit?

18 A. There was a problem, but we were still
19 pumping air with the spare.

20 Q. Okay. So the spare was one of the 1600
21 cubic feet per minute diesel units?

22 A. Uh-huh. Yes.

23 Q. So there was just -- let me try and get
24 this straight. You had a problem with the

1 electrical unit. Is that what you called the
2 service company about?

3 A. Yes.

4 Q. Okay. And you had two diesel units?

5 A. Yes.

6 Q. That were capable of operation?

7 A. Yes. One of them was just setting there,
8 it wasn't even being used.

9 Q. Okay. Did those units come on
10 automatically?

11 A. No.

12 Q. So when one of them goes down, somebody
13 has to go up and physically start another one?

14 A. Yes.

15 Q. Okay. Who would do that?

16 A. There were -- the environmental crew had a
17 guy go over there at least once a shift to check
18 them and fuel them up. And Glen Farley also went.
19 And when I was in the area, I would stop by and
20 check it as well.

21 Q. This environmental crew, who was that
22 person?

23 A. They were different ones. They worked for
24 Marfork Coal. They worked for Richie Johnson and

1 Marfork.

2 Q. Do you know if they worked over the Easter
3 weekend?

4 A. I can't remember. I think some of those
5 guys did work. Glen Farley worked, and I worked.

6 Q. Was there a record of who checked those
7 compressors and when they checked them?

8 A. No, no record.

9 Q. Is the only problem you're aware of over
10 the weekend prior to the explosion the electrical
11 compressor going down for some mechanical reason?

12 A. It went down, but it wasn't a problem
13 because we ran on the spare.

14 Q. Okay. And the spares were fully
15 functional?

16 A. Yes.

17 Q. What about the diesel fuel? Was that
18 maintained over the weekend, the fuel supply?

19 A. Yes.

20 Q. Okay. Now, the Bandytown fan, you spoke
21 to Mr. Farley about the two-minute interruption
22 sometime during the late night of the 5th. You say
23 there was an alarm that went off in the mine that
24 you responded to?

1 A. Yes.

2 Q. Okay. Did you contact or have any
3 communication with anyone in the command centers
4 for the mine rescue effort about that alarm?

5 A. It was so crazy that night, I can't -- I
6 can't remember.

7 Q. Okay.

8 A. I may have called the fan. You can call
9 the fan anytime you want and verify that it's
10 running.

11 Q. How does that work, when you call the fan?

12 A. If you call the fan, it will tell you how
13 much amp draw is on the motors, and it will tell
14 you that all systems are okay and those types of
15 things.

16 Q. It's kind of an automatic system?

17 A. Yes, uh-huh.

18 Q. Did you do that?

19 A. I can't remember if I did or not. There
20 was so much going on after that event that I --

21 Q. Okay. Were you aware that we had mine
22 rescue teams underground at that point in time?

23 A. Yes. I think there were inspectors at the
24 fan, so they should know.

1 Q. Okay. And that was going to be my next
2 question. When you went up to the fan to check it,
3 was anybody there?

4 A. There was somebody there, but I can't
5 remember who it was. They were a State or a
6 Federal representative of some kind. As far as
7 names, I can't remember.

8 Q. Okay. Sure. Did you speak with those
9 individuals about the condition of the fan, ask
10 them did it go down or --

11 A. I can't remember if I did or not. I
12 just -- the day of this accident, it was just so
13 overwhelming, I can't remember any details.

14 Q. Okay. Do you recall if there were any
15 Massey employees at the fan site with hand-held
16 radios?

17 A. No, I don't remember. I can't think of
18 any.

19 MR. SHERER: Okay. Thank you,

20 Mr. Thompson.

21 EXAMINATION

22 BY MR. McATEER:

23 Q. Mr. Thompson, if I can ask you a few
24 questions. I was not here for your earlier

1 testimony. I've looked at it, but I just wanted to
2 get some clarification. Because in my mind, I'm a
3 little confused. On the fan chart itself, these
4 initials, PT, is that you?

5 A. Yes.

6 Q. They're periodic on the chart --

7 A. Uh-huh.

8 Q. -- and then there's another initial here.

9 A. That's Glen Farley.

10 Q. Glen Farley. What do these initials
11 represent?

12 A. That's just -- I just date it up since I
13 was there.

14 Q. Did that mean you were there on these --

15 A. Yes.

16 Q. -- five times?

17 A. Yes.

18 Q. So you were there when there was this
19 deviation?

20 A. When this happened here, this mark on the
21 chart --

22 Q. Right.

23 A. -- the day of the accident, Mr. Blanchard
24 sent me over to the fan immediately. And that's

1 when I dated it up when I got there.

2 Q. Okay. But the PT that's located nearest
3 to the deviation, this one right here, that's about
4 the 9:30 -- the 10:30 kind of time. Did that
5 indicate that you were there at the time, or did
6 you --

7 A. Which one? This one here?

8 Q. This one.

9 A. This one?

10 Q. Yes.

11 A. Yes, that means I was there.

12 Q. So you were there at the time this thing
13 occurred, this event occurred?

14 A. No, I wasn't there when that occurred, I
15 was there after.

16 Q. Okay. So these don't -- these do or don't
17 represent a time sequence or that -- you know,
18 perhaps they represent --

19 A. These initials represent that I was at
20 that location in this realm of time.

21 Q. Okay. That's fine. Now, when you
22 testified earlier, there's a little line that comes
23 down from the arrow marking -- the arrow with the
24 words behind it "Lightning, power off" --

1 A. Uh-huh.

2 Q. -- there's a little dotted line that comes
3 down right there; do you see that?

4 A. Could you point to be more specific?

5 Q. See those red dots there?

6 A. Based on my memory of what I can --

7 Q. Okay.

8 A. -- there was a deflection on the chart.
9 And it was a -- I don't know the details of those
10 other dots there.

11 MR. WARNER: Just so the record
12 is clear, can you tell us the time that
13 you're looking at?

14 MR. McATEER: I'm sorry. It's
15 about the 10:30 time that Mr. Farley had
16 talked about earlier.

17 THE WITNESS: Oh, you're talking
18 about the 10:30.

19 MR. McATEER: Yeah.

20 THE WITNESS: Oh, I thought you
21 was just talking about --

22 MR. McATEER: No. I'm sorry.

23 A. Okay. The 10:30, I mean, I'm just
24 assuming that it was lightning. And rather than

1 not knowing what that mark was, I just made a
2 reference to it so we would know.

3 BY MR. McATEER:

4 Q. Okay. I got you. But was there anybody
5 there -- of the persons who co-signed the chart,
6 Mr. Farley, Mr. Williams and BE, did any of them --

7 A. No. I mean, there were inspectors at the
8 fan or in that area when this occurred.

9 Q. Right.

10 A. But the guys here listed on the chart are
11 the ones that retrieved this chart.

12 Q. I got you. Okay. Now, going up to the --
13 going back for a minute to the compressors and
14 leaving the chart -- and this is my confusion, so,
15 please, if you wouldn't mind helping me. There's
16 the turbine pumps that pump the water directly out
17 of the mine?

18 A. Yes.

19 Q. And where are they located?

20 A. Really close to the fan.

21 Q. Okay. And then there's the air
22 compressors that pump air down into the mine?

23 A. At the fan, yes.

24 Q. At the fan. And they're also at the fan?

1 A. Yes.

2 Q. But they're separated, I mean, physically?

3 A. Yes.

4 Q. And there are two diesel air compressors?

5 A. We had two diesels and an electric.

6 Q. Okay. I'm not trying to be tricky.

7 A. No, I'm following you.

8 Q. So they've got two diesels, and they're
9 1600s, and then there's an electric that's 200.

10 Now, prior to the day of the accident, the
11 explosion, the weekend before, you said you worked
12 that weekend?

13 A. Yes. I went -- I didn't work, I just went
14 to check the fan and the compressors and just
15 double backed up that they were running.

16 Q. Okay. Do you remember when that was?

17 A. No.

18 Q. So was it morning, afternoon?

19 A. Afternoon, night.

20 Q. I mean, it's Easter.

21 A. Nighttime.

22 Q. You must have been home for dinner on
23 Easter?

24 A. Actually, I went to church Easter Sunday

1 morning.

2 Q. Okay. And then did you go after church
3 and before dinner, or did you go after dinner; do
4 you remember?

5 A. It was nighttime. It wasn't during the
6 day.

7 Q. Okay. So you drove up to the Bandytown
8 fan and looked at it, and you could hear the fan
9 running. And at some point did the fan -- I mean,
10 was the fan running, I should say?

11 A. Oh, yes. It's -- never was it off.

12 Q. And did you notice any problems with
13 either of the diesels, or did you --

14 A. No problems.

15 Q. Okay. And did you use a spare? Did you
16 flip to the spare or --

17 A. I didn't myself, no. I think maybe Glen
18 Farley or maybe one of the other guys switched it
19 over.

20 Q. And when would they have switched it over?

21 A. I'm not sure. It was either Friday,
22 Saturday.

23 Q. Okay.

24 A. But, I mean, we were still pumping air.

1 Q. Sure.

2 A. If one of the compressors went down, the
3 other one was still running.

4 Q. Right.

5 A. It's not like we were doing without air.

6 Q. But had they called you at home and said,
7 "We had to switch it over to get to the other
8 compressor"?

9 A. I got a call that one of them were down,
10 and then I called Logan's Corp to come out. And
11 they did come out and fix it.

12 Q. When did you call them?

13 A. I can't remember what date now.

14 Q. I mean, was it on Easter, or was it on --

15 A. It was sometime the days before Easter.

16 Q. Oh, okay. The Friday or Saturday or
17 something like that?

18 A. Yeah.

19 Q. So Farley and someone else would have made
20 the switch prior to Easter? It would have been
21 Friday or Saturday or something?

22 A. Sometime during that time.

23 Q. And did they catch you at the mine there
24 and tell you that?

1 A. I think they called me.

2 Q. Okay. And do you know when Logan's came
3 out?

4 A. I can't remember. They did come out and
5 fix it. Actually, they asked me if it could wait
6 until Monday, and I said, "No, we need to go ahead
7 and get it fixed." So they came out.

8 Q. So they came out either Sunday or
9 Saturday?

10 A. I can't remember what day.

11 Q. But it was before the explosion?

12 A. Yes.

13 Q. And did they call you when they were done
14 and say it's fixed or anything; do you remember?

15 A. Yes.

16 Q. At home or at the office?

17 A. I can't remember. It was --

18 Q. Now, when you went up to check these air
19 compressor fans -- I'm sorry -- air compressors,
20 did you also check the turbine fans -- turbine
21 pumps? I'm sorry.

22 A. Yeah, I always check the turbines. Every
23 time I'm in that area, I always check the fans, the
24 compressors, the turbines, and the other guys do

1 the same.

2 Q. Right. Anything that you remember about
3 that?

4 A. No, everything normal.

5 Q. And did you keep notes about this stuff?

6 A. No.

7 Q. As you get older, you'll have to keep
8 notes about this stuff.

9 A. I know.

10 Q. Otherwise, you'll just -- sorry. And the
11 pumps underground, were they functioning, or would
12 you have any way of knowing that?

13 A. I wouldn't know that.

14 Q. Okay. How would they be checked
15 underground or --

16 A. They have guys that take care of that
17 underground. I don't know.

18 Q. Okay. So on the day of the explosion, you
19 went up to the fan multiple times. Would you go
20 back and forth to the mine, or did you stay up at
21 the fan?

22 A. No, I went back and forth. On the day of
23 the explosion, I went right there immediately and
24 went and checked.

1 Q. Yeah.

2 A. I went back that night at some point when
3 they had the event.

4 Q. Uh-huh. And at the moment of the -- when
5 you checked the fan at the time of the explosion,
6 did you see that deviation?

7 A. Yes.

8 Q. And what did you think?

9 A. I knew something was wrong, and I called
10 back and told them what was --

11 Q. Okay. Do you remember who you talked to?

12 A. No, I don't. It was -- I'm not sure who
13 it was. But I did call something back. It was
14 just -- just a lot of things going on.

15 Q. Oh, sure. No question about it. And who
16 were you with when Mr. Blanchard gave the
17 instructions?

18 A. Actually, I was -- on the day of the
19 accident, I happened to pull up on the mine bench,
20 I had to look at some parts, you know. And
21 Mr. Blanchard told me to get a spotter and go to
22 the fan and check it.

23 Q. Okay.

24 A. And that's what I done, and that's when I

1 looked at the chart. And then I called back what I
2 saw.

3 Q. Do you remember what time it was when he
4 called you?

5 A. No. It was after 3:00, I'm not sure
6 exactly or how long it takes to drive over there.

7 Q. But it doesn't take 10 minutes; right?

8 A. No, it takes 20 or 30 minutes.

9 Q. Oh, is that right?

10 A. Yeah.

11 Q. And where were you at the time of the
12 explosion?

13 A. I was in transition from either Marfork or
14 Elk Run. I was driving.

15 Q. Okay. So you were on the road?

16 A. Yeah.

17 MR. McATEER: I have no further
18 questions.

19 EXAMINATION

20 BY MR. FARLEY:

21 Q. One little thing here. I think we might
22 have got a little confused here when we were
23 talking about the various compressors. Did you say
24 that both diesel compressors were running when the

1 electrical compressor shut down?

2 A. Both diesels, no, no.

3 MR. FARLEY: Okay. Thanks.

4 MR. SHERER: I have some
5 questions, Mr. Thompson.

6 EXAMINATION

7 BY MR. SHERER:

8 Q. When you were working on Sunday, did you
9 go to the UBB north or south portals?

10 A. On Sunday? I can't remember. I think I
11 may have went to both portals.

12 Q. Did you see anybody else when you went to
13 those portals?

14 A. I can't -- I don't remember.

15 Q. Okay. Did you notice any vehicles at
16 either one of those portals?

17 A. Don't -- no, I don't remember right now.
18 I can't think of anything.

19 Q. Okay. Do you think that anybody was
20 underground on Sunday?

21 A. I don't know that.

22 Q. Okay. How does the Bandytown fan alarm
23 work?

24 A. The Bandytown fan alarm is an auto-dialing

1 system that if it shuts down, it calls a series of
2 numbers and alerts of the event.

3 Q. So you basically get a phone call when it
4 goes down?

5 A. Yes, get a phone call.

6 Q. Is that through a surface phone line or an
7 underground phone line?

8 A. It's a surface phone line.

9 Q. And it is a hard-wired line, not a cell
10 phone or anything?

11 A. Not a cell phone, no.

12 Q. Thank you. Are you aware of any holes
13 that were drilled to install electrical pumps
14 somewhere near the Bandytown fan prior to the
15 explosion?

16 A. Yes, there were some holes drilled to
17 install backup electrical pumps.

18 Q. Were those pumps installed?

19 A. No.

20 Q. Okay. Why weren't they installed?

21 A. Didn't really need them. I mean, the air,
22 you know, didn't -- I was going to cancel the
23 order, actually, and they told me to go ahead and
24 follow through with it. So --

1 Q. Who told you to follow through with it?

2 A. Blanchard.

3 Q. Are you aware that MSHA had not approved
4 the installation of those pumps?

5 A. Yes. And that was part of the reason I
6 didn't follow through with it.

7 Q. Was there some problem with one of the
8 holes hitting the mine entry; are you aware of
9 that?

10 A. I know they had some difficulty with
11 drilling, but the details, I don't know.

12 MR. SHERER: Okay. Thank you.

13 MR. McATEER: I just have one
14 other question.

15 EXAMINATION

16 BY MR. McATEER:

17 Q. Since the explosion, have those diesel air
18 compressors been converted to electrical?

19 A. The electric units are there, but they're
20 not being used, and we haven't pumped any air for
21 months.

22 Q. I understand that. But has the diesel air
23 compressors been converted to an electrical system
24 or substituted?

1 A. Since the explosion?

2 Q. Yes, since the explosion.

3 A. They're in transition of being
4 substituted.

5 Q. Okay. So the notion is to transfer them
6 to an electrical system?

7 A. Yes.

8 Q. Why is that?

9 A. To just get rid of the maintenance of
10 diesel fuel. And more dependable, and it's better,
11 I mean.

12 MR. McATEER: Okay. Thank you,
13 sir.

14 MR. KOERBER: Mr. Thompson, in
15 answering any of the questions from any of
16 the interviewers, did you mark on any of
17 the fan charts that have been identified
18 as Exhibit 2? And the reason I ask is I
19 want to make sure that is the one that's
20 marked as Exhibit 2.

21 THE WITNESS: I'm not sure I
22 understand what you're saying.

23 MR. KOERBER: In answering any of
24 the questions, did you put anything on any

1 of the -- on any fan chart in front of you
2 identifying any particular item pertaining
3 to a question with either pen, pencil or a
4 marker?

5 THE WITNESS: You mean today?

6 MR. KOERBER: Yes.

7 THE WITNESS: No.

8 MR. KOERBER: Okay. So then any
9 of these fans chart is sufficient to be
10 Exhibit 2?

11 THE REPORTER: I have one. Thank
12 you.

13 MR. KOERBER: Oh, you do? Okay.

14 (Thompson Exhibit No. 2 marked
15 for identification.)

16 MR. KOERBER: Mr. Thompson, I
17 know that you were recalled a second time
18 today, and I appreciate you coming in a
19 second time. We're approaching the end of
20 the interviews. There is the potential
21 that we may be recalling other people.
22 Obviously, it could still be you again.
23 But I do thank you for coming today.

24 I also want to give you an

1 opportunity at this point in time, just
2 like we did previously, if there's
3 anything you want to add or anything you
4 want to state or comment upon, anything
5 you want to clarify, you have the floor.

6 THE WITNESS: No comments,
7 nothing to add.

8 MR. KOERBER: Okay. Thank you
9 very much, sir, for coming. And we'll go
10 off the record.

11 (The interview of PAUL R.
12 THOMPSON, JR., was concluded at 8:56 a.m.)
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1 STATE OF WEST VIRGINIA, To-wit:

2 I, Karen Kay Skeen, a Notary Public and
3 Registered Professional Reporter within and for the
4 State aforesaid, duly commissioned and qualified,
5 do hereby certify that the interview of PAUL R.
6 THOMPSON, JR., was duly taken by me and before me
7 at the time and place specified herein.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes, that
10 the same were accurately transcribed out in full
11 and true record of the testimony given by said
12 witness.

13 I further certify that I am neither
14 attorney or counsel for, nor related to or employed
15 by, any of the parties to the action in which these
16 proceedings were had, and further I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto or financially
19 interested in the action.

20 My commission expires the 5th day of May 2012.

21 Given under my hand and seal this _____ day of
22 November, 2010.

23 _____
24 Karen Kay Skeen
Registered Professional Reporter
Notary Public