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STATE OF VERMONT
PUBLIC UTILITIES COMMISSION

Investigation Pursuant to 30 V.S.A.)
Section 30 and 309 regarding the)
alleged failure of Vermont Gas)
Systems, Inc. to comply with the)
Certificate of Public Good in)
Docket 7970)
) Case No. 17-3550-INV

ZOOM DEPOSITION
of
KEVIN BODENHAMER

taken on behalf of the Intervenors via
Zoom on Tuesday, August 24, 2021.

APPEARANCES:

JAMES A. DUMONT, ESQ., P.O. Box 29, Bristol, Vermont
05443, appeared via Zoom on behalf of the Intervenors;

ALSO PRESENT: Jill Pfenning, Greg Liebert, Rachel
Smolker, Lawrence Shelton, Nate Palmer, Jane Palmer

(APPEARANCES OF COUNSEL CONTINUED ON THE FOLLOWING PAGE)

COURT REPORTER: Deborah J. Slinn, RPR, CSR

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1 APPEARANCES CONTINUED:

2 ANDREW RAUBVOGEL, ESQ., ZOE SAJOR, ESQ. and
3 MARK SCIARROTTA, ESQ., of the firm Dunkiel, Saunders,
4 Elliott, Raubvogel, Hand, PLLC, 91 College Street,
5 Burlington, Vermont 05402, appeared via Zoom on behalf
6 VELCO;

7 OWEN McCLAIN, ESQ., of the firm Sheehey, Furlong & Behm,
8 30 Main Street, Gateway Square, Burlington, Vermont
9 05402-0066, appeared via Zoom on behalf of VGS;

10 ERIC GUZMAN, ESQ., Vermont Department of Public Service,
11 112 State Street Montpelier, Vermont 05620-2601,
12 appeared via Zoom on behalf of the Vermont Department of
13 Public Service;

14 RANDY MILLER, ESQ., of the Vermont Agency of Natural
15 Resources, 103 South Main Street, Waterbury, Vermont,
16 05671-0301, appeared via Zoom on behalf of the State of
17 Vermont.

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STIPULATIONS

It is hereby STIPULATED and AGREED by and between the attorneys of record for the respective parties hereto, as follows:

1. That the testimony of KEVIN BODENHAMER may be taken and treated as taken pursuant to notice and order to take deposition, and that all formalities of notice and order are waived by the parties and the signatures to this Stipulation are, in like manner, waived.

2. That all objections, except as to matters of form, are reserved until the deposition or any part thereof is offered in evidence.

3. That the deposition may be signed by the said KEVIN BODENHAMER within 30 days from the time of submission.

1 (COMMENCING AT APPROXIMATELY 1:00 P.M.)

2 MR. DUMONT: I'll put on the record that this
3 is deposition of Kevin Bodenhamer,
4 B-o-d-e-n-h-a-m-e-r. We've agreed to, since
5 Mr. Bodenhamer is not in Vermont, the court
6 reporter will not place him under oath because she
7 is in Vermont. She's a Vermont notary.

8 We've agreed that the parties will treat this
9 deposition as though Mr. Bodenhamer has not been
10 placed under oath. His testimony will be given as
11 if he has been placed under oath.

12 All the other usual stipulations we have
13 agreed to.

14 EXAMINATION BY MR. DUMONT:

15 Q With that, Mr. Bodenhamer, why don't you state
16 your name for the record?

17 A Kevin Charles Bodenhamer.

18 Q And where are you actually physically located
19 for this deposition?

20 A Maybe I'm -- would you repeat the question? I
21 didn't hear all of it.

22 Q Sure. Where are you physically located today?

23 A Today I'm sitting in my office in Tulsa,
24 Oklahoma.

25 Q Thank you. In your prefiled testimony, answer

1 six, you listed the documents you have reviewed. And I
2 do not see in the list the decision by the Public
3 Service Board to authorize the Addison Natural Gas
4 Project, that decision was issued in December of 2013.

5 Have you read that?

6 A Yes, I have read that.

7 Q Finding 26 of the PSB's order stated, The DPS
8 recommended and VGS has agreed to build the transmission
9 mainline to meet Class 3 standards, even in those areas
10 where only Class 1 or Class 2 standards apply.

11 Do you recall that?

12 A It was a rather long document, but, yes, that
13 does sound familiar.

14 MR. RAUBVOGEL: Jim, I assume if you are going
15 to ask a lot of questions about that decision, you
16 can share it on your screen.

17 MR. DUMONT: Yeah, we're almost done with it.

18 Another short quote.

19 BY MR. DUMONT:

20 Q In Finding 262, the Board wrote, Vermont Gas
21 has agreed to adopt the additional safety measures
22 recommended by the Department. The design of the
23 project will exceed safety standards established by the
24 pipeline safety code and several important respects,
25 including the following: The pipeline will be

1 constructed to meet Class 3 design requirements in all
2 areas along the pipeline. There are others other
3 commitments listed, but I'm just interested in that one.

4 Do you recall reading that back from when you
5 read the decision?

6 A Again, that sounds familiar, yes.

7 Q One of the documents you listed that you read
8 was the May 25th, 2016, report by Mott MacDonald. It's
9 in your list in answer six. On the first page of that
10 report, Mott MacDonald wrote, paragraph labeled
11 results as follows: Quote, the summary table has been
12 provided below. The stress calculation show that under
13 all soil types, shared with three-foot, four-foot and
14 five-foot of cover, the pipeline passes all stress
15 checks (connection issue) who, effective, girth weld,
16 and longitudinal weld, end parens, parenthesis, period.

17 In conclusion, Mott MacDonald recommends a
18 minimum depth of cover of four feet. Although three
19 feet of cover is sufficient under the given loading, a
20 one-foot buffer would help ensure that even if sediment
21 were to occur, the pipeline would remain safe and
22 operational, end of quote.

23 Do you remember reading that?

24 A Again, yes, it does sound familiar from having
25 read that, yes.

1 Q Do you agree that all although three feet of
2 cover was sufficient at the time this was written in May
3 of 2016, a one-foot buffer would help ensure even if
4 sediment were to occur the pipeline would remain safe
5 and operational?

6 MR. RAUBVOGEL: Object as to form.

7 A Are you asking me to agree with their
8 assumption or agree with their statement about the
9 one-foot extra cover?

10 Q I'm asking whether you agree that a one-foot
11 buffer would help ensure even if sediment were to occur
12 the pipeline would remain safe and operational?

13 A I would say that an additional cover will
14 always ensure that a pipeline has an additional factor
15 of safety, yes.

16 Q Thank you. Now in your answer six you said
17 you read the RCP report by Mr. Bird?

18 A Yes.

19 Q A long report, and I am not going to quiz you
20 on what parts you remember or you don't remember. But I
21 do want to ask you if you read the appendices?

22 A I read the entire report. The appendices were
23 included part of that, yes.

24 Q Do you remember reading that in New Haven some
25 parts of the pipeline had a depth of cover that was

1 two-foot-five inches or two-foot-six inches?

2 A That does seem familiar from what I remember.

3 Q The calculations that Mott MacDonald prepared
4 and you reviewed, determine that two feet of depth of
5 cover would be safe; correct?

6 A Yes, that was off of their report, yes.

7 Q Do you agree that with a depth of cover of 2.5
8 inches there is now only a five-inch buffer of safety?

9 A Yes, a two-foot -- restate your question,
10 please, exactly what you're asking.

11 Q Sure. Do you agree that where the pipeline is
12 two-foot -- has a depth of cover of 2.5 inches the
13 buffer is now only five inches?

14 A That would be, correct, yes, five inches.

15 Q In places where it's two-foot-six inches deep
16 the buffer is six inches?

17 A That is correct.

18 Q I added an exhibit and I am going to see if I
19 can call it up. Be a test.

20 MR. RAUBVOGEL: Which number is it?

21 MR. DUMONT: It's number 14. We sent it out
22 during the lunch break. I'm going to do that over
23 and again and make it larger.

24 BY MR. DUMONT:

25 Q I placed on the screen some screen shots.

1 Mr. Bodenhamer, can you see the first page?

2 A Yes, I can.

3 Q I'll represent to you this is a screen shot
4 from the TRC website. Are you familiar with the TRC
5 website?

6 A Yes, I am.

7 Q Are you familiar with Ed, I guess it's
8 Wiegele, W-i-e-g-e-l-e?

9 A It's pronounced Wiegele. And, yes, I am.

10 Q Okay. Thank you. Who is Mr. Wiegele?

11 A Mr. Wiegele no longer works with TRC, but up
12 until his departure last year he was the president of
13 the oil and gas division.

14 Q At the end of this exhibit there's a picture
15 of him. And it says he is, but I guess it was was, the
16 manager of TRC Oil and Gas Sector.

17 Have you ever seen this piece he wrote before?

18 A Not until it was sent to me just before
19 noontime today.

20 Q What are the insights capital -- what are the
21 insights section of the TRC website?

22 A In general, that's providing information to
23 current and potential clients about different phases of
24 various industries that TRC works in and provides
25 information again to current or potential clients.

1 Q The third paragraph of Mr. Wiegele's insight
2 column he wrote, The accepted margin of error during a
3 pipeline's lifecycle -- from development to
4 operations -- has been reduced from thin to practically
5 nonexistent. One minor delay, one break in
6 communication or one missed opportunity to get ahead of
7 the opposition can have a significant impact by a
8 company's ability to get a project off the ground or
9 determine the expected rate of return -- and, in worse
10 case scenarios, could potentially cost lives. Do you
11 agree with what Mr. Wiegele wrote?

12 A Not entirely, no.

13 Q Tell me where you disagree.

14 A I disagree with his part about the margin of
15 error during a project's lifecycle from development to
16 operations has been reduced from thin to practically
17 nonexistent, the first sentence.

18 Q How would you correct that statement so it
19 accords with your own views?

20 A Well, I think to correct it you would need to
21 see what the intent of this document was. And it was
22 not necessarily the intent of project engineering or
23 design, but was the intent of talking about
24 collaborative effort that TRC can provide to pipeline
25 clients during the entire construction phase.

1 I do not know exactly what Mr. Wiegele is
2 trying to convey in this first sentence, but I do not
3 believe that he was conveying that the design of the
4 pipeline has been reduced from thin to practically
5 nonexistent.

6 I believe he was referring more to the fact
7 that sometimes the time frame, the amount of up-front
8 time and expectation to deliver a finished product just
9 by the marketplace and the market in general, has been
10 reduced.

11 Again, I do not believe Mr. Wiegele intended
12 to say that the error -- and myself I certainly do not
13 believe that pipeline design has reduced margin of error
14 to thin or nonexistent.

15 Q In your own words tell us your opinion about
16 the relationship between margin of error and what he
17 calls here the worse case scenario costing lives.

18 MR. RAUBVOGEL: Objection as to form.

19 A In my opinion if a pipeline has been designed
20 according to codes, according to standards, according to
21 recognized industry best and good engineering work
22 practices, then I believe that a pipeline -- and if it
23 is installed as it was designed -- can be safe and that
24 there is a very good margin of safety for the public
25 with that pipeline.

1 Q Did you have any role in advising VELCO,
2 Vermont Transco or Vermont Gas during the design or
3 construction of the Addison Natural Gas Pipeline?

4 A No, I was not involved.

5 Q Mr. Connaughton testified this morning that
6 with the assistance of TRC, the memorandum was developed
7 by VELCO and the memorandum addressed, among other
8 things, safety issues in their relationship with Vermont
9 Gas.

10 So I take it you had no role in developing
11 that memorandum?

12 A No, I did not.

13 Q Okay, thank you.

14 Did you perform any calculations yourself of
15 the load-bearing capacity of the Addison Natural Gas
16 Pipeline?

17 A No, I verified calculations that had already
18 been performed by others. I did not do any calculations
19 myself, no.

20 Q When you verified them, how did you do that?

21 A By reviewing the information that was -- that
22 had been presented that was input into the software
23 program to calculate the final answers as far as
24 load-bearing stress.

25 Q You have software that will allow you to

1 calculate load-bearing capacity using the APIRP1102
2 method; correct?

3 A Yes, we do.

4 Q But you did not use it in this case?

5 A No, I did not because it's such -- it's the
6 same software used by virtually everyone in the pipeline
7 industry.

8 Q How about the CEPA method? Do you have the
9 software to calculate load-bearing capacity using the
10 CEPA method?

11 A No, we do not.

12 Q How about the GPTC method? Do you have the
13 software to perform those calculations?

14 A No, we do not.

15 Q Did you read the National Transportation
16 Safety Board report that's mentioned in Mr. Bird's
17 report?

18 A No, I did not.

19 Q Have you ever read it?

20 A I've read -- I read Mr. Bird's report. If
21 there were parts in there I probably read those, but I
22 did not read a separate NTSB report, no.

23 Q Great. Well, that's all I have. Thank you.

24 MR. RAUBVOGEL: All right. Do you want to
25 give us a few minutes?

1 MR. DUMONT: Sure.

2 MR. RAUBVOGEL: Great. Thank you. We will be
3 back on in a few.

4 (Recess taken)

5 MR. RAUBVOGEL: Hi, Jim. We don't have any
6 questions.

7 MR. DUMONT: Great. Owen, do you have any
8 questions?

9 THE WITNESS: I'm sorry, Jim, I didn't hear
10 that.

11 MR. DUMONT: I am asking Owen McClain if he
12 has any questions.

13 THE WITNESS: Oh, okay, sure.

14 MR. DUMONT: Owen, you're on mute.

15 MR. McCLAIN: Sorry.

16 MR. DUMONT: Do you have any questions?

17 MR. McCLAIN: I don't have any questions.

18 MR. DUMONT: Eric, do you have any questions?

19 MR. GUZMAN: No questions, thank you.

20 MR. DUMONT: Randy, do you have any?

21 MR. MILLER: No questions. Thank you.

22 MR. DUMONT: I guess we're done.

23 Mr. Bodenhamer, it's been a pleasure talking to
24 you. Thank you very much.

25 MR. RAUBVOGEL: Jim, will he receive a copy of

1 the transcript for corrections?

2 MR. DUMONT: Yes. Deborah will send it to you
3 and you will send it to him.

4 MR. RAUBVOGEL: Right. And, Deborah, we would
5 like a copy.

6 THE REPORTER: Okay. And, Owen --

7 MR. McCLAIN: Deborah, yes, please. Thank you
8 very much.

9 THE REPORTER: You are welcome.

10 MR. DUMONT: And I'll take e-tran.

11 THE REPORTER: Okay. Everybody else e-trans?

12 MR. RAUBVOGEL: PDF is fine.

13 MR. McCLAIN: PDF is fine for me too.

14 (The deposition was concluded at approximately
15 1:25 p.m.)

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1 I have carefully read the foregoing deposition and the
2 answers made by me are true.

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KEVIN BODENHAMER

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STATE OF _____

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COUNTY OF _____

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At _____ in said County,

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this ____ day of _____, 2021,

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personally appeared the above named

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_____ and made oath that the

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foregoing answers, subscribed by him, are

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true.

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Before me,

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Notary Public

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My commission expires:

CERTIFICATE

I, Deborah J. Slinn, Certified Shorthand Reporter, certify:

That the foregoing Zoom proceedings were reported stenographically by me at the time and place herein set forth;

That the foregoing is a true and correct transcript of my shorthand notes so taken to the best of my ability;

That the witness was sworn by me as a Notary Public for the State of Vermont;

That I am not a relative or employee of any attorney of the parties nor financially interested in the action.

The certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

Deborah J. Slinn
Notary Commission No. 0011571

My commission expires January 31, 2023.

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ERRATA SHEET

TO: KEVIN BODENHAMER
DATE: August 31, 2021
RE: Case No. 17-3550-INV
FROM: Capitol Court Reporters, Inc.
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Please read through the enclosed transcript. If you wish to make any corrections, please do so below referring to page and line number followed by the correction. PLEASE, DO NOT MARK ON THE TRANSCRIPT, AND UNDER NO CIRCUMSTANCES TAKE APART OR TAMPER WITH THE ORIGINAL TRANSCRIPT. After reading through the deposition, sign it on the signature page in front of a Notary Public, enclose this Errata Sheet, and RETURN IT TO THE ATTORNEY CONDUCTING THE DEPOSITION unless the transcript needs to be sealed or directed by the Court to the contrary.

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I have read and understand the above information.

KEVIN BODENHAMER