UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

Investigation of:	*
	*
NATURAL GAS DISTRIBUTION PIPELINE	*
LEAK AND MULTISTORY STRUCTURE	* Docket No.: DCA-14-MP-002
EXPLOSION IN HARLEM, NEW YORK	*
MARCH 12, 2014	*
	*

Interview of: JENN DELANEY

New York, New York

Monday,
August 4, 2014

The above-captioned matter convened, pursuant to notice.

BEFORE: RAVI CHHATRE
Investigator-in-Charge

APPEARANCES:

RAVI CHHATRE, Investigator-in-Charge
National Transportation Safety Board
Washington, D.C.

KALU KELLY EMEABA, Accident Investigator
National Transportation Safety Board

MATTHEW NICHOLSON, Accident Investigator
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Office of Emergency Management
New York, New York
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Bureau of Water and Sewer Operations
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Gas Distribution Services
Con Edison
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CHRIS STOLICKY, Utility Supervisor (Safety)
New York State Department of Public Service
(Party Representative)

ROBERT ALBANO, Esq.
(Representative on behalf of Ms. Delaney)

I N D E X

I N T E R V I E W

MR. CHHATRE: Good morning. Today is Monday, August 4, 2014. We are currently in Con Edison's facility located at 4 Irving Place, New York. We are meeting regarding the investigation of natural gas distribution pipeline leak and multi-story structure explosion that occurred on March 12, 2013 in Harlem, New York.

MS. DELANEY: 2014.

MR. EMEABA: 2014.

MR. CHHATRE: I'm sorry, I would like to say year 2014.

My name is Ravi Chhatre. I'm with National Transportation Safety Board located in Washington, D.C. and I'm Investigator-in-Charge of this accident. The NTSB investigation number for this accident is DCA-14-MP-002.

I would like to start by notifying everyone present in this room that we are recording this interview and we may transcribe it at a later date. Transcripts will be provided directly to the interviewee for review and identifying any typographical errors. The transcripts may be posted in NTSB public docket.

Also, I would like to inform Jennifer Delaney that you are permitted to have one other person present with you during the interview. This is a person of your choice: your supervisor, friend, family member or, if you choose, no one at all. Please state for the record who you have selected to be with you during

this interview.

MS. DELANEY: Bob Albano.

MR. CHHATRE: Please state for the record your full name, spelling of your name, organization you work for and your title, business contact information, such as mailing address, and whom you have chosen to be present with you during the interview, with spelling.

MS. DELANEY: Okay. My name is Jennifer Delaney, spelled J-e-n-n-i-f-e-r; the last name, D-e-l-a-n-e-y. I am the manager at the Con Edison Learning Center of gas training, customer operations training, and driver's training. My e-mail address is [redacted].

And Bob Albano is with me. Robert Albano, R-o-b-e-r-t, last name Albano, A-l-b-a-n-o.

MR. CHHATRE: Thank you for that. And I'd like to go around the room and have each person introduce themselves. Please state your name, spelling of your name, your title and the organization you represent and your business contact information. We'll start from my right.

MR. NICHOLSON: Matthew Nicholson. I'm an investigator with the NTSB. That's spelled M-a-t-t-h-e-w, N-i-c-h-o-l-s-o-n. [redacted].

MR. KELLY: My name is Kalu Kelly Emeaba. I'm investigator with NTSB. Kalu Kelly Emeaba spelled K-a-l-u, K-e-l-l-y, E-m-e-a-b-a. And my e-mail address is

[redacted]

MR. McCARTON: My name is Frank McCarton. It's M-c-C-a-r-t-o-n, F-r-a-n-k. My e-mail is [redacted], and I'm the city rep, New York City's rep.

MR. GEORGELIS: Anastasios Georgelis, G-e-o-r-g-e-l-i-s. I'm with the New York City DEP, Department of Environmental Protection. My e-mail is [redacted].

MR. SINGH: Leonard Singh with Con Ed, Chief Engineer of Gas Distribution, the NTSB party rep representing Con Ed. It's singhl, [redacted]. Correct spelling of the name is Leonard, L-e-o-n-a-r-d; last name Singh, S-i-n-g-h.

MR. STOLICKY: Chris Stolicky. My title is Utility Supervisor (Safety), New York State Department of Public Service. Email address is christopher.stolicky, [redacted].

MR. ALBANO: Robert Albano, R-o-b-e-r-t, A-l-b-a-n-o, Con Edison. I'm accompanying Ms. Delaney for the interview.

MR. CHHATRE: And just for the record, can you spell out DEP, sir? What DEP stands for?

MR. GEORGELIS: Department of Environmental Protection.

MR. CHHATRE: Thanks.

INTERVIEW OF JENN DELANEY

BY MR. CHHATRE:

Q. What we will go through is each of us will ask a few questions to you that we need to know for this accident and then,

time permitting, we might go through one more round of follow-up questions just in case.

A. Okay.

Q. And for the record, can you tell us your duties and your education background and how long you have been with the company and all the general information?

A. Okay. I am, like I said, the manager at the learning center for gas operations training, customer operations, which is the -- CSRs and CFRs, customer service reps and customer field reps, and the manager of driver's training for the company. So anybody who needs vehicle training, they come through my department as well.

I've been in this title since February 1st, 2014 and this job since February 1st, 2014. I've been with the company eight years. Prior to this, I had various jobs. My last one was in work management for gas operations. Prior to that I was a field operations planner in gas operations, and prior to that I was a supervisor in gas operations.

My educational background --

Q. Formal education.

A. -- I have a Bachelor's of Science in Engineering Management from West Point and I have an MBA in finance from NYU.

Q. Thank you. So for gas operators and OQ especially, how do you guys accomplish the training? What is the procedure?

A. So we have a training program and we have career paths

that have been developed through committees made up of people from gas operations, the learning center. There're a few teams that make up these committees. These committees have come up with, as I said, career paths that identify training, which is comprised of training that's done at the learning center. It's formal training done by instructors that are trained in gas operations and have field experience in gas operations. It also combines some e-learning courses, EH&S, environmental health and safety courses, in conjunction with formalized training. There's also on-the-job training, which is documented. And then there is testing, op qual testing that's associated with that training.

So depending on how you come into gas operations, there are set paths that you follow and you go through certain steps to finally become operator qualified.

Q. So can you tell us how a person becomes operator qualified for fusion welding of plastic pipes?

A. So first, I mean, if you come into the company as a general utility worker, if you're hired off the street as a general utility worker, you have a series of training and promotions in order to become, I guess, eligible even to become operator qualified in plastic fusion. So you're a general utility worker. You have training in basic, you know, basic gas training. You -- after going through certain training and certain OJTs, you then become a B mechanic. You're still not qualified to do any plastic fusion, but you are familiar with it. During our

training, even from the beginning when you're not qualified, you go through training in which you see the plastic fusion being done. You're familiar with procedures. At the learning center we go through plastic fusion procedures.

Once you become a B mechanic, at that point there's a series of classes. There's tapping classes, there are relight classes, and then there's a whole class section on plastic fusion. It's a four-day class. After that class, you're still not qualified, but you've had the original training. You go out in the field a bit more. You come back for promotional testing. During that whole time you're not qualified to be performing plastic fusion in the field. You come back, you take -- to the learning center. You will take a written test. If you pass the written test, you then take a skills assessment. And if you pass -- and the skills assessment is not just on plastic fusing, it's on all aspects of gas operations. Plastic fusion is part of that. Once you pass that test, you're then qualified to perform plastic fusion in the field.

Q. Now you said there's a formal education. How long that training is, the formal training? You said there's a four-day class at the training center where they actually perform the welding?

A. Right.

Q. And in the formal training, how long that is?

A. Well, that's the four-day.

Q. So the four-day includes formal training and actual performing welds?

A. Yes. I mean, there's many different modules of training. There's an eight -- there's originally an 8-day course, then an 18-day course, 4-day, and it's not all plastic fusion. But there's blocks of training that each person goes through. The plastic fusion module of training is a four-day.

Q. Four-day module? And who develops those classes?

A. The courses are developed really by gas operations in conjunction with the learning center. So we kind of have a dual responsibility of coming up with the curriculum and the course material.

Q. So who in learning center is qualified to work with gas operations?

A. Our gas operations instructors.

Q. Do they come from gas operations --

A. Yes.

Q. -- themselves?

A. Yes.

Q. Okay. And who in gas operations develop the classes?

A. The training committees. There's a construction training committee who develops the construction training with the learning center.

Q. And how are their qualifications?

A. The committee is made up of managers, basically, in gas

operations. So they're field operations managers. There's a construction management representative on the team. There is a training department representative on the team. So it's people from within gas.

Q. And are these people qualified for plastic fusion? They are the ones who are developing the class, correct?

A. Yes, they are. They're working to develop the curriculum. Some of them are op qualled and -- operator qualified, if that's what you mean?

Q. Yes.

A. And some of them are not. But really, the learning center representative that's on the team is operator qualified and they really are the SME from the learning center.

Q. Okay. And how does learning center, I guess, you know, training development -- what is the title of the person by the way?

A. Instructor or senior instructor.

Q. And how are those instructors re-qualified every year? Or they are not?

A. They are. They're all operator qualified.

Q. And who re-qualifies them?

A. An operator-qualified instructor.

Q. So instructors themselves re-qualify each other?

A. Um-hum.

Q. Okay.

A. But they're all -- they've all -- they're all operator qualified, they've all been operator qualified and they've all taken -- here in Con Ed, they also have to take, it's called a performance evaluator course. They also -- there's a couple different training classes that you have to take in order to be an instructor at the learning center. So there's a series of different courses they have to take, and they're the ones who qualify (indiscernible).

Q. Are there any outside courses that you guys are supposed to take or there aren't?

A. No.

Q. Are you guys familiar with any outside courses that are offered for the plastic fusion welding?

A. Am I familiar with any? Well, I know the NGA has people who can qualify.

Q. Okay. And has any of the NGA people come and visit your facility to review your program?

A. Recently they've been here, yes.

Q. After the accident or before the accident?

A. After.

Q. After --

A. We are members of the NGA and we are part of -- we have representation on the training committees, the NGA training committees, and we have representation on the NGA op qual committees. We also have to get our operator qualification,

written plan, we submit that every year.

Q. Is your plan developed based on the NGA documents, or --

A. We do use the NGA written plan.

Q. And your instructors, are they re-qual with the plastic weld, which is destructively tested or they're not?

A. They are operator qualified the same way, so they are annually operator qualified. And since we began destructively testing, they're tested the same way.

Q. The reason I ask that question is that I think one of the issue was that some of your operators are not re-qualled with destructive testing. And if -- am I correct on that or I am not correct on that?

A. We've been doing 2-inch manual butt fusion destructive testing. Most recently we've incorporated the other forms of plastic fusion, which includes hydraulic butt fusion, sidewall fusion and electric fusion.

Q. So going back to my, I guess, question again, the instructors, are they re-qualled every year with -- based on the destructive testing of their welding or they are not required to have destructive testing?

A. Are they -- so the 2-inch butt fusion, they have been, yes --

Q. Okay.

A. -- annually qualified on destructive testing.

Q. And you have the same process for the actual field

workers?

A. Yes. Same -- yeah, same process.

Q. Okay. What about the contractors? Do you contract the plastic fusion work to outside people?

A. We do have contractors.

Q. And how do you verify that they are operator qualified?

A. All of our contractors have -- we operator qualify all of our contractors. So they all come through -- historically, they come through an 18-day training course with us. At the end of that 18-day training course, they wait a period of 2 weeks, a period of time, they come back and they qualify with us. So they take the same test as we do.

Most recently, because of all of the contractors that we are getting in, we're actually trying to look at their qualifications and provide a more condensed course if they have NGA qualifications for them.

Q. Okay.

A. So, you know, like I said, in the past it's been an 18-day training program. Most recently, there have been a few -- we're attempting to make this a more condensed course, a 5-day course, if they have the appropriate NGA qualifications.

Q. Can you elaborate the appropriate NGA qualification?

A. So we have a list of all of the operator qualified covered tasks that are associated with our training. And if the contractor can provide their NGA qualifications and we compare

that with the qualifications they need to operate on our system, depending on what qualifications they have -- and we've kind of earmarked those qualifications that they need. If they have those qualifications, they will then be eligible for the 5-day course, and they still need to completely op qual with us.

Q. And who keeps track of their qualifications?

A. Well, when they come through, we have a record of their qualifications. But it's their responsibility to keep track of their qualifications. And then we also, whoever's managing them in the field, they're responsible for spot checking and monitoring their qualifications.

Q. And you mentioned something about 2-inch destructive testing for plastic. Now, what about the larger size pipe with the fusion welding? Are these people qualified to do those also, like, 8-inch plastic pipe, that will they fusion weld those?

A. If they are qualified, if they have been -- if they have tested and are qualified to do so, then they are.

Q. But I thought your destructive testing only involves 2-inch?

A. Right.

Q. Does it involve 8-inch or other different diameter pipes?

A. Now, in the last -- since May 29th, we are destructive testing all of our fusions for testing during the op qual.

Q. The larger diameter and the smaller diameter?

A. Yes.
Q. And prior to the accident?
A. Two-inch.
Q. Only 2-inch?
A. Butt fuse.
Q. Okay. And who keeps track of the person in the field spot checks the qualification of the contractors?
A. Whoever is doing the contractor management. So the -- so if it's a construction representative or a supervisor, then they would be spot checking.
Q. So is there a procedure developed by your department that requires them to fill some form or inform somebody to document that they have spot checked?
A. Not by my department.
Q. Do you know who might be responsible for that, if anybody?
A. For coming up with specifications?
Q. No, to ensure that the supervisor has checked the qualifications of the person doing the welding?
A. No. I mean -- yeah, no.
MR. CHHATRE: Len, can you take information request to let us know --
MR. SINGH: Um-hum.
MR. CHHATRE: -- who that person is and if there is a form, maybe you can send us a copy?

MR. SINGH: Yeah.

BY MR. CHHATRE:

Q. Now, what percent of your people do not pass your four-day training? I mean, they are qualified to take the training, they come in, they take their formal training, the actual joining of the welds. What percent of the people don't make it?

A. I do not have that information. I can probably figure that out for you, but I definitely do not have it right now.

Q. But does it happen?

A. Does it happen that people fail? Yes.

Q. Now, who do you use your -- this training program to keep it up-to-date?

A. The curriculum is supposed to be reviewed every five years. So part of that review is having the gas operations training committee come through and kind of sit in on courses. Also, as specs are updated, one of the responsibilities of the instructors is to make sure that they're teaching the most up-to-date information. So they're updated as specs change as well.

Q. And how -- now, focusing on this training committee, can you tell me how big is the committee and what it is comprised of?

A. So the committee probably has seven or eight people on it.

Q. So the number is kind of flexible? There is not firm number in there?

A. Correct.

Q. Okay.

A. There's -- as I said, there's various construction managers.

Q. Okay.

A. Gas engineering has representation.

Q. And can you elaborate on -- we are familiar who are (indiscernible). So --

A. Okay.

Q. -- when you say gas engineering representation, who these people are?

A. So right now there's two people from gas engineering who are in -- who write the specs in gas engineering. They're part of the team.

Q. Okay. And just for the record, all my questions really are for pre-accident.

A. Okay.

Q. What you guys did after the accident will be a different issue altogether.

A. Okay.

Q. Because we are trying to find out what happened before the accident.

A. Okay.

Q. So on this committee, this training committee, prior to the accident, you said seven, eight people? The number is still valid?

A. I think so. Although, you know, I took this job in February.

Q. I understand. That's --

A. No, no, so I like --

Q. -- fine. I'm asking like if --

A. Yeah, so I --

Q. -- you don't know, then maybe you guys can get back to us on that.

A. Okay. We'll get back to you.

Q. And who decides who the committee people should be? Is there a formal document that says these are the people, this is the breakdown from different departments?

A. I don't know that.

Q. So do you have any input as to who these --

A. Do I have input? No. I mean, I can have one of my instructors -- I'll decide which one of my instructors is on the team.

Q. Right. But I mean, I'm talking about this training committee comprises of seven, eight people. How many of these are your people?

A. Me and one of my instructors.

Q. Oh, okay. So only two. Okay.

And are you OQ qualified for plastic fusion?

A. Yes.

Q. So you go through re-qual every year also?

A. Yes. I don't have to be. I'll point that out. Because I don't --

Q. No, I understand.

A. -- do this, but I have it from my previous job.

Q. Okay. Now, does your program is reviewed by NGA? Somebody or is there a process of peer review from outside people?

A. Is our program reviewed by the NGA?

Q. Your training committee develops a curriculum, I thought. And that's how -- that's the curriculum you use to train your people --

A. Um-hum.

Q. -- about OQ for plastic fusion. My question is, it looks like, if I understand you correctly, the committee who trains these people are internal. The program is developed internally with all different managers --

A. Um-hum.

Q. -- and may not be OQ qualified?

A. Um-hum.

Q. How do you keep the program up-to-date?

A. Like I said, I mean, there's a five-year review, so we continue -- we periodically review the curriculum.

Q. Right.

A. As specs are updated, the curriculum is updated.

Q. But if there are new developments in this field, new products coming in, new techniques coming in, new tools coming in,

who keeps track? How does this thing gets incorporated into your program in the review process?

A. Those types of things are discussed during the training meetings. If something new -- if there's a new need for something to be trained or if there's new equipment that needs to be trained on, that's brought up through the training effectiveness committee. Then the committee determines how we're going to train that and then the learning center develops the courses.

Q. So committee meets every five years. How --

A. No, no, no. The committee meets quarterly.

Q. Okay.

A. The curriculum is reviewed every five years. So we have a -- many, many courses that we teach. Each of those courses are supposed to be reviewed every five years, so there's sort of a rotational thing. So the committee meets every quarter.

Q. Okay. And what do they discuss in that quarterly meeting?

A. Whatever needs to be brought up. So before the meeting, if someone has something that needs to be brought up or something new has come up, there's a training committee chair and those topics are given to the chair to be discussed at the meeting.

Q. So there is an agenda --

A. There is an agenda.

Q. -- for each meeting?

A. Yes.

Q. Okay. And that's all for me. Thank you for all the information.

A. You're welcome.

MR. CHHATRE: Matt?

MR. NICHOLSON: Kelly?

BY MR. EMEABA:

Q. Once again, good morning.

A. Good morning.

Q. I know that Ravi already asked most of the questions --

A. Okay.

Q. -- that I intended in the -- across. But a few of them, just to clarify more, is, one, how do you verify that your trainers know to follow the -- your stated procedure in the training they are giving -- give to the employees?

A. How do we know if they follow --

Q. Yes. They are committed to follow?

A. So the training is based off specifications and procedures, and there is a curriculum. There's instructor guides that are associated with each course of topics that they should be following. So that's what they should be doing. Through checking, you know, through monitoring, you know, and visiting classes and things like that, that's how we kind of verify that.

Q. Yeah. I mean, why I'm asking the question is -- I know we've gotten a lot of information. We show that the past few years some of your people who were OQ qualified in fusion, their

fusion were not tested and so on and so forth, no destructively tested. So the question -- that's why I'm asking the question. If your trainers have been trained to make them go through the process of destructive testing, the part that they do fusions, why were they not being done? And if they were not being done, how do you verify that those trainers were following this procedure with training? Because if they were following the procedure, those fusions should have been destructively tested. So who monitors what the trainer does?

A. So we do have, I guess, QA that can come in and monitor our -- whether we're following the procedures. However, I mean, our training is based on specifications and besides, kind of, QA-ing --

Q. Okay. So --

A. -- I'm not --

Q. -- what you are saying, during the training process, when a trainer is actually training your personnel, do a QA person comes in to stand to watch over what the trainer is doing to make sure that that trainer is actually following the procedure laid out in that process? Is that what you're saying?

A. Yes. I mean, that's what I'm saying, yeah. I mean, we do have a QA department and they can come observe our training. That's what I'm saying. I don't know how often that -- like I said, I got here in February. I don't know how often that was done, so I can't answer that.

Q. Okay. Do Con Edison perform all plastic pipeline qualification for both employee and the contractors' --

A. Yes.

Q. -- employee? You do?

A. Yes.

Q. Okay. And going through your procedure, you have the three-year qualification?

A. Yes.

Q. And then the annual qualification?

A. Yes.

Q. Do Con Edison actually perform both the three-year and the annual qualification for both contractors and employees?

A. Yes. Yes. So at the learning center, we have done -- we do all three-year qualifications at the learning center. Annual qualifications have -- and contractors and company employees, all parties involved, come to the learning center for three-year qualifications.

Q. All right.

A. Annual qualifications, we can perform those at the learning center. They can also be performed in the field by an op qualled supervisor who has also had an additional course, which is a performance evaluator course, which is an internal course to teach people how to evaluate other people's performance. So you have to have those two qualifications in order to be an evaluator of the annual qualification. So both Con Ed employees and

contractors have to be annually qualified, but they can either come through the learning center or they can have those qualifications -- the qualification testing done in the field by a qualified evaluator.

Q. Okay. And that is of concern also, which is the area of the contractors being able to qualify themselves for the 1-year, the annual re-qualification, which your procedure allows them to do the qualification. And the question then comes is how do you people keep the records of the qualification that a contractor do for the annual re-qualifications?

A. So the annual qualification, there's a form that's filled out.

Q. Okay.

A. Even if it's done in the field. Contractors will either come to Con Ed in the field or they'll come to the learning center. Either way, a form is filled out. That form is given to the training committee -- not the training committee, I'm sorry, the training department, the gas operations training department, who then uploads that into our training records database.

Q. Okay. So how do you monitor to see when these people's OQs elapses or is about to elapse?

A. So with our records database called e-train, for company employees, you -- there's a report that you can run that you can see when they last took their op qual and when they are coming up to be due. We also have cards, op qual cards that are issued to

anyone who has op qualled. We're required to keep those on our person, you know, as an op -- as a mechanic and a supervisor, someone who's op qualled, you have to keep your cards on you and those can be spot checked as well. So for company employees, we have our database system.

The contractor employees, their information is added into the same database. But really, in order to monitor them, you need to look at their card and you can -- and that's it.

Q. So if you have to monitor their card, which means you actually have to go to decide to see them before you know if they are still qualified or not?

A. Um-hum.

Q. So there's no way that Con Edison knows, without going to the field, that your contractors are no more qualified. Is that what you're saying?

A. Well, as they get qualified, also, they come to the learning center and we keep -- we maintain their records as well, so if you want to check on their qualifications, you can also do that. But basically, you can check their cards and you can check our records and that's it.

Q. That's how you find out --

A. Yes.

Q. -- they are qualified or not qualified?

A. Yes.

Q. So, for instance, one of the personnel who was involved

who actually did the fusion of 1642, whose qualification was already expired some time ago, how come were you not able to find out that he was no more qualified?

A. Why were we not -- I mean, we could look at his card.

Q. Yeah. So that's my question. How come it was not found, known that he was no more qualified?

A. I can't answer that.

Q. Okay. At the same time, since you keep the records, from what you just said, and you know when they are qualified, when they are not qualified, even though it was not possible to find out the individual was not qualified, how are these employees or contractors' employees notified about their OQ elapsing?

A. Well, they're responsible for their card. So they have it on their person. So if they don't know their own qualifications, that's a problem for them.

Q. So that's a problem for them? So the system, there is no supervision in terms of somebody, an individual monitoring in your database of the employees' qualification?

A. In our database, we keep the historical records.

Q. Okay.

A. So we have their historical records in our database.

Q. But it's not being monitored?

A. It is being monitored.

Q. So --

A. Are you talking about contractors or are you --

Q. Both. First of all, your employees?

A. Okay. There are reports in our -- for our employees that we run. We monitor them. We have an entire department, a training department that monitors and tracks the training history and the qualifications of our company employees. So we have a database and we have a department.

Q. Okay.

A. For contractors -- and we have reports that we can run for our company employees that tell you who's coming due soon, who is -- there's reports that come right from the system.

Q. Before an employee's OQ expires, what is the time period or do you actually notify the individual of an upcoming or the need to be re-qualified for certain task?

A. So there's a report that's sent on a monthly basis that looks three months out that tells you if you're expiring within three months.

Q. Oh, three months? Okay. And you mentioned the contractors?

A. Um-hum.

Q. You said the contractors are responsible --

A. Yes.

Q. -- to make sure their OQs are correct?

A. Correct.

Q. So, and if they know it will expire maybe in a month time or 1 month, who do they have to inform?

A. They then contact the learning center and request a date to be tested, because they are responsible to make sure that they are qualified to perform the work that they are doing. They contact -- I have a person who puts the training and the testing, who schedules that, puts it on the calendar for them and registers them for classes. But they need to notify us that they need that testing.

Q. Okay. So if they fail to notify you, they cannot to work in the field unqualified?

A. Correct.

Q. Unqualified?

A. They cannot work in the field unqualified.

Q. Because there's no monitoring from you of their information or their qualification in your system, so the responsibility, from what you said, is left to these contractors' employees?

A. Yes.

Q. And it means, from what you just said, if they fail to notify you, they can be holding their OQs, even when it's expired, and cannot work?

A. That's why we monitor -- I mean, that's why we check their cards. Part of our process is to have people in the field that were checking cards.

Q. Who does that?

A. Whoever's supervising or doing -- performing the

contractor construction management. Either it's a construction inspector or a supervisor, but it's the person who is in the field, you know, supervising the -- doing the contractor administration.

Q. Okay. For the case of 1642, wherein the fusion was performed by an individual at that point in time unqualified, why was the OQ not found and that person not been qualified at that time?

A. I do not know.

Q. Okay. Thank you. I rest at this time.

MR. STOLICKY: I take it --

MR. CHHATRE: Identify yourself.

MR. STOLICKY: Chris Stolicky, New York State Department of Public Service.

BY MR. STOLICKY:

Q. Okay. I listened to Ravi's questions and I jot some notes down here. You talked about the process that the gas mechanics go through from the beginning, OJT and being a B mechanic, the four-day class and so on, and those training requirements for your in-house employees. Roughly how long does that take? Is it two years, three years?

A. Probably -- yeah, a general timeline is two to three years.

Q. So then what do you look at for contractors?

A. Contractors, it's an 18-day training course. I mean, we

-- it's an 18-day training course they come through and then they test. If they pass the test, we are looking at their test results.

Q. So in that 18-day training course, how many tasks are involved in that training, when you have 70 to 80 different OQ tasks? Or is it just fusion or is there --

A. No.

Q. -- anything -- is it across the board?

A. It's across the board. So there's, I believe, 85 NGA operator qualified tasks. We don't test on all of them. I mean, some of them are for propane, as an example. But any task that's construction related is covered during that 18-day training.

Q. Okay. And when you have a written test, so they sit down, answer a lot of questions, do you have a sense for how much of that test, what percentage of that test is related to plastic fusion?

A. No. But there's actually a separate test for plastic.

Q. But are there plastic fusion questions as part of the written test?

A. I'll get back -- I can get back to you on that, because we have a -- like I said, we have a separate plastic test, completely separate than the written test for everything else. Whether there are a couple plastic questions in that overall written test, I'll have to find out.

Q. Okay. And then a secondary question along that process,

if they answer those plastic fusion questions incorrectly, can they still pass the test?

A. Depending on what they -- I mean, they can get a few wrong. They have to have a passing grade.

Q. Okay. When you have, basically, an in-house employee who is at the B mechanic level, you said that they're not qualified to do plastic fusion in the field?

A. Correct.

Q. Is that not qualified to do it alone or can they do it under guidance and have it visually inspected by someone who is OQ'd?

A. No, they cannot do it at all in the field.

Q. Okay. We talked a little bit about how your trainers become qualified and you mentioned you're part of NGA?

A. Um-hum.

Q. And the way I understood this, the NGA came in and they basically did a train-the-trainer type program. The question I have is how is your fusion procedures and training procedures different from NGA?

A. So when NGA came in, in May as part of this, they identified that our temperatures that we fuse at were a bit different than theirs. Ours are 475 to 525 on our irons. Theirs were a bit different. We have approval to go with the temperatures that we use. That was one difference. Some of -- we measure bead size when we are performing fusion. So different

utilities do different -- some people use a time that they -- how long you're heating and how long you apply pressure. We actually, we look at bead size when we're heating the pipe. So that's something that can be different from the NGA.

And I think that that was -- I think that was it. When they came in, they really just went over -- they did a kind of a train-the-trainer for the destructive testing part of the qualification. And then they were with us when we performed all of the annuals that we did after that. They worked -- we kind of did it together.

Q. Okay. So just for everyone's sake here, a lot of people aren't familiar with OQ training and plastic fusion. But why would you need NGA to come in to do this if your procedure is -- it goes above and beyond or is different than standard NGA OQ procedure?

A. So we had them come in so that they could -- because we had not been doing the destructive testing on anything other than the 2-inch. So they were there to train the instructors and then they were also there as a third party to assist us. We had a lot of people that had to go through, so they were there as part of the effort to get everyone through and to assist us with the destructive testing.

Q. Okay. You say that the contractors are responsible for tracking the OQs. Ultimately, from a regulator standpoint, we look at the operator being responsible for following the pipeline

safety regulations. What recourse does Con Edison have against a contractor not following and tracking their own OQs and working when they're not qualified? Because ultimately, you know, a regulator will come in and look at Con Edison. We don't really care who you have doing the work. So what recourse does Con Edison have to hold that contractor to that, their responsibility?

A. They're -- you're right, they're responsible and it's part of their contracts that they have to provide operator qualified individuals.

Q. Just so I understand this. So there really aren't -- there isn't really a recourse or controls in place for Con Edison, who hires contractors, to make sure that they're out their doing the work properly or being qualified? I mean, I'm hearing that you do spot checking. That's really the extent of it? I mean, we have fuses being put in the ground by people that weren't up-to-date in their qualifications. Am I correct?

A. So spot checking, correct. And we have a QA department, we have spot checking, and the individual, yes, is -- the individual's responsible. The supervision is responsible. We have contract administrators who are spot checking.

Q. Okay. And you said you came in, in February?

A. Um-hum.

Q. Who was in your position prior to February?

A. Carlos Yepez.

Q. All right.

MR. NICHOLSON: Can you spell that, please?

MS. DELANEY: Y-e-p-e-z.

BY MR. STOLICKY:

Q. Now, when you have a change in management like this, are there any kind of -- what's the word -- almost like train-the-trainer or passing the baton to keep that in-house knowledge the same, business continuity in place? Or is it Carlos went to another job and then they threw you into this and said you're in charge now?

A. We spent some time transitioning and there's a transition document and we keep -- and I -- we have shared drives and shared folders that we have access to that should keep things, the continuity of the position intact.

Q. Okay. And we talked about the annual re-qual in the field now, and you also said that there is a form that's completed?

A. Um-hum.

Q. Can we get a copy of that form, a blank form?

A. Um-hum.

Q. The question I have is, now that you're destructively testing for an annual re-test, how is the destructively test performed in the field?

A. So the plastic joining has all been done at the learning center since the destructive testing effort started. So all of that is now done where you can destructively test. So either at

the learning center since May 29th. So prior to that, if it was done in the field, it wasn't destructively tested. But since May 29th, it's either been done at the learning center or at our development lab where they have the saws and the capability to make the cuts.

Q. So will any re-qualifications be done in the field going forward?

A. No.

Q. Okay. That's all I have. Thank you.

MR. CHHATRE: Frank?

MR. McCARTON: I do have one question.

BY MR. McCARTON:

Q. So they get their cards and they go out in the field, and I just want to make sure I'm hearing it correctly. Is there only -- how do you make sure that the people actually have the qualifications that are doing the work? There's no spot checking or --

A. There is spot checking.

Q. There is spot checking?

A. There is spot checking. There's a card. The card has every module that they are trained and qualified on. There's a -- so it identifies what they are able to do, and there is the spot checking that occurs in the field.

Q. Okay.

MR. McCARTON: Thanks for the --

MR. CHHATRE: Len?

BY MR. SINGH:

Q. Jenn, can you explain our contract oversight process or program?

A. Yes. So a contractor works in the field and they either work for gas operations or they work for construction management. We perform -- so they have, first of all, all the contractors that come through, like I said, they have the training, the training on the specifications, the training on the op qual.

Once they go out in the field, we have contractor oversight inspections that we do, which covers anything from safety requirements to PPE to qualification cards to equipment that's needed on a truck. There's inspections that we do. Some of the -- if there are -- if we find deficiencies, we have a program in place to be able to submit action lines or deficiency reports so that once they get a certain number of reports against them or infractions against them, they will be incapable of bidding on contracts going forward.

They also -- we also have the ability to, if you go out in the field and see someone performing something that's against procedure or you feel that they should not be working in the field because they are, even if they are qualified, they performed an egregious mistake or something like that, they can take their qualifications away from them and they're not allowed to work on our system anymore. So there are controls in place that remove

them from working on our system and we monitor them on a regular basis through our contractor oversight program.

Q. The other question I have, of the instructors working under you that's directing or training these folks in the field, how many of them actually, at one point in their career, were actually fusers in the field?

A. I would say almost all of them. I wouldn't -- I might have one, actually, that was not a qualified plastic fuser right now. But in order to be an instructor, they have to have -- in plastic fusion, they have to be op qualled. So even if they happen not to be when they were in the field, they have to be op qualled at this point.

Q. Earlier you mentioned that we have NGA participation at the training committee level. Does that person that sit at the NGA committee participate in your training committee?

A. Yes. So, for example, I'm on the NGA committee. There's the chair of the construction training committee is on the op qual -- the NGA op qual committee and also on the NGA training committee. So there's cross-representation.

MR. SINGH: Last question, Ravi.

BY MR. SINGH:

Q. Are there people that sit in your classes and assess your instructors?

A. Yes.

Q. How does that process work?

A. They can request -- they'll just request, they'll say they want to come in and sit in a class and kind of audit it and look at how the classes are taught and they just come in and they observe.

Q. How often does that happen?

A. I don't know. I just got a request for someone to come in. I mean, I've been here for a few months now and I just got a request a few weeks ago to have a manager come sit in on several classes.

MR. SINGH: That's all.

MR. CHHATRE: Okay. Let's go through, we have a couple of follow-up questions from anybody in case --

BY MR. CHHATRE:

Q. I'm still a little not clear about the contractors. If a contractor is qualified and does the work in the field, does anybody from Con Edison actually goes and looks at the work or --

A. Yes.

Q. -- they're given assignment and when the job is done they just come in and report the job is done?

A. No. There is someone who is responsible for the oversight of that contractor. They go to the jobs; they observe. It's not just when they're done they come back. They are there as overseers of the work.

Q. So who assigns the work to the contractor?

A. It depends on who they're working for. If they're

working for gas operations, we assign them the work. If they work for our construction management department, which is separate from gas operations, they manage the contractor solely, they give them the work.

Q. So the person who assigns the work is the person who goes and looks after the work is finished or they are two different people?

A. That also depends on the organization. Sometimes it's the same person. Sometimes it's a separate person.

Q. Is that person typically all through the construction work or while the work is being performed, the person is watching them? Or it's just, just go there when it's convenient?

A. They don't have to be there at all times. There doesn't have to be someone on site 100 percent of the time, but they do have to see what they are doing, be able to verify the work that is being done is being done.

Q. And who observes the -- when the job is done, who observes the -- I guess, the last step is pressure test?

A. So --

MR. SINGH: Before the pipe is energized.

MR. CHHATRE: Okay.

MR. SINGH: It's just the backfilling and paving to be done.

MR. CHHATRE: Right.

BY MR. CHHATRE:

Q. So who observes the pressure test?

A. So -- so I have not been in the field for a couple of years. I think that -- and I had company employees. When contractors do it, I have to get back to you. I do, because I don't --

Q. Is it a -- maybe -- I mean, since you have been in training, is there a procedure for that? I mean, we are really interested in procedures --

A. Yes, the --

Q. -- I mean, rather than the name of the people. I just need to know if there is a procedure, documented procedure that says John Doe or Jane Doe will go and observe the pressure test, or there is no requirement?

A. No, there is a procedure. There is a procedure.

MR. CHHATRE: Can we get that --

MR. NICHOLSON: What's that procedure called? Do you know?

MR. SINGH: It's probably in our installation of mains and services procedure. It's embedded in there.

BY MR. CHHATRE:

Q. Now, NGA came in in May, you said, to look at --

A. Um-hum.

Q. Did they identify any deficiencies in your program at all?

A. No.

Q. Okay.
A. I mean, they came in for the destructive testing, so --
Q. Okay.
A. -- that was a deficiency.
Q. Oh, okay.
A. But other than that, they did not have any comments.
Q. Okay. But did they look at your entire procedures?
A. For plastic fusion.
Q. Yeah.
A. Yeah. Because they did it with us. They were part of the effort of re-qualification.
Q. And do you know why this change occurred with Mr. Carlos Yepez leaving and you taking over?
A. Do I know why it --
Q. Yes. Were you aware of why the change occurred?
A. Oh, I think it was just because he had be in the job for three years, I had been in my job for a few years, and it was --
Q. So it's a rotation?
A. -- just a professional development rotation.
Q. Now, has your current training program or procedure been revised -- besides the destructive testing, has it been revised since the accident?
A. It hasn't been revised, although we are looking at all of our training and operator qualification program now.
Q. Okay.

A. So we're in the process of really taking a good, hard look at everything.

Q. Okay. Since the accident, is your department involved in identifying how many, if any, unqualified fusion welder perform the work in your system?

A. Have we been part of identifying who was not qualified?

Q. In the past, before the accident?

A. I mean, we're the ones who do the qualification. In terms of getting the data on that and analyzing the data, I can't answer for that before -- I mean, we have the data. I don't know, I guess I don't know what exactly you're asking. I'm sorry.

Q. Okay. What I'm -- okay. No, that's fair. In this particular incident, the operator was not qualified. The technician was not qualified. His qualification had lapsed.

A. Okay.

Q. The person who performed the fusion welding at the accident location?

A. Okay.

Q. From what we understand, his qualifications elapsed.

A. Okay.

Q. How many such incidences might have occurred in the past? Has Con Edison done any investigation to find out?

A. I can't -- I'm not --

Q. So you're not involved in that process?

A. -- I mean, I can't answer that. It's not me. Yeah, no.

Q. Okay. Okay, that's all for me. Thank you so much.

A. You're welcome.

MR. CHHATRE: Matt?

BY MR. NICHOLSON:

Q. Yeah, I've got some follow-ups, Jenn. And I think we've been talking around the issue and I don't have the background some of these other guys do. So if you could explain to me what you've found? I hear that a destructive testing component's been added to the specifications that wasn't there prior to the accident. Can you just run me through how that was discovered and what was or was not being done?

A. So prior to May 29th, we had been doing destructive testing on 2-inch butt fusion. So the individuals come through and they test and they have always tested on manual butt fusion, hydraulic butt fusion, sidewall fusion, electric fusion, mechanical fittings. They've always been tested on that. And we had destructively tested on 2-inch, the 2-inch butt fusion to satisfy the destructive testing requirements.

Since, I guess, May 29th, we have reinterpreted and taken a more conservative approach to destructive testing and we are now destructively testing the manual butt fusion, the hydraulic butt fusion, the sidewall fusion, the electric fusion T and the electric fusion coupling. So there's five different fuses that we are now destructively testing as part of the op qual and annual qualification process.

Q. As part of the annual? Okay. So the saddle fitting, the fusion weld, the joint we're talking about here, wouldn't have been part of that prior to May 29th?

A. Not prior to. Now it is.

Q. Okay. And I didn't hear, what is the destructive testing you do on those joints?

A. So we cut these fuses into three strips and we do a bend test.

Q. And what constitutes failure?

A. We check for -- once we do the cut, we look for, to make sure that there's continuity and there's no gaps or voids in the pipe. So actually, you can fail multiple ways. You can fail on the process by not complying with the specification of procedure while you're fusing. You can fail through a visual inspection. So at the end of the fuse, if the fuse is not visually what the fuse is supposed to look like, if it differs from what it's supposed to look like, it's not acceptable, you can fuse [sic] on a visual inspection. And then this destructive testing is the third way you could fail on these tests.

So we're looking for, like I say, when you cut the pipe, you look to make sure that there's no gaps or voids. Then you perform a bend test and you're looking to make sure that the pipe is not -- if it breaks, it's not breaking at the fuse. So it can break somewhere besides --

Q. It could break -- on a fuse joint, it could break on the

bead or the weld and that's okay?

A. It cannot break where the fuse was. So if it breaks somewhere else, you know --

Q. Okay.

A. -- if the pipe, you know, if the actual piece of pipe breaks, that's okay. It just, it cannot happen at the point where it's been fused.

Q. On the sidewall fitting that we're talking about in this accident, what's a visual pass/fail?

A. When we are actually visually looking at it, you have to have three beads around the entire -- so you have the T and you have the pipe. You have to have three continuous beads.

Q. Okay.

A. Which is after you melt the pipe and the plastic rolls back from heating, you can visually see three beads all the way around. They also have to be, you know, as you're going through the process, the beads have to be the right size. The actual -- and there's measurements that -- we use a ruler to measure the size of the beads. They have to be the right size. So --

Q. What size are we talking about? What constitutes --

A. So it depends on the size of the pipe, and there's in our specification --

Q. So for a 2-inch, let's narrow our discuss to that 2-inch on an 8-inch pipe, 2-inch T. What would we be looking for?

A. So we use a chart because there's so many different

sizes.

Q. Okay. Okay.

A. So you refer to that chart to see what the sizes are.

Q. Okay. And you're looking for three beads all the way around?

A. All the way around.

Q. And the instructor makes that determination?

A. Um-hum.

Q. Okay. And I wanted to revisit some of the answers you provided previously too. You said other peoples will sit in on these classes from time to time?

A. Um-hum.

Q. What other people are we talking about? From outside Con Ed or inside?

A. No, like a construction manager. Like a manager in the field.

Q. Why would he want to sit in on that class?

A. Because he wants to see what his employees are --

Q. Okay.

A. -- the kind of training they're receiving.

Q. He's not told to go to that class?

A. No.

Q. It's on his own that he would elect to do that?

A. Um-hum.

Q. Okay. And I just wanted to revisit, I thought I heard

earlier that re-quals were allowed in the field prior to the accident, but are no longer; is that correct?

A. Yes.

Q. Okay. And the re-qual in the field, what would that have been? How would that have happened?

A. So it's not -- so you still have to -- so there's the fuses that you actually have to do, right? So what would happen in the past is at a location, at a workout location, a qualified supervisor who is qualified to perform these evaluations would set up a site at their remote locations and they would have them performing the butt fusion, the sidewall fusion at -- not at the learning center, but out --

Q. Yeah, in the field.

A. -- yeah, out at the workout location. So they'd set up stations. The employees would come through and these evaluators would, similar to what we do at the learning center, but not at the learning center, would --

Q. These are Con Ed employees?

A. Yup.

Q. Okay. Are they the same people doing the spot checks you were referring to earlier?

A. They could be. In order to perform the evaluations, though, they have to have a performance evaluator course, which I mentioned, which is a course at the learning center on how to evaluate people.

Q. Okay.
A. And they have to be op qualled.
Q. Okay. And then they fill out this form?
A. Yes.
Q. And it goes back to your center, did I hear that right?
A. Okay. So the form actually goes to the training department, who --
Q. Okay.
A. -- who is actually not. So you have the learning center; that's me.
Q. Oh, I see. Okay, that's not --
A. And then you have a training department within gas. I am a -- you know, at the learning center, I actually fall under HR.
Q. Okay.
A. I'm not under gas operations. And then you have the training department, which is in gas operations, that works for gas operations.
Q. Oh, okay. So you're different? So you develop the courses and training --
A. Yeah, and training kind of monitors the qualifications, schedules the training.
Q. I see. So that form actually goes back to training and that's where it's entered into this database?
A. Yes.

Q. And you can get to that database?
A. Yeah.
Q. But that's not really --
A. It's our database --
Q. -- part of your job as the learning center? You're more about the course work and the -- so it sounds like the training center would have this responsibility of managing out-of-spec or out-of-date --
A. Yeah.
Q. -- qualifications?
A. Yes.
Q. Okay. What would happen in the field -- I know your previous jobs were, I thought one was a field manager? What would happen in the field if a joint, you know -- say, a contractor's out there, welds a -- fuses a joint, it goes to pressure test and that joint pops off. What happens then? Is this guy sent off the job or --
A. Is the guy sent off the job? I never actually managed contractors, but, I mean, if you -- first of all, the joint would not be put in the ground, obviously, even if it didn't, you know, pop off.
Q. Sure. No, I understand. Right.
A. If the pressure test failed or the procedure was done wrong or if it didn't look visually correct, it would not be put in the ground.

Q. What's the process, though? If you see a bad joint in the field, how is it captured and how does it go on this person's record or -- how does Con Ed know they've got a potentially bad --

A. Well, if you notice that something is wrong and you notice that this guy is having a problem making a correct fuse, sometimes it's just -- it's a mistake that you can make in the field conditions, right? And if it's just a field condition, then there's -- you know, and you don't think there's a need to do anything, then that's just a one-time incident. You cut the fuse out, you make sure that that guy knows what he's doing and you go on. However, if you know this guy has a problem, yeah, you -- if you think he should not be working, you take him off the job, you submit his employee number to the training group and the learning center and you say you can't work on the system anymore, if it's that big of a mistake that your noticing.

The other option is you could send him for retraining. I mean, we do -- we can conduct retraining for these people. Both Con Ed employees, remediation if, you know -- or contractor employees if they need it.

Q. Okay.

A. And then that can be, you know --

Q. So it is tracked. It goes into this database. And we can reinsert them into the training program and try and retrain them? Those are the options?

A. Yeah.

Q. Okay.

A. I mean, you can totally kick them off or you can retrain them.

Q. And the training that we were talking about earlier, I just want to be sure I understood this. It was two to three years for someone off the street coming into Con Ed before they were qualified to make a fusion joint in the field?

A. Um-hum.

Q. But for a contractor, I can walk in here and I do 18 days worth of course work and then I'm good to go?

A. You still have to pass the operator qualification. So the contractors pay for this training.

Q. Sure. Oh, okay.

A. So generally, the guy that comes in off the street has been working as a laborer or something like that and he has experience working in the field, not as an operator-qualified mechanic, but he's been around gas work in the field as a laborer or something like that. At some point, when the contractor feels like this guy is worthy of investing this money and this training and, you know, he thinks that he'll be a good asset to his workforce, he actually pays the money to us to send him to training. The guy goes to 18 days of training, he waits a few weeks, he comes back and he tests. If he fails the test, he cannot retest for six months. So --

Q. Okay. So there's a penalty there?

A. There's a -- yeah, and they don't send them if they don't think that --

Q. What's the two-week wait period for?

A. It's our internal policy. If you -- we don't want somebody to kind of cram for a test and take it the next day. It's like, you know, you go to this training, you keep it in your memory for 24 hours and you take it -- we want there to be a period of time where --

Q. Let it absorb?

A. Yeah. Or let it go out their head if they aren't going to absorb it.

Q. What equipment's used when the learning center's doing this, the testing at the fuse joint at the end of this course work? Are you using the same equipment that's used in the field or --

A. Yeah, it's --

Q. For a fuse joint? I understand there's more than one joint we're talking about here. For the type of joint that failed or we're looking at in this accident, what --

A. Yeah. I think it's a McElroy -- it is a sidewinder that they use, you know, that they use in the field. It's the same.

Q. Okay. Where is it done? Is it done under ideal conditions in the learning center or do you take them out to a trench or how's --

A. It's done in the learning center.

Q. Okay. And it's just one joint they have to make?

A. For the test, yeah. They have to make one joint.

MR. SINGH: Just to offer something, if you want to take a tour of our learning center before you leave this week, if we can arrange that, that's available.

MR. NICHOLSON: Is that in this building?

MR. SINGH: No, it's in Queens.

MR. NICHOLSON: Oh, okay.

MR. CHHATRE: Thanks for that. We might take you up on that, depending upon the time.

MR. SINGH: Sure.

BY MR. NICHOLSON:

Q. And you probably answered this, Jenn, I apologize. But who's overseeing this course syllabus and making sure that the procedures are consistent with the New York State and federal regulations for OQ? I mean, who's got that responsibility? Or is that in a procedure? Is that what --

A. So the training that we do is all based on specifications. So the specification -- so, that's it. I mean, we just -- we refer directly to the specs while we're doing the training.

Q. Okay.

A. It's basically --

Q. Con Ed specs?

A. Con Ed specifications. So the people who write the

specs are --

Q. Responsible for --

A. Yeah.

Q. Okay. And who would that be? Are we talking gas engineering in that case?

A. Um-hum.

Q. Okay.

MR. NICHOLSON: And do we have -- have we requested a copy of the training syllabus that's used by the learning center? Do we have that?

MR. SINGH: I think you did already. If not, we'll get you another copy. I've sent so many stuff I forgot, but --

MR. NICHOLSON: Jenn, you mentioned --

MR. CHHATRE: I have some stuff with me. I can double-check that.

MR. SINGH: Yeah. If it's not -- if you don't have what you think you're looking for, ask me and I'll get it.

MR. NICHOLSON: Well, I think that's a request then.

MR. SINGH: Okay.

MR. NICHOLSON: I don't think we're tracking these, so I would just make that request.

BY MR. NICHOLSON:

Q. You said the training committee meets and it's done quarterly?

A. Um-hum.

Q. Do they keep minutes from these meetings that are held?
A. Yes.
Q. Okay.
MR. NICHOLSON: Can we request minutes from -- do you want some of those Ravi?
MR. SINGH: How far back in --
MR. NICHOLSON: A year prior.
MR. SINGH: A year prior to the incident?
MR. CHHATRE: I would say 2011. That's when you installed, that service date?
MR. SINGH: Yeah. So 2011 --
MR. CHHATRE: Up to the accident.
MR. SINGH: -- up to -- okay.
BY MR. NICHOLSON:
Q. And Jenn, if a contractor -- as I understand, a contractor could work for Con Edison, might also work for another --
A. Um-hum.
Q. -- gas company in New York. I'm sure there's more than one. If this contractor working for National Grid or some other gas company receives annual qualifications through that company, can he -- does he submit that to Con Ed and say, I'm good to go, I had my annual, and you accept it? Or what's the process -- no?
A. No, not -- doesn't quite work that way. I mean, they submit their qualifications and generally now, when I'm seeing

them, they're NGA qualifications, because that's what a lot of companies are using. So they submit their NGA qualifications. We don't just blankly accept them. They submit them. If they have the covered task that we need -- that they need to work on our system, they still have to go to our five-day course.

Q. Oh, you -- okay. All right.

A. And then they are still operator qualified through us.

Q. Well, that's the current program, though, right? That's your compressed --

A. Yes.

Q. -- program? And then prior to the accident --

A. Oh, no, it's -- but that's not prior to the accident. That has been maybe the last year we've been trying to do that.

Q. Okay. So that's been --

A. Yeah. Prior to that it was we don't care what you have. You still have to come through our 18-day course. You can show us your qualifications. That's good that you have them, but you still have to come through our 18-day course and then qualify through our --

Q. Okay.

A. -- learning center.

Q. So it didn't matter?

A. Uh-uh.

Q. Okay. That's all I have.

MR. NICHOLSON: Kelly?

BY MR. EMEABA:

Q. I just have a couple of follow-up questions. As with respect to the incident that already occurred, we talked about the contractors, because your procedure say that all documentation for contractors' installers shall be responsible -- shall be the responsibility of the respective contractor.

A. Um-hum.

Q. So with what has happened, people have in plan to change that situation where you can actually monitor the OQs yourself instead of just leaving it to their own responsibility? Because you said your procedure said all documentation is their responsibility.

A. We're looking at everything. So we're trying to improve the process.

Q. Is there anything that has been started in that respect?

A. I mean, like I said, that's one of the things that's included in everything. So we are definitely looking at that, yes.

Q. Okay. Do you currently, maybe in the last -- past five, four years or since 2011 and now, do you have, whether it's medical record or whatever, that actually shows your qualified supervisors, learning center instructors, your construction inspectors, your installers, they've been actually tested for visual acuity? Do you have that record?

A. I don't have that record.

Q. And can we get them?

A. Occupational health can probably --

MR. SINGH: I can find out. I mean, there's HIPAA laws around people's medical and stuff. Our employees are -- have occupational health, right? They get tested and what have you for different tests, you know, but there are HIPAA laws around requesting medical -- you know, I'll find out that.

MR. EMEABA: Yeah, the reason I'm asking because your procedure proscribed that these individuals: the qualified supervisor, the learning center instructor, the construction inspectors and the representative, and including the installers, should go through that and have been tested for near distance visual acuity. So I at least want to know if you've been doing that, making sure of that, because somebody at the site --

MR. SINGH: Right.

MR. EMEABA: -- may look at that and say it is good, whereas it's not good --

MR. SINGH: Right.

MR. EMEABA: -- because they don't see well.

MR. SINGH: So is it sufficient to ask our medical department what's included in their -- is visual, nearsighted visual acuity included in their annual exam, or what have you, that they --

MR. EMEABA: Yes, according to your procedure.

MR. SINGH: As opposed to to give you medical records

for everybody?

MR. EMEABA: If they do have, and you can always blend them -- you can redact the names --

MR. SINGH: Yeah.

MR. EMEABA: -- or (indiscernible) or whatever, some --

MR. NICHOLSON: Yeah, I think what you just said is enough for now.

MR. EMEABA: Yes.

MR. SINGH: Enough? Okay.

MR. NICHOLSON: And then we'll take it to another level if we need more of it. I like -- that's fine.

MR. EMEABA: That's fine.

MR. NICHOLSON: Just to confirm --

MR. EMEABA: Just to confirm that, that's fine.

MR. SINGH: Okay.

BY MR. EMEABA:

Q. The other question is that what are your field inspectors for plastic fusion qualified for, or to do at the field?

A. They are qualified in inspecting fuses.

Q. Okay. So how do Con Edison verify the effectiveness of the field inspectors on it?

A. So the people who are in the field observing and doing the contract administration, they come through training at the learning center as well. So if they are not actually qualified to

perform the actual fusing, which many of them are because their field supervisors and our field supervisors in gas operations are qualified, are operator qualified in the actual fusing. But they are inspectors that are qualified in the inspection of the fuses.

Q. Okay. And that's my question. How are these inspectors -- how do you verify the effectiveness, that they're doing their work, they're doing their audit or inspection properly? Who does that? Who --

A. I don't know.

Q. -- has oversight over that?

A. Who goes in the field and looks to see what they're doing?

Q. Know what they do, yes?

A. I don't know that.

Q. Okay. So how, apart from in the field, are their records that are actually reviewed to make sure of what they've done?

A. I don't know the answer to that question.

Q. Okay.

MR. SINGH: So perhaps you can ask that question to the construction inspector when they come, right? Because they can explain to you their process around that.

MR. NICHOLSON: Yeah, and that's what I wanted to hear. Okay. So it's a construction inspector is the person that oversee the audits or --

MR. SINGH: Correct. There's an inspector and there's -- then there's a management employee above that that is, you know, planner or manager. There's a whole series of people that addresses all those issues.

MR. EMEABA: Okay. And that is the next person we're going to interview, correct?

MR. SINGH: It's somewhere in the process. I'm not sure where that -- what that individual is.

MR. EMEABA: I know some of the question that are for you, were meant actually both of you and are not applicable to us. Thank you, since you don't know. I'm okay.

MR. CHHATRE: Frank?

MR. McCARTON: I'm good.

MR. STOLICKY: A couple follow-up questions.

BY MR. STOLICKY:

Q. And this -- well, kind of piggybacking now on what Matt was saying. This may -- going to have to go to engineering, but when the Con Edison OQ qualification procedure was developed, do you know if it was based on the NGA program? Or did Con Edison develop it from scratch?

A. I'm not going to answer that question because I don't -- you probably need to ask somebody else. I don't, I don't know that.

Q. Okay. Do we know if the NGA program requires destructive testing?

A. Yes, it does.

Q. Okay. As far as the construction inspection in the field, has Con Edison proportionally increased its inspection of work in conjunction with the increased pipe replacement?

A. Have --

Q. They have gone from 20 or 30 miles a year, to 40 miles a year, to 50 miles a year and now to 60 miles a year. So has the level of inspection at least stayed proportionally?

A. I can't answer that question either.

Q. Okay. Do you know when and how Con Edison discovered that the destructive testing requirement was not in compliance with the regulations?

A. May 29th. I mean, that's when we stopped our work and took --

Q. Well, do you know when it was discovered?

A. No.

Q. Okay.

MR. STOLICKY: And as far as the meeting minutes that we talked about currently, maybe a question goes to Lenny. Going back to my first question, I think the meeting minutes around when the program was developed, maybe in the early 2000s, so it would be more valuable than 2011.

MR. SINGH: Good luck trying to find that.

MR. STOLICKY: Okay.

MR. SINGH: We'll look, though.

MR. STOLICKY: All right. That's all.

MR. CHHATRE: Okay. Len?

MR. SINGH: That's all for me.

MR. CHHATRE: Okay.

BY MR. CHHATRE:

Q. Just one last question. What is the cost of this 18-day class that you charge?

A. $10,000 a person.

Q. Thanks.

MR. CHHATRE: Okay. Thank you so much for your help and putting up with us.

MS. DELANEY: You're welcome.

MR. CHHATRE: And (indiscernible).

MR. NICHOLSON: Off the record.

MR. CHHATRE: Thank you.

(Whereupon, the interview was concluded.)

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:	NATURAL GAS DISTRIBUTION PIPELINE LEAK AND MULTISTORY STRUCTURE EXPLOSION IN HARLEM, NEW YORK MARCH 12, 2014 Interview of Jenn Delaney
DOCKET NUMBER:	DCA-14-MP-002
PLACE:	New York, New York
DATE:	August 4, 2014

was held according to the record, and that this is the original, complete, true and accurate transcript which has been transcribed to the best of my skill and ability.

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Karen A. Stockhausen
Transcriber