

DEPOSITION OF GARY JONES
October 5, 2018

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STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF HAMPTON) CASE NO. 2017-CP-25-00335

RICHARD LIGHTSEY, LeBRIAN)
CLECKLEY, PHILLIP COOPER,)
et al., on behalf of)
themselves and all others)
situated,)

Plaintiffs,)

v.)

SOUTH CAROLINA ELECTRIC)
& GAS COMPANY, a Wholly)
Owned Subsidiary of SCANA,)
SCANA Corporation, and the)
State of South Carolina,)

Defendants.)

SOUTH CAROLINA OFFICE OF)
REGULATORY STAFF,)

Intervenor.)

VIDEOTAPED DEPOSITION OF GARY JONES
(Taken by Defendants South Carolina Electric & Gas
Company and SCANA Corporation)
October 5, 2018

Reported by: Rebecca L. Arrison
 Court Reporter
 Notary Public

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October 5, 2018

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Videotaped deposition of GARY JONES, taken by the Defendants, at Haynsworth Sinkler Boyd, P.A., 1201 North Main Street, 22nd Floor, Columbia, South Carolina, on the 5th day of October, 2018, at 9:39 a.m., before Rebecca L. Arrison, Notary Public and Court Reporter.

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1 THE VIDEOGRAPHER: This videotaped
2 deposition is beginning at 9:39 a.m. This is the
3 videotaped deposition of Gary Jones, taken in the
4 case of Richard Lightsey, et al., Plaintiffs,
5 versus South Carolina Electric & Gas Company, et
6 al., Defendants. Cause Number 2017-cp-25-00335,
7 in the Court of Common Pleas for the State of
8 South Carolina, County of Hampton.

9 This deposition is being taken at
10 1201 Main Street, 22nd Floor, Columbia, South
11 Carolina, on Friday, October 5th, 2018. The
12 court reporter is Rebecca Arrison. The video
13 technician is Paul Fore.

14 Will counsel introduce themselves
15 for the record, plaintiffs' attorney first,
16 please.

17 MR. EVANS: Jerry Evans on behalf
18 of the plaintiffs.

19 MR. RICHARDSON: Also Terry
20 Richardson here for the plaintiffs, ratepayers.

21 MR. CHALLY: Let's just go around
22 the room. Jim, do you want to start?

23 MR. COX: Yeah. Jim Cox appearing
24 on behalf of South Carolina Office of Regulatory
25 Staff.

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1 MR. HAMM: Steve Hamm appearing on
2 behalf of the Office of Regulatory Staff.

3 MR. PATTERSON: Jim Patterson
4 appearing on behalf of Dominion.

5 MR. SMITH: Rush Smith for Santee
6 Cooper.

7 MR. ELLERBE: Frank Ellerbe for
8 Central Electric Power Cooperative.

9 MR. HUNTER: Parkin Hunter for the
10 South Carolina Attorney General's Office.

11 MS. PICKLING: Jessica Pickling on
12 behalf of the plaintiffs.

13 MS. HODGES: Bryony Hodges,
14 in-house counsel for SCANA.

15 MS. MOODY: Leah Moody, SCANA and
16 SCE&G.

17 MS. MARTIN: Katherine Martin on
18 behalf of SCANA and SCE&G.

19 MR. CHALLY: And I'm Jon Chally,
20 also on behalf of SCANA and SCE&G.

21 THE VIDEOGRAPHER: Will the court
22 reporter please swear in the deponent.

23 - - -

24 GARY JONES,

25 being first duly sworn, testified as follows:

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EXAMINATION

BY MR. CHALLY:

Q. Mr. Jones, can you state your name for the record, please.

A. Gary Conrad Jones.

Q. Have you ever given a deposition before?

A. Yes.

Q. So it's fair to say you're familiar with what we're to -- what we're here to do today, the process for giving a deposition?

A. In general, I would say yes.

Q. Okay. Let me go through just a couple of ground rules. So we are here to get answers to certain questions that I ask you. I am one of the lawyers representing SCANA and SCE&G in these matters, and we Noticed your deposition.

We are taking everything down, the court reporter is here to take everything down, which means you and I have to work together a little bit to make sure the record is as clean as we can get it. And what that means specifically is that I will do my best to let you finish your answers before I begin my next question, and I would appreciate if you would do the same thing; let me finish my question before you begin your answer; we shouldn't talk over each other.

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1 We also have to provide oral responses as,
2 you know, uh-huh and huh-uh or nods of the head don't
3 really work well on the written record. So we'll try
4 to police that as best we can throughout the day.

5 We're going to be here for a good chunk of
6 the day. If you need a break at any point in time,
7 just let me know. We're happy to take a break as
8 long as a question isn't pending.

9 The only other instruction I want to make
10 sure we're clear on at the outset is that if at any
11 time I ask a question that you don't understand, tell
12 me, and I'll phrase my question.

13 A. Yes.

14 Q. If you don't tell me that you don't
15 understand a question, is it fair to say that your
16 answers will reflect the fact that you understood and
17 were able to respond to my question?

18 A. Yes.

19 Q. Okay. Mr. Jones, are you currently taking
20 any medication that impact your memory at all?

21 A. No.

22 Q. So no reason why you wouldn't be able to
23 give truthful and complete answers to my questions?

24 A. No reason.

25 (Exhibit No. 1 was marked for

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1 identification.)

2 **Q. I have already handed you this big stack of**
3 **documents and marked as Exhibit 1. That is certain**
4 **testimony with exhibits that you presented in the**
5 **Public Service Commission proceedings. I want to**
6 **start by asking you just a few questions about that.**

7 **Can you just flip through it, make sure it**
8 **appears, to your recollection, to be what you**
9 **submitted in September, just a week or ten days ago?**

10 **A. Yes. I did not look at all the exhibits but**
11 **I looked at the exhibit list, and it appears to be my**
12 **testimony.**

13 **Q. The very first two questions in your**
14 **testimony, I just want to refer you to those, it**
15 **begins on page one. You provided your name, business**
16 **address, occupation, and then described your**
17 **educational background and experience. Do you see**
18 **that?**

19 **A. Yes.**

20 **Q. Is all of that still accurate?**

21 **A. Yes.**

22 **Q. And then you attached your resume to this**
23 **testimony, correct?**

24 **A. Correct. Designated as a CV, but resume.**

25 **Q. I'm sorry. Is your CV accurate and complete**

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1 **as of today's date?**

2 A. Yes.

3 **Q. All right. Mr. Jones, can you identify for**
4 **us today every nuclear plan construction project in**
5 **which you have been involved.**

6 A. Right. The first project I was involved
7 with is LaSalle County Station for Commonwealth
8 Edison. I was the lead project mechanical engineer
9 on that job. Eventually, I should say. I started
10 out as a mechanical engineer, worked up to the
11 project mechanical engineer in charge of the design
12 of the interface with the nuclear steam supply
13 system, and monitoring the construction and providing
14 engineering construction support on that project.

15 **Q. We'll try to take these each at a time. So**
16 **when were you involved with this LaSalle County**
17 **project?**

18 A. Approximately from 1972 through 1978, I
19 believe, 1978.

20 **Q. What was the status of construction while**
21 **you were involved with that project?**

22 A. Status was initially started when I was on
23 the project, meaning excavation. I was an integral
24 part of preparing the preliminary safety analysis
25 report that got the construction permit. This was at

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1 the time of the two-part licensing where you get a
2 construction permit and then an operating permit.

3 So construction was started on the plant. I
4 also then participated in the design and the
5 construction support for the plant, all the way up
6 until the time that, essentially, we went through the
7 final safety analysis report preparation and
8 submittal and obtaining the operating license, and up
9 through the final stages of pre-operational testing.

10 **Q. So that six-year span that you were working**
11 **on this project was the entire construction phase; is**
12 **that right?**

13 A. Pretty much, yes.

14 **Q. Is this particular plant still in operation?**

15 A. Yes, it is.

16 **Q. What was the technology used at that plant?**

17 A. That plant was a General Electric boiling
18 water reactor with Mark II containment, and it was
19 BWR5, Boiling Water Reactor 5, I'm sorry.

20 **Q. Who was the contractor?**

21 A. Let's see. You know, I don't recall who the
22 contractor was.

23 **Q. That's LaSalle County. Can you identify for**
24 **us the next nuclear construction project in which you**
25 **were involved?**

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1 A. The next nuclear construction project was
2 the Marble Hill Units 1 and 2 for Public Service
3 Indiana. And I was involved also in the final stages
4 of the preliminary safety analysis preparation, the
5 start of construction on that plant.

6 And, unfortunately, the plant was abandoned,
7 somewhat similar to V.C. Summer, at the partial state
8 of completion. And I believe I was on that project
9 from -- until 19 -- I believe it was slightly into
10 1983. The plant was actually, I think construction
11 was halted about 1982, at the end of the year, but
12 there was some kind of cleanup work that we did in
13 1983.

14 **Q. When did you start working with Marble Hill?**

15 A. Immediately after. I went from LaSalle
16 County directly to Marble Hill, and on that job I was
17 the Sargent & Lundy project manager for the
18 engineering work on that project.

19 **Q. What was the first word you said? I thought**
20 **you said Sargent; is that right?**

21 A. Yeah, Sargent & Lundy, that was the company
22 I was with.

23 **Q. Oh, sure.**

24 A. I'm sorry.

25 **Q. And you said you were the -- what was your**

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1 **title?**

2 A. Project manager.

3 **Q. Was that effectively the same role you had**
4 **at the LaSalle County project?**

5 A. It was actually a promotion. I went from
6 being the senior project engineer to being the
7 project manager.

8 **Q. And is being a project manager for Marble**
9 **Hill meant that you were primarily responsible for**
10 **the progress of the construction?**

11 A. No. Our work was engineering. We did the
12 design of the plant, but we also did construction
13 support. So it was -- construction support means
14 that field changes requested by the construction were
15 handled by us. We monitored the construction for the
16 utility, so we were the, what's designated as the
17 architect engineer on that job working for the
18 utility.

19 **Q. Who was the contractor then?**

20 A. I believe the contractor there was Newberg.
21 I believe they were the primary contractor.

22 **Q. Do you remember the technology?**

23 A. That plant was a Westinghouse pressurized
24 water reactor. It was a replicate of the Bryon and
25 Braidwood projects, meaning essentially a copy of

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1 that design, and it was licensed under the
2 replication standards of the NRC.

3 **Q. You said it was abandoned some four years**
4 **after the project began; is that right?**

5 A. Yes.

6 **Q. Do you have an understanding as to the**
7 **amount of the cost of the project during that**
8 **four-year period?**

9 A. I do not recall. There were -- it was well
10 over \$2 billion, but I don't recall what the exact
11 amount was.

12 **Q. Do you recall why it was abandoned?**

13 A. Yes. There were multiple construction
14 quality issues, primarily voids in the concrete, and
15 these caused -- they tried to continue with the
16 project by chipping out the voids while continuing
17 with construction, and that got to be very
18 problematic.

19 There was a lot of interference with
20 construction activities. Eventually, it cost -- just
21 got to the point where the utility could no longer
22 afford to complete the project, and they decided to
23 abandon it.

24 **Q. Do you have any qualms with the decision**
25 **eventually made to abandon that project?**

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1 A. No.

2 **Q. All right. That's Marble Hill. Can you**
3 **identify the next nuclear construction project?**

4 A. The next -- I'm sorry. The next project was
5 the Braidwood project, and, again, that was a
6 replicate plant of Byron. It was a sister plant to
7 unit Westinghouse pressurized water reactor. And
8 that plant, I was also the Sargent & Lundy project
9 manager on.

10 And at that time, the plant was under
11 construction when I moved from Marble Hill to
12 Braidwood. I don't remember the exact status of the
13 construction at that time, but it was -- the base mat
14 had been poured and construction was ongoing.

15 **Q. And so did you move to the Braidwood project**
16 **immediately after the Marble Hill project?**

17 A. Yes.

18 **Q. And then how long were you associated with**
19 **the Braidwood project?**

20 A. I was associated with the Braidwood project
21 until, I believe, 1984.

22 **Q. What was the status of the Braidwood project**
23 **in 1984?**

24 A. Again, it was in the preoperational testing
25 phase when I left the project.

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1 **Q. So does that mean that the construction had**
2 **been completed?**

3 A. Pretty much so, yes.

4 **Q. And you were the project manager for that?**

5 A. For the engineering work for Sargent &
6 Lundy, yes.

7 **Q. And then who was the contractor?**

8 A. I'm sorry, I don't recall who the contractor
9 was at that time.

10 **Q. But you said it was the same technology as**
11 **the Marble Hill, the pressurized water reactor?**

12 A. Yes.

13 **Q. That's three. Any other nuclear**
14 **construction projects?**

15 A. I would also put Watts Bar Unit 1 into that
16 category. The Watts Bar unit was essentially
17 complete in construction when I was assigned to that
18 project, but they had run into major construction
19 quality issues, and Sargent & Lundy was one of the
20 engineering contractors that went on board to try to
21 get the regulatory issues and quality issues squared
22 away and the project bought online, and it was.

23 **Q. When did you begin being involved?**

24 A. '84 through 1986, I think.

25 **Q. And what was the status of that project in**

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1 **1986, do you know that?**

2 A. I would say that status is debatable. TVA
3 at that time felt the project was complete, but that
4 project went on, I think it eventually came online,
5 my recollection is 1996. It took a long time to get
6 that project squared away and completed.

7 **Q. So TVA was the owner, right?**

8 A. Correct.

9 **Q. And then you were a consultant for the**
10 **owner; is that right?**

11 A. Correct.

12 **Q. What were the problems during that ten-year,**
13 **generally? What were the problems in that ten-year**
14 **period between when you left and when it became**
15 **operational?**

16 A. Oh, after I left, you're talking about?

17 **Q. After you left.**

18 A. I don't really know the details of what the
19 issues were, but there continued to be some of the
20 problems that we were familiar with. They had to do
21 a lot of electrical cable replacements, they had
22 damaged the cable in the initial pulling, and they
23 had overloaded the cable trays and -- there were
24 multiple issues, that's just one of them.

25 There were issues relative to piping

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1 quality, the piping had to be replaced. And so there
2 were multiple issues that went on and on with the
3 plant that caused the problems.

4 **Q. Same question there: Do you recall the**
5 **contractor?**

6 A. No, I do not.

7 **Q. What about the technology?**

8 A. The technology was also a Westinghouse PWR.

9 **Q. That's four. Any other nuclear construction**
10 **projects?**

11 A. Not in the phases of construction.
12 Internationally, I have participated in preliminary
13 safety analysis reviews, those kinds of things, but
14 not strictly on construction.

15 Similar to construction though were restart
16 activities which involved --

17 **Q. What exactly are restart activities?**

18 A. Restart activities are an operating plant
19 that has been shut down, usually for regulatory
20 quality issues, and either operational quality
21 concerns or actual physical concerns in the project.

22 **Q. How many of those restart issues, restart**
23 **projects, have you been involved with?**

24 A. Two of those. The first was LaSalle County.
25 Commonwealth Edison. As a system, they had quality

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1 issues in their operations, and Admiral Oliver
2 Kingsley was brought in to bring that utility back
3 into quality compliance with the NRC. There was a
4 lot of organizational changes made.

5 They had a -- I think they volunteered to
6 shut down the plant, but I think they did get a
7 confirmatory letter from the NRC telling them to stay
8 shut down until they got the problems resolved. So I
9 led the, again, the Sargent & Lundy team that helped
10 them do the modifications that they needed to do to
11 get in compliance with the NRC regulations and to get
12 the plant restarted.

13 **Q. You said there was one other restart?**

14 A. Yeah. That was the D.C. Cook plant in
15 Michigan. That's also a Westinghouse pressurized
16 water reactor.

17 Pretty much the same situation there. The
18 owner of that plant was -- oh, wait a minute. It
19 slips my mind right now but I will think of it in a
20 minute.

21 **Q. So fair to say that you have been involved**
22 **in probably five or six, depending on how you want to**
23 **count LaSalle County, instances where you were**
24 **attempting to take a nuclear reactor that was either**
25 **in construction or out of service and make it so that**

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1 **it could be in service; is that right?**

2 A. I think generally that's an accurate
3 characterization.

4 **Q. Of those instances, let's see, three --**
5 **Marble Hill because it was abandoned, LaSalle County**
6 **because it was shut down, and the D.C. Cook plant**
7 **because it was shut down, had completely fallen out**
8 **of service or were never completed; it's in**
9 **construction, right?**

10 A. When you say "completely fallen out of
11 service," you mean --

12 **Q. Yes.**

13 A. -- they weren't operating at the time?

14 **Q. They weren't operating at the time.**

15 A. Yes.

16 **Q. All right. And then Watts Bar had a**
17 **ten-year, I will use the term saga, of construction**
18 **problems after you left?**

19 A. That's basically the case. It was ten years
20 before they came online and generated power.

21 **Q. So you would agree with me, would you not,**
22 **that constructing and maintaining operational nuclear**
23 **reactors is extremely complicated; is that right?**

24 A. I would agree with that, yes.

25 **Q. And often, once construction begins, events**

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1 occur that either make it no longer feasible to
2 complete construction or require that units no longer
3 be maintained and in operation?

4 A. I would change that to say events may occur.

5 Q. And then I think over half of the projects
6 that you were involved in, they in fact did occur?

7 A. I would characterize shutdown as different
8 than abandonment, but there were quality issues on --
9 quality issues and operational issues on those plants
10 that were in fact -- required restart, yes.

11 Q. So you were engaged on behalf of the owners
12 in each of these instances, right?

13 A. Correct.

14 Q. And the owners incurred costs in connection
15 with the construction of Marble Hill, right, the
16 owners incurred costs that were associated with that?

17 A. Yes.

18 Q. Some of the billions of dollars that you
19 referred to earlier?

20 A. Yes.

21 Q. And the owners of the D.C. Cook plant and
22 the LaSalle County, from the time that they were no
23 longer operational until the time that they became
24 operational, also incurred costs, correct?

25 A. Yes.

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1 **Q. Are you aware of whether those costs were**
2 **ever covered by ratepayers of any of those owners?**

3 **A. Not specifically, no. And not the amounts**
4 **that were covered.**

5 **Q. Is that you're not aware or --**

6 **A. I'm not aware.**

7 **Q. Would it be your expectation that at least**
8 **certain of those costs were covered by ratepayers?**

9 **A. I can't really say how the rates, the costs**
10 **were handled, because that was not part of my**
11 **purview, so I am not familiar with that at all.**

12 **Q. Mr. Jones, for purposes of the project,**
13 **which I will refer to today, when I use that term, I**
14 **mean the construction of Units 2 and 3 at the V.C.**
15 **Summer Nuclear Plant; is that fair?**

16 **A. Yes.**

17 **Q. We'll understand I'm talking about the**
18 **project when I use that -- excuse me. I'll say that**
19 **better.**

20 **We will understand that I am referring to**
21 **that construction project when I use the term**
22 **"project" throughout the day today. Okay?**

23 **A. Yes.**

24 **Q. So you were engaged on behalf of the Office**
25 **of Regulatory Staff in connect with the project; is**

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1 **that right?**

2 A. Yes.

3 **Q. You were engaged in August of 2011, correct?**

4 A. That's correct.

5 **Q. What, to your knowledge, led to your**
6 **engagement?**

7 A. I can't really -- I know they were looking
8 for someone with nuclear background to monitor, to
9 help them monitor the construction activities and
10 budget of the plant, and applied for the position and
11 was interviewed and they selected me.

12 **Q. So how did you become aware of this position**
13 **being open?**

14 A. I actually became aware of the position
15 through a colleague of mine from Sargent & Lundy who
16 had worked for a number of years in South Carolina,
17 exclusively on fossil plants, and primarily for
18 Santee Cooper. He and I actually proposed to do this
19 assignment jointly; he as a resident of South
20 Carolina, he lives in Charleston; and the division of
21 labor was going to be he was going to -- he was
22 well-versed in construction, so he was going to
23 monitor construction and the, quote, nuclear parts of
24 it. I was going to review the documentation
25 associated with the regulatory issues, the things

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1 that got into detail on the system design, those
2 kinds of things I was going to look at.

3 **Q. Who is this individual? What's his name?**

4 A. Eric Bergstrom.

5 **Q. How do you spell his last name?**

6 A. B-E-R-G-S-T-R-O-M.

7 **Q. How did you guys arrive at that division of**
8 **labor?**

9 A. It was fairly an obvious division of labor.
10 My background was nuclear, his was power plant design
11 and construction on the fossil basis, so it was a
12 natural outfall of those capabilities.

13 **Q. How did you submit -- did you -- well, let**
14 **me ask you this way: Did you submit a proposal to**
15 **the ORS with Mr. Bergstrom?**

16 A. Yes, we did, yes.

17 **Q. And what form did that proposal take?**

18 A. I believe it was just a letter outlining
19 our -- including each of our CVs and the manner in
20 which we intended to approach the work, divide up the
21 work.

22 **Q. Do you still have that letter or a copy of**
23 **that letter?**

24 A. Actually, I don't recall if I do or not.

25 **Q. Who did you send the letter to?**

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1 A. I don't really recall that either. It was
2 whoever was -- actually, at that time, Mr. Bergstrom
3 had the lead on this project, so he handled the
4 contact initially.

5 **Q. Then you said you were interviewed following**
6 **this letter?**

7 A. Yes.

8 **Q. Do you recall who interviewed you?**

9 A. Not specifically, but I think I did talk to
10 Mr. Scott and Shannon Hudson, and I think Anthony
11 James, so several people at ORS.

12 **Q. You said Mr. Scott; is that Dukes Scott?**

13 A. Yes.

14 **Q. Did they describe to you precisely what role**
15 **you should have on the project?**

16 A. Precisely, I'm not sure. In general, they
17 said that they were looking for someone to help them
18 monitor the construction activities and the budget of
19 the project.

20 **Q. Did they tell you why that position was**
21 **necessary?**

22 A. Well, it's their statutory responsibility to
23 do that as ORS, and they felt that they needed an
24 outside expert to supplement their capabilities to do
25 that.

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1 **Q. And you and Mr. Bergstrom believed that you**
2 **were qualified, capable, to complete the task the ORS**
3 **had prescribed; is that right?**

4 A. Yes.

5 **Q. Now, Mr. Bergstrom did not actually become**
6 **engaged; is that right?**

7 A. No, he did not.

8 **Q. Why not?**

9 A. Well, it's somewhat embarrassing, I would
10 say, because ORS contacted me and informed me that
11 they just wanted me, and that caused an embarrassing
12 conversation with Mr. Bergstrom on my behalf. And I
13 tried to impress upon them -- "them" meaning ORS --
14 that we thought that the best approach would be for
15 both of us to handle this assignment because he was
16 more readily available, a South Carolina resident, to
17 monitor the construction activities, but they just
18 wanted me.

19 And so eventually I told Eric that I was
20 really interested in this assignment because it was
21 one of only two nuclear plants in the U.S. to be
22 considered in about 30 years, so it was an important
23 assignment for me personally to be involved in a new
24 nuclear plant.

25 **Q. Did ORS tell you why they were just**

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1 **interested in you?**

2 A. Not specifically. It was -- my background
3 was nuclear, and that's what they were looking for.

4 **Q. Did you have any concerns about your ability**
5 **to complete the task ORS put before you in light of**
6 **the fact that Mr. Bergstrom wasn't going to be**
7 **involved?**

8 A. Not really. The only real concern I had was
9 coming out of Chicago. But I had as much
10 construction experience as Eric. So it wasn't a
11 matter of capability or qualifications for it; it was
12 just a matter of, more of availability. And then it
13 turns out that that wasn't really a major issue at
14 all.

15 **Q. So you believe you were capable and**
16 **qualified to carry out the tasks the ORS put before**
17 **you?**

18 A. Yes.

19 **Q. What are the terms of your engagement with**
20 **the ORS?**

21 A. Could you expand on what you mean by that?

22 **Q. Sure. Is there some sort of engagement**
23 **letter between you and the ORS?**

24 A. Yes, there is.

25 **Q. That engagement letter -- well, do you have**

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1 **a copy of that engagement letter?**

2 A. Not with me, but I have it in my files, yes.

3 **Q. Do you know whether or not that engagement**
4 **letter was produced to us in connection with the**
5 **subpoena that was served on you?**

6 A. Yes. Well, no, I don't. I provided it to
7 my attorneys as part of the files I had on the
8 project, and I don't know whether they submitted it
9 or not.

10 **Q. Fair enough. That engagement letter**
11 **includes provisions that allow you to be paid,**
12 **doesn't it?**

13 A. Yes, it does.

14 **Q. What are the terms, what are the payment**
15 **terms?**

16 A. The payment terms are fees and expenses.

17 **Q. So how do you differentiate between the two;**
18 **what are fees and expenses, in your mind?**

19 A. Fees are the professional fees that I charge
20 on an hourly basis for my services, and expenses are
21 expenses I incur in travel and what other
22 miscellaneous expenses; for example, document
23 mailings that require special shipment, those kinds
24 of things.

25 **Q. So any expenses you incur in connection with**

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1 **your role as a consultant for the ORS are to be paid**
2 **back to you; is that right?**

3 A. I would not say "any expenses." There are
4 some limitations on the expenses.

5 **Q. Like what?**

6 A. There is -- ORS regulations limit meal
7 expenses to \$32 a day, so that's what I submit, and
8 it's not usually what I pay for my meals, as you can
9 see. But the other part goes into my account as
10 business expenses, unbilled business expenses.

11 **Q. Fair enough. And then what are your fees;**
12 **is it an hourly basis?**

13 A. Yes, it is.

14 **Q. How much per hour?**

15 A. Current fee is \$275 an hour. It started out
16 at \$250 an hour.

17 **Q. So you're still being paid by the ORS; is**
18 **that right?**

19 A. I'm still being paid under the terms of the
20 ORS contract. The actual payment comes from -- is it
21 statutorial? Yeah, I believe it comes from South
22 Carolina Electric & Gas.

23 **Q. Right, I was going to get to that question.**

24 **So your time here today you are charging to**
25 **the ORS at \$275 an hour; is that right?**

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1 A. Most certainly.

2 Q. **What about travel time, do you bill travel**
3 **time?**

4 A. I do not.

5 Q. **So it is your understanding then that SCE&G**
6 **actually pays the fees that you incur on behalf of**
7 **the ORS; is that right?**

8 A. That is my understanding. And the wire
9 transfer comes from SCANA/SCE&G, so that pretty well
10 confirms it.

11 Q. **Is it true that you submit invoices to SCE&G**
12 **for time you spend on the project?**

13 A. That is correct.

14 Q. **How do you go about determining the content**
15 **of the invoices that you provide? Let me describe it**
16 **a little bit better.**

17 **So lawyers are very familiar with invoices,**
18 **and we actually track specific tasks that we are**
19 **engaged in and provide information related to those**
20 **tasks with our invoices. Do you do the same?**

21 A. I do.

22 Q. **Has there ever been a change in your**
23 **practice in that regard during your time in the**
24 **project?**

25 A. Not a change in my practice but there has

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1 been a change in what's submitted in my invoices.

2 **Q. Why?**

3 A. I have really no idea.

4 **Q. When did that --**

5 A. I'm sorry. My understanding was that they
6 wanted to simplify the invoices.

7 **Q. When did that change occur?**

8 A. I don't recall specifically, but it's been
9 some time. It's been maybe two years, two and a half
10 years. I don't recall specifically when that
11 happened.

12 **Q. What do you -- you described generally, but**
13 **do you recall anything more specific about the nature**
14 **of the change?**

15 A. Well, the nature of the change. Previously
16 I submitted an invoice that was detailed in that it
17 provided the date of the work I performed, the title
18 of the work or the task I was performing, the hours
19 spent on that task, then the rate, hourly rate times
20 the charges, and then a detailed expense report that
21 provide the breakdown of airfare, car rental, room,
22 meals, miscellaneous expenses, taxi, miscellaneous
23 expenses. So there was a -- there was an expense
24 report that was an attachment to that invoice that
25 gave those details.

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1 So all that I still do, and it's primarily
2 for my own records, but the invoice that I submit now
3 is a simplified letter, what I call letter invoice
4 that breaks down my charges for professional fees and
5 expenses, and then the combination of the two.

6 **Q. So it's just a summary of this is how much**
7 **in professional fees, this is how much in expenses?**

8 A. Correct.

9 **Q. You said you still have the more detailed**
10 **breakdown; is that correct?**

11 A. That is correct.

12 **Q. Do you know whether or not you produced that**
13 **to your counsel?**

14 A. I did.

15 **Q. Do you know, as we sit here today, whether**
16 **that was produced to SCE&G in response to the**
17 **subpoena?**

18 A. I don't know that, no.

19 **Q. Do your records, not the summary invoices,**
20 **but do your records reflect individuals with whom you**
21 **may have met in connection with the project?**

22 A. In general, yes. If it's -- I used to
23 provide a fairly detailed breakdown that was
24 designated as an attachment, one which the primary
25 attachment was the monthly meetings that I had, that

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1 I had at the site with SCANA and SCE&G people, and
2 those attendees were designated on that. It was
3 basically, I would say, a modified copy of the agenda
4 that included all the people that attended.

5 In addition, I provided, if there were major
6 conference calls, the attendees on the conference
7 calls. The more recent invoices now usually just
8 designate ORS people, and the attendees are on my
9 note that I keep of the meetings.

10 **Q. Do you make it a practice to reflect the**
11 **topics discussed in meetings in your detailed**
12 **records?**

13 A. Yes.

14 **Q. You said that there was a time where it was**
15 **directed to you to provide a summary invoice as**
16 **opposed to the more detailed invoices; is that right?**

17 A. Yes.

18 **Q. Who gave you that direction?**

19 A. That came from Shannon, Shannon Hudson. She
20 was my primary contact for contractual and
21 administrative-type issues.

22 **Q. Do you recall specifically what Ms. Hudson**
23 **relayed to you on this point?**

24 A. Other than -- not specifically. But in
25 general, it was they wanted to simplify. We had some

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1 issues relative to minor variances on the issues --
2 on the invoices, like 32 cents one time and a dollar
3 and, you know, things like that that would -- I do
4 these things myself, so it would generate a whole new
5 invoice. So they decided that it was much easier to
6 simplify them and go to this easier format. And what
7 she indicated to me at the time was that SCANA and
8 SCE&G were very agreeable to that; they did not want
9 the detailed invoices.

10 MR. COX: Jon, if I could
11 interject for one minute. I wanted to make a
12 statement for the record that, although Shannon
13 Hudson was an attorney for the ORS, ORS
14 understands that some of the communication she
15 had with Mr. Jones were not for the purpose of
16 legal advice. Some of those conversations may
17 have been, but some were not. Therefore, I will
18 not be objecting to questions about the
19 communications between the witness and Ms. Hudson
20 that I don't believe implicate attorney-client
21 private.

22 MR. CHALLY: Okay.

23 BY MR. CHALLY:

24 Q. Did you ever have a discussion with anyone
25 affiliated with SCANA or SCE&G about this change in

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1 **practice?**

2 A. I did not.

3 **Q. Just so I understand, you said there were**
4 **variances at 32 cents or a dollar. What do you mean**
5 **by "variances"?**

6 A. Errors in addition or, you know, simple,
7 like, transposition, instead of 23 cents it was 32
8 cents, that kind of thing, so --

9 **Q. So if you were shorted, you needed to submit**
10 **an additional invoice for the additional; if you were**
11 **over, you needed to re-evaluate that for the next**
12 **month; is that kind of how it went?**

13 A. Yes. And we had discussions about I'm
14 willing to forego the dollar instead of redoing all
15 my invoices, please, but I had to redo my invoices.

16 And I should also probably add that invoices
17 are not charged either, preparation of invoices.

18 **Q. So do you recall anything else about the**
19 **reasons why there was a change in your invoicing**
20 **practices?**

21 A. No.

22 **Q. Did anyone ever convey to you in any way**
23 **that the change in the invoice practice was intended**
24 **to shield certain detailed information from SCANA or**
25 **SCE&G?**

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1 A. No.

2 **Q. It did in fact shield that detailed**
3 **information from SCANA and SCE&G; did it not?**

4 MR. COX: Object to the form.

5 THE WITNESS: It changed the
6 information that was provided. I would not
7 characterize it as shielding it, no.

8 BY MR. CHALLY:

9 **Q. Fair enough. And following this, SCANA and**
10 **SCE&G received substantially less information as to**
11 **the nature of your work than they had previously,**
12 **right?**

13 A. That's probably fair to say, yes.

14 **Q. They would have no longer been able to see,**
15 **for instance, who you were meeting with in connection**
16 **with the project, correct?**

17 A. That's true. The names were no longer
18 provided.

19 **Q. And they would have no longer been able to**
20 **determine the subject of the meetings that you were**
21 **having, right?**

22 A. Correct, but most of the time what we're
23 talking about is meetings with them, so --

24 **Q. I believe you said that your testimony was**
25 **that more recently your meetings are much more**

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1 **commonly with ORS than other individuals, right?**

2 A. That is correct.

3 **Q. And you did meet with, for instance, the**
4 **South Carolina Energy Users Committee and the**
5 **Electrical Cooperatives and various other people not**
6 **being SCANA and SCE&G, right?**

7 A. Those people had been present at meetings
8 that I was attending, yes.

9 **Q. Mr. Jones, so I don't think I asked you: Do**
10 **you recall whether your engagement articulates what**
11 **you are being hired to do specifically?**

12 A. I think there is a general statement of my
13 scope of work.

14 **Q. What's your recollection of that general**
15 **statement?**

16 A. Beyond the monitoring construction and
17 budget, I don't recall the specifics of what that
18 engagement letter says.

19 **Q. So what, generally, is your understanding**
20 **then of what you were asked to do?**

21 A. Generally, it was to have periodic status
22 meetings with SCE&G managers and others on site, to
23 tour the site periodically, to participate in
24 preparation of reports that ORS made on the project
25 to participate in preparation of testimony, to

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1 testify -- to prepare testimony, testify before the
2 PSC, Public Service Commission, if required. I think
3 that covers my recollection.

4 **Q. I believe I have seen it in some of the**
5 **testimony you have submitted that you understood your**
6 **role to be ongoing monitoring of the construction of**
7 **the plant and expenditure of capital through review**
8 **and audit of the quarterly reports under BLRA. Does**
9 **that sound right?**

10 A. I would say the audit function was not my
11 function; the audit function was the audit function
12 of ORS. But in the interpretation of reviewing the
13 construction, I mean, the budgetary expenditures,
14 that's correct.

15 **Q. So then your role included, did it not,**
16 **reviewing the company's ability to adhere to the**
17 **approved construction schedule on approved capital**
18 **cost estimates?**

19 A. "Company's ability." I would not say review
20 the company's ability. It was to review what was
21 actually done, not necessarily their ability to do
22 it. It was to review the results.

23 **Q. So you didn't view your function as**
24 **determining, at least in part, whether the company**
25 **would be able to meet the projections that it was**

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1 **suggesting?**

2 A. Yes, I think I -- it would have included did
3 they have action plans in place and strategies in
4 place and that kind of thing in order to be able to
5 meet those. Did they have a schedule in place to do
6 that, those kinds of things? Yes.

7 **Q. So that's a role you took seriously, right?**

8 A. Yes.

9 **Q. And you used your experience and the methods**
10 **available to you to collect information that you**
11 **thought was important to allow you to carry out that**
12 **responsibility, right?**

13 A. Yes.

14 **Q. And it led you to have access to information**
15 **regarding the project, didn't it?**

16 A. It did.

17 **Q. And you were involved in monthly site tours;**
18 **is that right?**

19 A. For the most part monthly, yes; not strictly
20 monthly but for the most part, yes.

21 **Q. Were there instances where they were more**
22 **frequent than monthly?**

23 A. Yes, and there were instances where they
24 were not, like, I sometimes was on vacation.

25 **Q. But absent you being on vacation, you were**

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1 **involved with monthly site tours of the project, of**
2 **the site; is that right?**

3 A. In general, the plan was to do the site
4 tours monthly, correct.

5 **Q. And then you were also involved in certain**
6 **plan-of-the-day meetings, weren't you?**

7 A. I was not.

8 **Q. You were never involved in plan-of-the-day**
9 **meetings?**

10 A. I was not.

11 **Q. Never attended a single plan-of-the-day**
12 **meeting?**

13 A. Not to my recollection, I don't believe so,
14 no. Those meetings were attended by Mr. Gene Soult
15 of the ORS.

16 THE COURT REPORTER: I'm sorry,
17 Mr. Gene?

18 THE WITNESS: S-O-U-L-T, Soult.

19 BY MR. CHALLY:

20 **Q. Did you receive reports on those meetings?**

21 A. I did when there were -- well, I also was
22 able to review the notes of those meetings, but I did
23 not attend them. And if there were important issues
24 that were brought up, Gene would advise both me and
25 the other ORS team members of the results of those

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1 meetings that were significant.

2 **Q. So to your knowledge, anything significant,**
3 **anything that Mr. Soult considered to be significant,**
4 **he conveyed to you from these meetings; is that**
5 **right?**

6 A. As far as I know, yes.

7 **Q. You said he would have also conveyed this to**
8 **the ORS team. Who is the ORS team?**

9 MR. COX: Object to the form.

10 THE WITNESS: Pardon?

11 MR. COX: I object to the form.

12 BY MR. CHALLY:

13 **Q. You can answer the question, if you're able.**

14 A. Okay. It varied throughout the project, but
15 in general it was Ms. Allyn Powell. She was the ORS
16 lead, ORS representative of the team. But people
17 were -- Kelvin Major represented the audit function
18 for a time. Ms. Gabby Smith was also present. So
19 the team varied throughout my tenure on the project,
20 but usually there was an audit person from ORS and
21 the lead ORS person and Gene and myself.

22 And that also varied. There were times when
23 other people from other parts of ORS would also
24 attend, but, in general, that was the team make-up.

25 **Q. So Ms. Powell, Mr. Soult and yourself were**

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1 **consistent members of that team; is that right?**

2 A. Pretty much, yes.

3 **Q. And you freely shared information amongst**
4 **yourself related to the project?**

5 A. Yes.

6 **Q. Amongst yourselves related to the project.**

7 **Excuse me.**

8 **So in addition to receiving notes from**
9 **plan-of-the-day meetings, you received weekly reports**
10 **on the status of the project, didn't you?**

11 A. Yes.

12 **Q. What were those weekly reports?**

13 A. Well, there was a weekly construction status
14 report. Most of the project documents were made
15 available to me through access to a Share File site.
16 So those documents were put on the Share File site,
17 and I could review them as required.

18 **Q. Did you ever have any problems accessing the**
19 **Share File site?**

20 A. A couple of times, but most of the time it
21 was some glitch.

22 **Q. Did the fact that you were able to review**
23 **that material on a Share File site in any way**
24 **restrict your ability to carry out the responsibility**
25 **ORS had put to you?**

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1 A. I don't understand that question. Repeat.

2 Q. Yeah. Did the fact that you were required
3 to review this material through the Share File site
4 restrict in any way your ability to carry out the
5 responsibility ORS had put to you?

6 A. I would answer that this way: The
7 information that was put on the Share File site I
8 assumed was complete and, therefore, the information
9 that I reviewed that was on the site did not in any
10 way restrict my ability.

11 Q. And the fact that you reviewed the
12 information through a Share File site and not in some
13 other way was just as fine to you --

14 A. Yes.

15 Q. -- right?

16 Okay. So in addition to weekly status
17 reports, you received various monthly reports on the
18 status of the project, right?

19 A. Yes.

20 Q. I'm going to rattle off a few. Tell me if
21 you recall receiving these and if you recall any
22 others.

23 BLRA Milestone Tracking Report?

24 A. Yes.

25 Q. Commercial Issues Log?

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1 A. Yes.

2 **Q. Status reports directly from the Consortium**
3 **members?**

4 A. Yes.

5 **Q. Did you receive information on staffing**
6 **metrics on the project?**

7 A. In general, yes.

8 **Q. Productivity reports?**

9 A. Yes.

10 **Q. Did you receive minutes of project review**
11 **meetings?**

12 A. Yes.

13 **Q. Did these productivity reports reflect**
14 **productivity factor?**

15 A. They do.

16 **Q. So how often did you receive reports of the**
17 **productivity factors?**

18 A. Monthly.

19 **Q. And then is that historical productivity**
20 **factors? In other words, what did you understand the**
21 **information related to productivity factors to convey**
22 **to you?**

23 A. They presented current information and
24 historical information. I don't remember how far
25 back they took it, but there was some historical

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1 information available with productivity factors and
2 the current productivity factors.

3 **Q. So it was a productivity factor, for**
4 **instance, the last month; is that correct?**

5 A. Usually it was for the previous month, so
6 they were, like, lagging a month, but, yes.

7 **Q. Do you recall seeing information on**
8 **productivity factors from inception to the time of**
9 **the report?**

10 A. I do not recall seeing them from time of
11 inception, because my recollection is that those
12 reports did not start at inception; they started
13 later in the project when there were increased
14 demands for information.

15 **Q. Do you know who requested, who asserted that**
16 **increased demand for information?**

17 A. No, I do not.

18 **Q. Was it the ORS or someone else?**

19 A. Well, I mean, we certainly were looking for
20 additional information, but it didn't come about as a
21 result of our request.

22 **Q. Are you aware of information related to**
23 **productivity factors that you didn't receive through**
24 **the reports that you had available to you?**

25 A. I don't know quite how to answer that. How

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1 can I be aware of information that I didn't receive?

2 Q. Well, we're now a year and four months after
3 the abandonment of the project. So, now, sitting
4 here today, are you aware of information related to
5 productivity factors that you did not receive?

6 A. You're talking about through the discovery
7 process?

8 Q. In any way.

9 A. No, I don't think that I'm aware of
10 productivity factor information that I didn't
11 receive.

12 Q. Did you receive minutes of project review
13 meetings?

14 A. Yes.

15 Q. Did you receive schedule reports from the
16 scheduling software that the Consortium used?

17 A. I would characterize that as, periodically,
18 we did receive -- the schedule was a very complex
19 piece of software, so there were -- there was
20 schedule information provided, usually somewhat
21 restrictive on, like, 90-day lookaheads or two-week
22 lookaheads, those kinds of things, in general the
23 information that we received.

24 Q. And that was through the software,
25 scheduling software, Primavera; does that sound

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1 **familiar to you?**

2 A. Well, that's -- I'm sorry. That's what
3 generated the information, but we did not receive it
4 through that software; we received hard copies,
5 usually through status reports.

6 **Q. Did you also receive risk and mitigation**
7 **reports?**

8 A. Yes.

9 **Q. Any other reports that you recall receiving**
10 **on a monthly basis related to the status of the**
11 **project?**

12 A. There were many, many reports. We got
13 status of the ITACC, OTC -- that's the reports of the
14 NRC. You had to make submittals to the NRC when you
15 completed a specific task, and then they would decide
16 on it. So we got those, we got licensing amendment
17 requests, status reports. There are many other
18 specialty-type status reports that were also
19 provided.

20 **Q. You said that -- I believe you said that the**
21 **schedule was created using this complex software; is**
22 **that right?**

23 A. Yes.

24 **Q. And you're familiar with scheduling efforts**
25 **related to nuclear construction projects, right?**

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1 A. Yes.

2 **Q. That's a very complicated task, isn't it?**

3 A. Yes, it is.

4 **Q. And can you provide some additional color on**
5 **that? How do you understand schedules to be created**
6 **in light of that?**

7 A. Schedules are built up from tasks that have
8 to be performed. So you define the task that you're
9 going to do, then you look at what are called
10 precursors, which are things that have to be done
11 before that task. In order to enable you to do that
12 task, you provide a linkage in the schedule to that
13 precursor. There are successor activities that the
14 activity that you're talking about or the task that
15 you're talking about, the successor activities
16 require that the task that you're discussing be
17 completed before those successor activities can be
18 performed.

19 So in a fully integrated resource loaded
20 schedule, you look at the task, you look at the
21 resources that are provided or need to be provided to
22 do the task, you utilize production rates; in other
23 words, how long does it take someone to do a weld,
24 how long does it take someone to pull a cable, those
25 kinds of things.

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1 So we look at the staffing levels that you
2 have got. You also need to take into account that --
3 whether or not you can apply all the resources at
4 that -- in order to do that task at the time you want
5 to do it. In other words, in some cases, there's not
6 enough room in the plant to expand it to do the work
7 at the time that you would like to do it; you just
8 can't get that many people into the area. So you
9 have to take that into account.

10 You link these together through the
11 precursor successor activities, and you build a
12 schedule on that basis that defines, ultimately
13 defines both the critical path, meaning what's the
14 most important work that you have to do, and the
15 final completion date of the project.

16 **Q. In a project like this project, isn't it**
17 **true that completion of the schedule requires a**
18 **significant amount of time and effort?**

19 A. To complete the schedule?

20 **Q. Yes.**

21 A. Do you mean just to build the schedule?

22 **Q. To build the schedule.**

23 A. Yes.

24 **Q. For a project of this sort, is the schedule**
25 **prepared with sort of a month's worth of effort**

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1 likely to be sufficient, in your view?

2 A. No.

3 Q. Is a schedule prepared with less than ten
4 people being involved in the preparation of the
5 schedule likely to be sufficient for a project like
6 this?

7 A. In that case, I would say it depends on who
8 the people are, the qualifications of the people.

9 Q. Are you familiar with different descriptions
10 of schedule methodology? So, for instance, are you
11 familiar with what's referred to as a Level 2
12 schedule for construction projects?

13 A. Yes.

14 Q. And what is your view of a Level 2 schedule?

15 A. A Level 2 schedule basically provides you
16 with the most important milestones of the schedule.
17 If you start with a Level 1, Level 1 is strictly
18 milestones; it gives you no indication of what
19 activities are required to do that. Level 2 schedule
20 expands the level of detail in that to the point of
21 essentially identifying the important precursor and
22 successor activities associated with those
23 milestones.

24 Q. Is a Level 2 schedule a sufficient schedule
25 for identifying -- well, let me put it this way: Is

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1 **a Level 2 schedule a fully integrated resource loaded**
2 **schedule?**

3 A. No.

4 Q. **It is substantially less than that, isn't**
5 **it?**

6 A. Yes.

7 Q. **Do you have an understanding as to what**
8 **effort is required, what information is required, to**
9 **go from a Level 2 schedule to a fully integrated**
10 **resource loaded schedule for a project like this?**

11 A. Again, it depends on the resources --
12 resources, I mean the scheduling resources, the
13 experience of the schedulers involved, and the
14 information that they have available to them to do
15 it. But it's an effort that takes some while to do.

16 Q. **If you were doing a schedule, if you were**
17 **doing a schedule that you intended to be reliable for**
18 **purposes of the project, how long do you think it**
19 **would take you?**

20 A. I would not undertake it myself solely. If
21 you're talking about when I was at Sargent & Lundy
22 and I had a scheduling team available to me to
23 develop a schedule, I would say an initial cut on a
24 fully integrated schedule for a project would
25 probably be three to six months.

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1 **Q. And how many people would you have deployed**
2 **at Sargent & Lundy to do this sort of task?**

3 A. I would have about ten.

4 **Q. So ten people fully dedicated for three to**
5 **six months; is that right?**

6 A. Yes. And that's the initial, the initial
7 schedule, not the update.

8 **Q. So that would have been just a first cut; is**
9 **what you said?**

10 A. Yes.

11 **Q. And this is something that would have had to**
12 **have been refined and updated after that first cut,**
13 **right?**

14 A. The schedule on a nuclear project is refined
15 all through the project. Things happen that have to
16 be modified, so it has to be updated throughout the
17 life of the project.

18 **Q. So while you were at Sargent & Lundy, what,**
19 **did you charge an hourly rate?**

20 A. To the clients?

21 **Q. Yes.**

22 A. Yes.

23 **Q. What was your hourly rate?**

24 A. At the end of my career, my hourly rate was
25 \$250.

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1 Q. So was your rate in line with the ten
2 schedulers that you would have put to a project like
3 this in trying to develop a schedule as you
4 described?

5 A. Did you --

6 Q. Yeah, I'm just trying to get a ballpark. If
7 you, while at Sargent & Lundy, were trying to create
8 this first cut of a schedule, you said you would have
9 ten people for three to six months working fully
10 dedicated to this effort. I'm trying to get a sense
11 for what cost that would have created.

12 A. No, I was a principal in the firm at Sargent
13 & Lundy, I was one of the owners of the firm, and my
14 title was Senior Vice President and Project Director,
15 so my rate was not representative of what the rate
16 would have been for what a scheduler would get.

17 I can't totally -- but it would be in the
18 range of -- senior schedulers get -- the rate charged
19 to the client would be about, I would say, \$150 an
20 hour; the rate for more junior schedulers would be in
21 the range of \$100 an hour.

22 Q. How many senior schedulers would you have
23 needed to do this first cut of scheduling?

24 A. Probably two.

25 Q. And then the rest were more junior

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1 **schedulers?**

2 A. Yes.

3 Q. So when we said fully dedicated to this
4 **effort for three to six months, are you imagining**
5 **that as an eight-hour day?**

6 A. Yes.

7 Q. Five days a week?

8 A. Yes.

9 Q. And then would we also, if we were trying to
10 **ballpark the cost of this first cut schedule, we**
11 **would have to include the ten people; two at \$150 an**
12 **hour, eight at \$100 an hour, and then your time as**
13 **well; is that right?**

14 A. My time would not have been dedicated
15 full-time to doing it. I would have been reviewing
16 it on a periodic basis.

17 MR. COX: Do you need a break,
18 Mr. Jones?

19 THE WITNESS: I need some more
20 water.

21 MR. CHALLY: Sure, we can take a
22 short break.

23 THE VIDEOGRAPHER: We are going
24 off the record at 10:46 a.m.

25 (A recess was taken.)

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1 THE VIDEOGRAPHER: We are going
2 back on the record at 10:59 a.m.

3 BY MR. CHALLY:

4 Q. Mr. Jones, I wanted to do a little math with
5 you here. I'm happy to give you a calculator if it
6 would help. But why don't I just do that. I'm going
7 to give you the calculator app on my phone. Okay?
8 There you go.

9 What I want to do is just figure out math
10 for this scheduling exercise that we were talking
11 about before we took a break. And I'm going to tell
12 you how I worked through it, and I just want you to
13 tell me if I messed something up.

14 So we had assumed ten schedulers to this
15 effort; eight junior at a rate of, I think we said
16 \$100 an hour; two senior at a rate of \$150 an hour,
17 right? Okay. So this is ten people. We're talking
18 about an eight hour day; is that right?

19 A. Yes.

20 Q. So eight hours a day, times five days a
21 week; would that be right?

22 A. Yes.

23 Q. And then we're assuming four weeks in a
24 month; is that correct?

25 A. Yes.

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1 **Q. Roughly?**

2 A. Roughly, yes.

3 **Q. And then you said it would take at least**
4 **three months to do this process?**

5 A. Uh-huh.

6 **Q. Is that right?**

7 A. Yes.

8 **Q. So let's just get a monthly fee for this.**
9 **Eight hours, times five days a week, times four weeks**
10 **a month, I believe that 160 hours, right?**

11 A. Yes.

12 **Q. For eight people, that is how many hours?**

13 A. 1,280.

14 **Q. Times \$100 an hour, that's \$128,000, right?**

15 A. Yes.

16 **Q. So that's the eight junior schedulers. And**
17 **then we would have two senior schedulers?**

18 A. Right.

19 **Q. So that's 160 hours a month, times two, 320,**
20 **right?**

21 A. Yes.

22 **Q. Times \$150 an hour. And that's \$48,000 a**
23 **month?**

24 A. Correct.

25 **Q. So the cost per month would be \$128,000 plus**

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1 **\$48,000, right?**

2 A. Yes.

3 Q. So \$176,000?

4 A. Yes.

5 Q. And then if it was just a three-month
6 process, you're looking at somewhere in the
7 neighborhood of \$528,000, right?

8 A. Yes.

9 Q. And then if it stretched to six months, it
10 would be over a million dollars just to do the first
11 cut of the schedule?

12 A. Yes.

13 Q. And that wouldn't include any of your time?

14 A. Right.

15 Q. And it wouldn't include any other time
16 associated with managing a project of this sort,
17 right?

18 A. Right.

19 Q. Nor would it include any time associated
20 with assessing a project of this sort or assessing
21 the status of a project of this sort; is that right?

22 A. Yes, sir.

23 Q. Okay. Thank you.

24 We were talking, before we got into this
25 discussion of the schedule, we were talking about

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1 certain monthly reports that you received while you
2 were -- while you were consulting on the project. In
3 addition to these monthly reports, you received
4 certain quarterly reports, didn't you?

5 A. Yes.

6 **Q. What quarterly reports do you recall**
7 **receiving?**

8 A. Well, in general, there was an SCE&G
9 quarterly report that was filed up until -- at least
10 during part of the project life. ORS also produced a
11 quarterly report, which I participated in preparing,
12 primarily based on the review of the SCE&G quarterly
13 report.

14 **Q. Didn't you also have access to all invoices**
15 **that were paid by SCE&G in connection with the**
16 **project?**

17 A. I did have access, but invoices were not
18 part of my scope of review. That was handled, the
19 review of the invoices, was handled by the audit
20 group of the ORS.

21 **Q. Okay.**

22 A. It's not to say that I did not occasionally
23 look at invoices, but it was not a regular
24 assignment.

25 **Q. While you were consulting on the projects --**

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1 and by that, what I am referring to is the time
2 before abandonment -- are you aware of any
3 restrictions or limitations on the information you
4 were able to receive?

5 A. While I was working on the project?

6 Q. Right.

7 A. Is that the question?

8 Q. That is the question.

9 A. The only restrictions I'm aware of are some
10 that would have been imposed for highly confidential
11 financial information that I think, in some cases,
12 dealing with financial analysts and that kind of
13 thing, so -- that I was not privy to.

14 Q. Was that information related to the project
15 specifically?

16 A. It could have been.

17 Q. Let me ask it this way: Did you ever ask
18 for information and the response back from SCE&G was
19 you cannot have it?

20 A. Yes.

21 Q. What was that information?

22 A. The one that comes immediately to mind is
23 the Bechtel report.

24 Q. Do you recall specifically asking for the
25 Bechtel report?

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1 A. I did not ask for the Bechtel report. I
2 asked for any written report that was produced from
3 the Bechtel assessment.

4 **Q. When did you ask for a written report**
5 **resulting from the Bechtel assessment?**

6 A. The first time was October 27th or 28th
7 during our meetings, regular monthly meetings -- I'm
8 sorry, I need the year too -- of 2015 during our
9 regular monthly meetings with SCE&G.

10 **Q. Who did you direct that request to?**

11 A. The request was directed to Skip Smith.

12 **Q. Do you know whether there was a report that**
13 **existed in October of 2015?**

14 A. I do now.

15 **Q. You do now?**

16 A. Yes.

17 **Q. You now know that there was not a report**
18 **that existed in October of 2015?**

19 A. No, I would dispute that. There were weekly
20 summaries which were written reports which were
21 submitted to SCE&G that existed in written form and
22 were available at that time.

23 **Q. What do you recall Mr. Smith's response to**
24 **be to your request?**

25 A. The response came from two sources; it was

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1 Mr. Smith and Shirley Johnson. Mr. Smith indicated
2 that there was no written report available. And we
3 asked about the assessment. He said he was not aware
4 of the results of the assessment, and it was
5 performed at a high level for the company beyond
6 essentially something along the lines of above his
7 paygrade, and that it was not available, and to his
8 understanding there would not be a written report.

9 **Q. And that's what you received -- that's the**
10 **information you received from Mr. Smith?**

11 A. Yes.

12 **Q. You said you separately had discussion with**
13 **Shirley Johnson on this topic; is that right?**

14 A. She pretty much said the same thing; they
15 both said the same thing.

16 **Q. Other than this request for a written report**
17 **from the Bechtel assessment in October of 2015, is**
18 **there any other information you asked for in**
19 **connection with your time on the project and the**
20 **responses was, in substance, you cannot have the**
21 **information?**

22 A. Well, yes. I mean, there were multiple
23 times that we asked for the schedule, fully
24 integrated project schedule, and we were told that
25 that could not be provided to us.

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1 **Q. What was your understanding as to why that**
2 **could not be provided?**

3 A. The understanding that we had at the time
4 was that the schedule was undergoing additional
5 review by SCE&G in order to modify it and in order to
6 include mitigation strategies and that they needed to
7 do additional work before it could be provided to ORS
8 or to me.

9 **Q. We'll talk about these two things in more**
10 **detail throughout the day, but I want to make sure I**
11 **understand. Is there anything else that you asked**
12 **for and the response back from SCE&G was you cannot**
13 **have the information?**

14 A. I recall a couple of times where the initial
15 response was that, but when pressed -- and most of
16 the time it was because Westinghouse considered it
17 proprietary and confidential. But on further
18 discussion, I think usually we were able to get the
19 information. I don't recall specifically any other
20 instances.

21 **Q. So is it fair to say, Mr. Jones, that you**
22 **had regular access to the construction site?**

23 A. Yes, on a monthly basis we had a tour. We
24 did not have unrestricted access.

25 **Q. What is your understanding of the**

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1 **restriction?**

2 A. The restrictions were that we were never
3 badged so that we could go on site by ourself. We
4 always had to have SCE&G escort.

5 **Q. Were there any instances where you asked for**
6 **access to the site and SCE&G said, no, I will not**
7 **escort you?**

8 A. I'm not aware of any case that we were
9 turned down for. There were times when it wasn't
10 available at the time that we wanted it.

11 The primary team member that we really
12 wanted access was Gene. My visits did not present a
13 problem to me to be escorted, but Gene was there much
14 more than me, and we did request multiple times for
15 him to receive badging with unescorted access and it
16 was denied. But to my knowledge, no denials for
17 access other than just logistics of somebody not
18 being available at that particular time.

19 **Q. And didn't you, Mr. Jones, interact directly**
20 **with the Consortium?**

21 A. On several occasions, we did, yes.

22 **Q. Can you describe those occasions?**

23 A. Well, it's multiple. I would say that
24 probably the most meaningful was the Westinghouse
25 director started joining our meetings on a regular

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1 basis for ongoing session during our monthly status
2 meetings. So Mr. Churchman would join that meeting
3 as part of the regular meeting.

4 There were other times when we also had
5 interactions with the Consortium. At one time
6 earlier in the project, they came in for debriefing
7 downtown at the ORS offices, but -- and then there
8 were, you know, specific interactions multiple times,
9 but I think that the most important one was probably
10 Mr. Churchman's meeting.

11 **Q. And then anything you learned of consequence**
12 **from the access that you had, as you just described,**
13 **you would have conveyed to the other members of the**
14 **ORS team; isn't that right?**

15 A. Yes, but they were usually present with me.

16 **Q. Did you report regularly to Dukes Scott?**

17 A. Fairly regularly, yes.

18 **Q. Would you agree that anything of consequence**
19 **you learned from your meetings and the access that**
20 **you had you would have also conveyed to Mr. Scott?**

21 A. I tried to do so, yes.

22 **Q. How would you convey that to him?**

23 A. It varied throughout the history of the
24 project. As I said, initially in the early stages of
25 the project, we would have debriefing meetings.

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1 As a regular part of my monthly visit, there
2 would be a meeting -- excuse me. After the site
3 visits and the site meetings, there would be a
4 regular meeting downtown where Mr. Dukes was usually
5 present, not always, along with other senior members
6 or ORS staff where we would have a debriefing.

7 As I said, in the early, early stages of the
8 project, in many cases, SCE&G senior executives --
9 well, let's just say executives, not senior
10 executives -- would be there along for a time with
11 the Westinghouse executive, the project director,
12 Westinghouse project director on site. That evolved
13 into just briefings with ORS staff. And then also
14 later stages, I would usually provide a written
15 summary of my comments and recommendations to
16 Mr. Dukes directly.

17 **Q. Beyond Mr. Scott and the members of the ORS**
18 **team, was there anyone else at the ORS that you**
19 **reported to on a regular basis?**

20 A. Well, I usually had discussions with Anthony
21 James; he was always involved with the project.
22 There were multiple people at the briefing meetings,
23 including the audit director, the attorneys, other
24 staff members, other senior staff members of ORS at
25 those meetings. But on a regular basis, I think

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1 Anthony and Dukes Scott were the primary contacts.

2 Q. Was there -- and I apologize if I missed
3 this, but was there sort of a periodic reporting
4 effort that you were engaged in, so was it every
5 month I am going to submit a written report or
6 something along those lines?

7 A. It varied throughout the life of the
8 project, it changed, it evolved. And like I say,
9 originally it was verbal briefing with multiple
10 parties present, then it was ORS briefing, and then
11 in some cases I think it went through a period where
12 I would give Mr. Dukes an oral briefing, and then he
13 asked that I provide him with a short summary of my
14 observations relative to the site visit.

15 Q. So you're using the phrase Mr. Dukes, which
16 is I believe his first name.

17 A. Mr. Scott, I'm sorry.

18 Q. I didn't know if you referred to him as
19 Mr. Dukes or not, I was just trying to be sure.

20 A. No. It's just a habit. Yes, I do that but
21 I shouldn't.

22 Q. And based on the information you collected,
23 you often made presentations to those outside the
24 ORS, right?

25 A. I would not say "often," but occasionally.

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1 **Q. Periodically; is that right?**

2 A. Yes.

3 **Q. And, for instance, you made presentations to**
4 **the Electrical Cooperatives of South Carolina, didn't**
5 **you?**

6 A. I made one presentation to the Electrical
7 Cooperative, yes.

8 **Q. We'll talk about that in a little more**
9 **detail.**

10 **Didn't you meet with the members of the**
11 **Electrical Cooperatives, and specifically ECSC, more**
12 **often than this one occasion?**

13 A. Yes. At another phase of the project, we
14 also, at their request, Mr. Scott, Anthony James,
15 Allyn Powell and, I would go over and discuss the
16 status of the project at the Electrical Cooperatives'
17 office, and varying members and representatives of
18 the cooperatives would be there.

19 **Q. And were you trying to provide the**
20 **cooperatives in these meetings with all information**
21 **you thought relevant to describe the status of the**
22 **project as you understood at the time?**

23 A. We would provide them with an update on the
24 status of the project, yes, sir.

25 **Q. I guess what I'm trying to get at is: Did**

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1 you go into any of those meetings knowing there is
2 some piece of information I am not going to convey?

3 A. No.

4 Q. In some instances, you provided testimony to
5 the Public Service Commission of South Carolina
6 regarding your understanding of the project, right?

7 A. That's correct.

8 Q. How many times do you recall doing that?

9 A. Twice, I think.

10 Q. Did you ever give testimony that you knew to
11 be false?

12 A. No.

13 Q. Did you ever give testimony that you now
14 believe to be false?

15 A. I don't believe it was false. It was based
16 on the information that was available to me at the
17 time.

18 Q. Now, as we sit here today in 2018, given
19 what you know regarding the project, you believe --
20 correct me if I'm wrong -- that you did not receive a
21 couple of things that you believe you should have
22 received; is this fair?

23 A. A couple of things, yes.

24 Q. What exactly do you believe you should have
25 received that you did not?

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1 A. There are many things that have come to pass
2 in the discovery process; first and foremost is, in
3 my mind, is the Bechtel report. I think that would
4 have been a very important piece of information to
5 have.

6 **Q. When you say, just so we're clear, when you**
7 **say "the Bechtel report," what exactly are you**
8 **referring to?**

9 A. Well, there are several versions of the
10 Bechtel report. The ones that I am currently aware
11 of, and I may get the dates wrong, but there is a --
12 I believe it's a November, November 9th or
13 November 5th, I don't remember the exact date that's
14 in my testimony, report that was submitted. Then in
15 February, February 5th of 2016 -- I'm sorry,
16 November 9th was 2015, I didn't give the year. The,
17 I think it was February 5th of 2016, there were
18 actually two reports; there was a separate Bechtel
19 scheduling report which took a long time to get, but
20 those are the reports I am referring to.

21 But there is also, I think various
22 additional things we should have known, not
23 necessarily that there is information that we should
24 have known.

25 **Q. Okay.**

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1 A. We should have known that Bechtel was going
2 to do an assessment.

3 **Q. Okay. So first you referred to generally**
4 **the Bechtel report, and I understand that you are now**
5 **referring to these three different reports; the two**
6 **in February, and the one in November?**

7 A. And I guess there was actually a fourth one;
8 that was where there was a second draft that's dated
9 a few days after November. There were two, two
10 November versions of the report.

11 **Q. So is it your testimony that you should have**
12 **received every version of the Bechtel report?**

13 A. Yes.

14 **Q. You believe you should have received every**
15 **single one?**

16 A. Yes.

17 **Q. When do you believe you should have received**
18 **it?**

19 A. I believe we should have received them at
20 the time they were issued.

21 **Q. Time issued to whom?**

22 A. Whoever, whoever on the project they were
23 issued to, we should have been in the process.

24 **Q. If they were never issued to SCE&G, is it**
25 **your testimony you should have received them?**

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1 A. I believe we should have, yes.

2 **Q. Even if they were never issued to the owner?**

3 A. I don't understand why they weren't issued
4 to the owner. I'm just saying that whatever version
5 of that report came out should have been -- should
6 have been provided to ORS.

7 **Q. Well, so I understand, but you say whatever**
8 **version of that report that came out, I want to make**
9 **sure I understand what you, what you're referring to**
10 **as "came out."**

11 A. Uh-huh.

12 **Q. Are you saying that you should have received**
13 **the information that SCE&G received, or are you**
14 **saying that you should have received additional**
15 **information that SCE&G did not receive?**

16 MR. COX: Object to the form.

17 THE WITNESS: My opinion is we
18 should have received the report in whatever form
19 it came out to whomever it was issued. That's my
20 opinion.

21 BY MR. CHALLY:

22 **Q. So regardless of whether it was ever issued**
23 **to SCE&G directly?**

24 A. That's my opinion, yes.

25 **Q. All right. And that's true for each of the**

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1 **reports that you identified; these two in November**
2 **and the two in February; is that right?**

3 A. Yes.

4 **Q. Any other Bechtel report that you believe**
5 **you should have received?**

6 A. It has come to light recently that there
7 were other revisions, the report which I have not yet
8 seen. But through the discovery process, I guess,
9 there were a couple of other revisions that I have
10 been made aware that exist that I was not aware that
11 existed at the time of my testimony.

12 But in general, what my position would be,
13 that we should have received whatever version came
14 out at whatever time it came out.

15 **Q. Beyond the report, you said that you should**
16 **have known that Bechtel was doing an assessment.**

17 A. Correct.

18 **Q. At what time do you believe you should have**
19 **known that Bechtel was doing an assessment?**

20 A. I believe we should have known Bechtel was
21 going to do an assessment when Mr. Marsh approved
22 that.

23 **Q. So we have two categories of information**
24 **that you believe that you should have received at the**
25 **time at which you believe you should have received**

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1 **it. Is there anything else that you believe you**
2 **should have received?**

3 A. Yes. Through the discovery process, we
4 found many communications between Santee Cooper and
5 SCE&G and back the other way. I believe that we
6 should have been privy to some of those
7 communications also.

8 **Q. What specific communications are you**
9 **referring to?**

10 A. I can't give you specific. There are some
11 identified in my testimony. I can characterize them,
12 I can't give you a specific. A characterization
13 would be those that provided Santee Cooper's concerns
14 about the project and their interactions with South
15 Carolina Electric & Gas.

16 **Q. That's three categories. Anything else?**

17 A. I'm sorry, let's go back to the original
18 question. The question was: Is there any other
19 documentation that we should have been provided?

20 **Q. No. A little broader. Is there any**
21 **information that you believe you did not receive but**
22 **you think you should --**

23 A. Yes.

24 **Q. -- have received?**

25 A. Schedules. I think that we should have been

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1 privy to the schedules that the Consortiums present
2 to SCE&G for their review so that we had some idea of
3 what the Consortium's positions were. So those were
4 withheld from us.

5 The final products -- or I wouldn't call
6 them final products -- but the products that were
7 generated with input from SCE&G were also withheld
8 from us, and I don't think those should have been
9 withheld from us.

10 **Q. What specific schedules do you believe SCE&G**
11 **received that you did not receive?**

12 A. Well, the schedule that Mr. Byrne references
13 in his testimony, the integrated updated schedule
14 from, was it August of 2013, is that correct, that
15 CB&I generated? We never received that. And we
16 never received the -- do I have the year right? I
17 need to -- I may not be able to find this as quickly
18 as I would like to. I can't. But I believe that is
19 the date, August of 2013, it was indicated that they
20 hadn't received an integrated schedule.

21 We never received that, that schedule. And
22 then I give a narrative in my testimony about how
23 that dragged on and eventually they got to the point
24 where even SCE&G did not receive schedule updates.

25 **Q. So you were aware, were you not, from**

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1 **Mr. Byrne's testimony, that SCE&G had received this**
2 **schedule that you're referring to, right?**

3 A. Correct.

4 **Q. Did you ask for the schedule?**

5 A. Yes.

6 **Q. Who did you ask?**

7 A. Multiple people. But generally, the process
8 that we used was to ask the attendees at the monthly
9 meetings, which would include Skip Smith, Alan
10 Torres, so, multiple people. And it was a standing
11 item on our agenda to get an update.

12 **Q. Did you receive schedule updates?**

13 A. We did not receive schedule updates of the
14 complete schedule. What we received was schedule
15 updates for 90-day lookaheads, two-week lookaheads
16 that were part of the ongoing progress reports that
17 were provided to us.

18 **Q. So this request for a schedule, and in your**
19 **belief that you needed that schedule, was made**
20 **periodically throughout your involvement in the**
21 **project, right?**

22 A. It was essentially made monthly.

23 **Q. So we have the Bechtel report, we have**
24 **certain communications between Santee and SCE&G,**
25 **communications that you understand you have**

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1 **referenced in your testimony, and then information**
2 **related to the schedules. Is there any other**
3 **information that you believe you should have**
4 **received?**

5 A. Yes, has come out through discovery also, I
6 believe that there were cost estimates generated by
7 SCE&G. And again, you're going to ask me the
8 specifics, but it was the estimate generated by
9 Carlette Walker. I think we should have been privy
10 to see those also.

11 So the cost estimates that SCE&G generated
12 on their own for the project, I think we should have
13 been involved in seeing those.

14 **Q. And these are cost estimates created in 2014**
15 **and 2015; is that right?**

16 A. Yes.

17 **Q. Anything else?**

18 A. There may be selective individual things,
19 like correspondence with the Consortium. I don't
20 recall offhand, but any more specifics, I don't
21 recall anything that I believe we should have
22 received.

23 **Q. So, Mr. Jones, I want to make sure I have**
24 **the complete list, and I'm just going to give you one**
25 **more chance. You have --**

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1 A. There is one more thing I did think of.

2 **Q. Okay.**

3 A. And this one was -- it wasn't that it
4 eventually was not made available, because it wasn't
5 very timely, and that was the estimates at the end of
6 the project that SCE&G generated for continuing on
7 the project. We got those, but it was a considerable
8 time after they decided to abandoned the project.

9 **Q. But you have those -- but you have that**
10 **information now --**

11 A. Yes.

12 **Q. -- correct?**

13 A. Yes.

14 **Q. And you understand that an abandonment**
15 **petition is still pending, correct?**

16 A. The abandonment position is still?

17 **Q. Petition is still pending.**

18 A. Oh, that's my understanding.

19 **Q. So to the extent that this particular piece**
20 **of information impacts your analysis as to any issue**
21 **related to abandonment, you're still able to consider**
22 **it and evaluate it for purposes of your testimony,**
23 **right?**

24 A. Correct.

25 **Q. Now, Mr. Jones, you were aware in early 2015**

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1 **that SCE&G was considering an independent assessment**
2 **of the project, right?**

3 A. I would say I was aware they were
4 considering it because they actually asked my input
5 in that time frame as to who, who might be someone to
6 perform that.

7 **Q. And you had this discussion with Skip Smith;**
8 **isn't that right?**

9 A. Yes.

10 **Q. What do you recall about that discussion?**

11 A. Just he asked me who I thought would be some
12 candidates that might do an assessment of the
13 project.

14 **Q. What did you tell him?**

15 A. I told him I thought there were probably
16 three firms that I believed would be the top choices,
17 and that was Bechtel, Fluor, and my old company,
18 Sargent & Lundy.

19 **Q. When do you recall that conversation**
20 **occurring?**

21 A. I can't recall specifically, but it was in,
22 I think -- I think it was in early 2014.

23 **Q. Early 2014?**

24 A. I think so.

25 **Q. Did you begin this conversation with**

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1 **Mr. Smith or did Mr. Smith begin this conversation**
2 **with you?**

3 A. He with me.

4 **Q. And what do you recall him asking you**
5 **specifically?**

6 A. Basically asked me who I thought might be
7 good, good companies to perform an assessment of the
8 V.C. Summer.

9 **Q. Did he explain to you why he was asking that**
10 **question?**

11 A. No.

12 **Q. And you responded with these three. Did you**
13 **give him any context around these three, what they**
14 **might be good at as between any of them?**

15 A. Well, I mean, I gave him the context that I
16 believe they were premiere companies in nuclear power
17 plants and in construction and that they were the top
18 candidates.

19 **Q. Did Mr. Smith give any additional**
20 **information related to the assessment that he was**
21 **considering?**

22 A. No.

23 **Q. What did you do with this information that**
24 **you learned from Mr. Smith that SCE&G was, in 2014,**
25 **considering an assessment?**

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1 A. I really did nothing with it. I didn't know
2 if they were going to go through with it or not or
3 whatever.

4 **Q. Did you have a view as to whether or not**
5 **that was a good idea?**

6 A. Yes.

7 **Q. What was your view?**

8 A. My view was it would have been a very good
9 idea.

10 **Q. Did you express that to Mr. Smith?**

11 A. I don't think, not at that time. But I had
12 expressed previously that I thought they needed to
13 bring somebody in of that type. So I, throughout
14 much of the project, I had indicated that I thought
15 that would be helpful.

16 **Q. Did you report on this conversation to**
17 **anyone at ORS?**

18 A. I don't recall that. It was, you know, very
19 preliminary discussions as providing some names of
20 companies at that time, so I don't recall if I did or
21 not.

22 **Q. And then you are aware, are you not, that --**
23 **well, let me ask it this way. So this was early**
24 **2014, to your memory. When is the next time you**
25 **recall being informed of any additional information**

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1 **related to an independent assessment?**

2 A. The next time I recall was between
3 October 15th and October 27th. I don't recall the
4 specific date.

5 **Q. So to the best of your memory, this**
6 **conversation with Skip Smith occurred in early 2014;**
7 **is that right?**

8 A. Yes.

9 **Q. Are you confident that it wasn't 2015?**

10 A. No, not -- my recollection is that it was in
11 early 2014, but I am not super confident that it
12 wasn't in 2015.

13 **Q. So were you ever informed by Gene Soult that**
14 **in August 2015, SCE&G's outside counsel had hired a**
15 **third party to conduct an assessment of the project?**

16 A. No.

17 **Q. You are aware though now, are you not, that**
18 **Mr. Soult was so informed in August of 2015?**

19 MR. COX: Object to the form.

20 THE WITNESS: I have seen
21 Mr. Soult's summary that stated that, yes.

22 BY MR. CHALLY:

23 **Q. And Mr. Soult -- it's your testimony that**
24 **Mr. Soult did not convey that point to you at the**
25 **time?**

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1 A. No, he did not.

2 **Q. It's my understanding that Mr. Soult was**
3 **informed as to some information related to the**
4 **assessment at an on-site entity meeting; is that your**
5 **understanding as well?**

6 A. No. My understanding was that how Mr. Soult
7 found out was he was at the plan-of-the-day meeting,
8 which he periodically attended. At the end of --
9 toward the end of that meeting, a gentleman stood up
10 unknown to Mr. Soult, announced his thanks to the
11 staff for their support during the assessment that
12 was just completed, then donned a Bechtel hardhat,
13 and the person next to him did the same thing. And
14 Mr. Soult did then inform us of that occurrence at a
15 meeting with Allyn Powell and myself.

16 **Q. So following this plan-of-the-day meeting**
17 **where an individual with a Bechtel hardhat made**
18 **comments, Mr. Soult informed you and Ms. Powell --**

19 A. Correct.

20 **Q. -- of that development; is that right?**

21 A. Correct.

22 **Q. What do you recall Mr. Soult telling you?**

23 A. Exactly as I conveyed; that the guy stood up
24 during the plan-of-the-day meeting, announced that --
25 he thanked everyone for their assistance during the

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1 assessment, donned the hardhat, and the meeting was
2 over.

3 **Q. Donned a hardhat with a Bechtel logo on it?**

4 A. Correct.

5 **Q. So no doubt in your mind that following this**
6 **plan-of-the-day meeting, Mr. Soult, Ms. Powell, and**
7 **you were aware of the fact that someone with a**
8 **Bechtel hardhat had completed an assessment of the**
9 **project; is that right?**

10 A. We knew they did some kind of an assessment;
11 did not know the scope nor results, whatever.

12 **Q. And Bechtel was one of the three contractors**
13 **that you had suggested to Mr. Smith some time prior?**

14 A. Correct.

15 **Q. So what did you do once you learned this**
16 **information from Mr. Soult?**

17 A. I generated a question on our agenda, which
18 was our standard practice. On the agenda, we
19 provided input on a monthly basis to SCE&G. We
20 provided information in advance of our questions
21 based on our document review and project developments
22 that occurred. So we generated a question, and my
23 question was: Give me the top ten results of the
24 Bechtel or the Bechtel assessment that was performed.

25 **Q. So how are you familiar with Bechtel?**

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1 A. Worked with them. I mean, from the
2 beginning of my career, they were -- they used to be
3 more of a competitor to Sargent & Lundy than they are
4 now because they used to be more of an engineering
5 and construction firm. The reality of the case now
6 is more of a construction firm. So they were one of
7 our major competitors when I started my career. So I
8 have been associated with them as a competitor.

9 I also worked on teams that included Bechtel
10 personnel, worked on plants where Bechtel was the
11 major construction contractor. My old company has
12 been subcontracted to do engineering work for Bechtel
13 on multiple projects. So it's a long history of
14 familiarity with Bechtel.

15 **Q. You're aware that they're prominent in the**
16 **nuclear construction industry?**

17 A. Absolutely, yes.

18 **Q. And in fact, much later, not only did you**
19 **recommend Bechtel to Mr. Smith, but in 2016, you**
20 **recommended Bechtel as an option to review SCE&G's**
21 **sensitivity analysis, didn't you?**

22 A. That's possible. I don't recall that. I
23 have a vague recollection that they were looking for
24 someone to give some validation to their -- to the
25 analysis that they were doing themselves. I don't

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1 recall that specifically, but it's possible.

2 (Exhibit No. 2 was marked for
3 identification.)

4 **Q. Okay. I'm going to hand you what I have**
5 **marked as Exhibit 2.**

6 A. Oh, I'm sorry I misunderstood your question.
7 I thought you said SCE&G sensitivity analysis. I'm
8 sorry. I misunderstood your question.

9 **Q. Yeah. No problem.**

10 **So what I have handed you as Exhibit 2**
11 **appears to be an e-mail from you to Ms. Powell --**

12 A. Yes.

13 **Q. -- dated June 6. Do you recall this e-mail?**

14 A. I do. As I said, I misunderstood your
15 question. If we're talking about ORS, I definitely
16 remember making this recommendation, yes.

17 **Q. So this was a recommendation you made as to**
18 **who the ORS might hire to evaluate the sensitivity**
19 **analysis submitted by SCE&G in 2016; is that right?**

20 A. Correct.

21 **Q. Did you believe you weren't qualified to**
22 **evaluate that sensitivity analysis?**

23 A. I thought that it needed more participation
24 than me, than a single individual.

25 **Q. Okay.**

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1 A. I always thought that I would be part of
2 whatever team came in, but I thought we needed more
3 resources to do that.

4 **Q. What do you recall the response being to**
5 **your suggestion?**

6 A. Well, the response was thank you for the
7 input. Other than that, I don't recall what happened
8 to this.

9 **Q. But you knew, as your e-mail suggests, that**
10 **Bechtel had done work for SCE&G, at least the prior**
11 **year, right?**

12 A. Yes. But I did not, as I said, I did not
13 know the scope or what they had been involved in.

14 (Exhibit No. 3 was marked for
15 identification.)

16 **Q. Let me show you what I have marked as**
17 **Exhibit 3. You can -- however you want to organize**
18 **those, the court reporter will help you at some**
19 **point.**

20 A. All right.

21 **Q. Handing you what I have marked as Exhibit 3.**
22 **Do you recall this document, Mr. Jones?**

23 A. It appears to be the agenda of our
24 October 27-28 site visit, yes.

25 **Q. And this is the agenda that you said you had**

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1 **prepared in your testimony a few minutes ago, right?**

2 A. Not prepared; provided input to. The
3 actual -- the red parts are input.

4 **Q. So on page five, Section VI, Roman VI, d, it**
5 **discusses the status of the Bechtel assessment and**
6 **the top ten issues noted thus far.**

7 A. Yes.

8 **Q. So that's your addition to this agenda,**
9 **correct?**

10 A. Correct.

11 **Q. How did you know to identify top ten issues?**

12 A. To me, that's an easy question. If somebody
13 does an assessment, tell me the top ten things you
14 found. I had no idea what their scope was. There
15 was a question that if I know that somebody did an
16 assessment, my question is going to be, well, what
17 were the most important things found.

18 **Q. So if you're informed that someone is doing**
19 **an assessment, you have the understanding that they**
20 **must have reached certain conclusions related to that**
21 **assessment, right?**

22 A. Yes.

23 **Q. And so then in 2015, in October, you were**
24 **aware that Bechtel had not only done an assessment**
25 **but they had reached a certain conclusion?**

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1 A. No, I was not aware. I assumed they had.

2 **Q. And you assumed because you were simply**
3 **informed of the fact that there was an assessment?**

4 A. Correct.

5 **Q. And you recall having a discussion that**
6 **followed your decision to put this item on the**
7 **agenda?**

8 A. I'm sorry, "a discussion"?

9 **Q. Do you recall a discussion with someone at**
10 **SCE&G about the items that you had on this agenda?**

11 A. Discussion other than at the meeting?

12 **Q. No, that discussion.**

13 A. At the meeting, when we got to this item to
14 discuss it, that was the discussion that I talked
15 about previously was Skip Smith and Shirley Johnson.

16 **Q. Do you recall asking Alan Torres for**
17 **information about this assessment?**

18 A. Subsequent to the meeting, and I don't
19 recall the date or the time, but we were having a
20 general discussion, and what Mr. Torres told me was
21 that they didn't find anything new, said, no,
22 nevermind.

23 **Q. So can you -- this discussion with**
24 **Mr. Torres was after your discussion with Mr. Smith**
25 **that followed your including this on the agenda**

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1 **items; is that right?**

2 A. Right.

3 **Q. Do you recall any -- with any additional**
4 **specificity when you had this discussion with**
5 **Mr. Torres?**

6 A. No.

7 **Q. Was it -- you submitted testimony to the PSC**
8 **in 2016, didn't you?**

9 A. Yes.

10 **Q. Was this discussion with Mr. Torres before**
11 **your testimony in 2016?**

12 A. For my testimony in 2016, you said?

13 **Q. Correct.**

14 A. Yes. It was shortly after this, but I can't
15 give you the specific time.

16 **Q. And is it your testimony that you recall**
17 **Mr. Torres telling you that he didn't have the**
18 **assessment?**

19 A. We didn't discuss specifically whether he
20 had the assessment because I was told there was no
21 written assessment. But we were discussing results,
22 and he told me that they found nothing new and it was
23 a no-nevermind. Those may not have been his exact
24 words but pretty close.

25 **Q. So who informed you that there was no**

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1 **written assessment at this time?**

2 A. Mr. Smith and Shirley Johnson.

3 **Q. And that is the discussion that you recall**
4 **occurring at this site meeting?**

5 A. Correct.

6 **Q. So did you ask Mr. Torres whether there was**
7 **an assessment, a written assessment, at this time?**

8 A. Not at that time, no, I did not.

9 **Q. You did ask him what the results of the**
10 **assessment were; is that right?**

11 A. I think he actually started the
12 conversation, because I think he had talked to Skip
13 Smith about our request, and I think he told me that
14 the results were they didn't find anything. I don't
15 think I asked him a specific question; he told me
16 that it was a no-nevermind.

17 **Q. So you're aware of Bechtel's prominence in**
18 **the construction industry and specifically with the**
19 **nuclear projects, correct?**

20 A. Yes.

21 **Q. And you were aware of that at the time of**
22 **your discussion with Mr. Torres?**

23 A. Yes.

24 **Q. And you're aware that you had recommended to**
25 **Skip Smith, potentially in 2014, that Bechtel be**

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1 **hired to do an independent assessment of the project?**

2 A. Correct.

3 **Q. And you're further aware that that**
4 **assessment had been conducted in 2015, correct?**

5 A. What I was aware of at this time is that
6 Bechtel had done something.

7 **Q. Right.**

8 A. I had no idea what their scope was.

9 **Q. You called it an assessment?**

10 A. They called it an assessment.

11 **Q. Correct. And you have an understanding,**
12 **generally, what you described as to what an**
13 **assessment would do, which is lead to some**
14 **conclusion.**

15 A. Yes. But there is a broad range available.

16 **Q. Understood. So you understand that one of**
17 **the prominent construction engineering firms in the**
18 **country has done an independent assessment, as they**
19 **described it, of the project; you're informed that**
20 **nothing new arises out of that project. Do you ask**
21 **Mr. Torres for any additional information?**

22 A. No, I did not, because he said there was
23 nothing new.

24 **Q. Do you recall anything else at all about**
25 **this discussion with Mr. Torres?**

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1 A. No.

2 **Q. Do you recall telling Mr. Torres that you**
3 **intended on following up with Dukes Scott on this**
4 **issue?**

5 A. I have seen that, but to -- I do not recall
6 that. I am not saying it's not true. I have seen
7 that in Mr. Torres's testimony, but I do not recall
8 that.

9 **Q. Do you recall reporting to Mr. Scott that**
10 **one of the, in your view, leading engineering and**
11 **construction firms had conducted an assessment of the**
12 **project?**

13 A. I actually don't recall that.

14 And to give you some context, this was the
15 time when the new amendment had been issued, so we
16 were very much more involved in what was going on
17 with that. So I don't recall whether I actually told
18 Mr. Scott or not that Bechtel had done some
19 assessment. I may have. I don't recall.

20 **Q. You expect you would have reported this**
21 **discussion with Mr. Torres to Ms. Powell?**

22 A. I may or may not have. In fact, I don't
23 even know if she was present. She could have been
24 present at the time the discussion took place, but I
25 don't recall. I do recall that there was some

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1 discussion.

2 Q. So you don't recall conveying the substance
3 of your conversation with Mr. Torres to anyone; is
4 that right?

5 A. I do not recall, no.

6 Q. Prior to the July 31st, 2017 abandonment of
7 construction at the project, did you have any other
8 discussions with Mr. Scott about Bechtel's
9 assessment?

10 A. Prior to the abandonment, you said?

11 Q. Correct.

12 A. No.

13 Q. You never discussed with Mr. Scott the fact
14 that Bechtel had conducted an assessment prior to
15 abandonment?

16 A. Oh, we did after the response to the AIR.
17 We did have a discussion of why Bechtel was not
18 included in their list of consultants. Once they
19 responded to our AIR, and that's specifically
20 referenced to -- I don't recall the specific number,
21 but we did discuss that: Why, why isn't Bechtel on
22 here in the list of consultants that they hired.

23 Q. So at the time of the AIR -- and this is one
24 that I think denominated as 132; is that right?

25 A. That sounds correct.

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1 Q. So at the time that you received SCE&G's
2 responses to that AIR, you immediately questioned why
3 Bechtel wasn't identified; is that right?

4 A. We did.

5 Q. And you discussed that with Mr. Scott?

6 A. Yes.

7 Q. So Mr. Scott, at the time of the AIR
8 response, was fully aware of the fact that Bechtel
9 had conducted some sort of an assessment, right?

10 A. Yes.

11 Q. Because you had conveyed that to him?

12 A. Right.

13 Q. In that conversation, did he relate to you
14 that he had separately become aware of that fact?

15 A. No.

16 Q. So that was the first he had heard of
17 Bechtel conducting an assessment, when you told him?

18 A. I don't know.

19 MR. COX: Object to the form.

20 BY MR. CHALLY:

21 Q. Don't know?

22 A. I'm sorry. I don't know.

23 Q. Was anyone else involved in that
24 conversation?

25 A. I don't recall.

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1 **Q. Do you recall any lawyers being involved in**
2 **that conversation?**

3 A. I don't recall.

4 **Q. What do you recall discussing with**
5 **Mr. Scott?**

6 A. All I recall is the discussion. And there
7 may have been others present, I don't remember, but
8 the fact that, hey, why didn't they -- why isn't
9 Bechtel listed on this as one of the consultants that
10 they hired. We didn't understand that at all,
11 because we knew that they did some kind of an
12 assessment. We didn't know the scope or what it was,
13 but we couldn't understand why they weren't listed.

14 **Q. Was that your comment or was that someone**
15 **else's comment?**

16 A. It was joint. It was a joint revelation to
17 all of the team, to Gene, to Alan, and to me. It's
18 like when we -- and we saw the responses at different
19 times, but all of us had the same reaction.

20 **Q. You all knew at the time you saw the**
21 **response that Bechtel had conducted an assessment of**
22 **some sort, right?**

23 A. Correct.

24 **Q. Now, what do you recall concluding as to**
25 **that? You said you discussed why SCE&G might not**

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1 **have revealed that. What do you-all recall**
2 **concluding?**

3 A. Well, we concluded at the time that they
4 were withholding information.

5 **Q. Who did you -- did you follow up with them?**

6 A. We did; we gave them a second chance.

7 **Q. When?**

8 A. We revised the AIR, sent it out again.

9 **Q. And then that was responded to, correct?**

10 A. Correct.

11 **Q. Did you have a discussion as to the response**
12 **that you received?**

13 A. Yes, we did.

14 **Q. What was that discussion?**

15 A. The discussion was they still didn't list
16 Bechtel.

17 **Q. Any further topic addressed during that**
18 **discussion; meaning, was there any further context to**
19 **the discussion you had related to the fact that SCE&G**
20 **didn't mention Bechtel in that response?**

21 A. I don't -- I don't recall what the
22 subsequent discussion was or whether we had -- I
23 mean, we were still all surprised that they didn't
24 provide us with Bechtel.

25 **Q. So back to October of 2015, you include --**

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1 discussed the status of the Bechtel assessment and
2 top ten issues on this agenda. You have a discussion
3 with Skip Smith and Shirley Johnson related to this
4 topic at the time. And you sometime thereafter have
5 a discussion with Alan Torres. Are you aware that
6 this particular item wasn't contained on the November
7 agenda prepared for a similar meeting?

8 A. Correct.

9 Q. And you chose not to include that on the
10 agenda; isn't that right?

11 A. We did. We broached the topic again, but it
12 was not an agenda item because we believed that there
13 was no further discussion to be had.

14 Q. So you say you discussed the Bechtel
15 assessment again in November?

16 A. We brought up the topic and --

17 Q. Who do you recall bringing up the topic?

18 A. At that time, it was actually Gene Soult
19 that brought it up again.

20 Q. What was the context of him bringing up the
21 topic?

22 A. I think it was like -- I characterized as
23 giving them another chance to say what, what were the
24 results of the Bechtel assessment or what was the
25 scope of the Bechtel assessment.

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1 **Q. Who did he direct that question to?**

2 A. Again, it was to Skip Smith and Shirley
3 Johnson who were regular attenders at the meeting.

4 **Q. What do you recall their response being at**
5 **the time?**

6 A. Still the same.

7 **Q. Which was exactly what?**

8 A. That there was no written report and we
9 don't know anything about it.

10 **Q. Did you indicate you intended to follow up**
11 **with anyone else?**

12 A. Not at that time, no.

13 **Q. Why?**

14 A. We had been told that there was no written
15 report, we had been told that there were no
16 significant findings, and so we didn't see any reason
17 to pursue it. We did not know what the scope was,
18 and we had been told it was for a high level kind of
19 an assessment, so we didn't pursue it at that time.

20 **Q. So after November of 2015, this meeting that**
21 **you've just described, do you recall discussing the**
22 **assessment -- let me back up, let me be clear.**

23 **After this November 2015 meeting, and**
24 **excluding your discussion with Alan Torres, do you**
25 **recall having a discussion with anyone at SCE&G about**

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1 **this assessment prior to abandonment?**

2 A. The only other person that I think I had
3 discussion with was almost the same context was Kyle
4 Young, and it was in the same time frame as we're
5 talking about here. He said essentially the same
6 thing as Alan Torres; that it was nothing new,
7 nothing to see here, no-nevermind.

8 **Q. Can you give any greater specificity as to**
9 **when that conversation with Mr. Young occurred?**

10 A. I cannot.

11 **Q. Do you recall whether you brought it up or**
12 **he brought it up?**

13 A. No. In that case, I actually think it
14 was -- Kyle was usually our tour guide for the site
15 visit, so I think it just came up in conversation as
16 we were driving around in the truck.

17 **Q. Did you ever talk to anyone at Santee Cooper**
18 **about the assessment?**

19 A. No.

20 **Q. Did you ever talk to anyone at SCE&G about**
21 **Bechtel, other than these times that you have**
22 **recounted?**

23 A. I can't recall. I don't know if I did or
24 not.

25 **Q. Same question with Santee Cooper: Did you**

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1 **ever talk to anyone at Santee Cooper about Bechtel?**

2 A. No.

3 **Q. Did you ever speak to anyone affiliated with**
4 **the Electric Cooperatives about the assessment?**

5 A. About the Bechtel assessment?

6 **Q. Yes.**

7 A. No.

8 **Q. Did you ever speak with anyone at ECSC**
9 **related to the assessment?**

10 A. No.

11 **Q. Did you ever speak to Mike Couick about the**
12 **assessment?**

13 A. No.

14 **Q. Did you ever speak to Mike Couick about**
15 **Bechtel?**

16 A. I can't recall whether or not -- I mean,
17 Bechtel may have come up in some conversations about
18 Vogle, but I don't recall.

19 **Q. So all of this information that you**
20 **described about the Bechtel assessment, as you**
21 **understood it, is information that you had before**
22 **your 2016 PSC testimony, right?**

23 A. Repeat that, please.

24 (The record was read as requested.)

25 THE WITNESS: All of the

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1 information that I had that they had done some
2 assessment --

3 BY MR. CHALLY:

4 **Q. Yes.**

5 A. -- without knowing what it was? Yes.

6 **Q. And you didn't mention Bechtel or this**
7 **assessment in your 2016 testimony, right?**

8 A. I did not.

9 **Q. You nevertheless extensively discussed the**
10 **status of your project in that testimony, didn't you?**

11 A. I discussed the status of the project in my
12 testimony, yes.

13 **Q. And your testimony reflects your independent**
14 **evaluation of the status of the project, doesn't it?**

15 A. Yes, based on my review of the documentation
16 available to me and my experience, yes.

17 **Q. It further reflects your independent**
18 **evaluation of the EPC amendment and specifically the**
19 **fixed price option, doesn't it?**

20 A. Yes.

21 **Q. You concluded, as least as it relates to**
22 **schedule, that the ORS recommends that the Commission**
23 **approve the proposed guarantee, guaranteed**
24 **substantial completion dates, didn't you?**

25 A. I did.

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1 Q. And you concluded ultimately that the
2 request sought by SCE&G in this 2016 docket was
3 appropriate in that testimony, didn't you?

4 A. I did, based on the information available to
5 me at the time.

6 Q. You never told anyone at the Commission
7 about the assessment that you knew had been ongoing,
8 right?

9 A. "Ongoing"? What does that mean?

10 Q. Did you ever tell anyone at the Commission
11 about the assessment that you knew had been conducted
12 on the site?

13 A. By Bechtel?

14 Q. By Bechtel.

15 A. No.

16 Q. You didn't think you needed to provide that
17 information, did you?

18 A. I did not. I didn't think it was
19 significant.

20 Q. Do you recall meeting with Mike Couick and
21 Mike Tye of the Electric Cooperatives in December of
22 2015?

23 A. Not specifically, but there were meetings
24 where I did meet with Mike Couick.

25 (Exhibit No. 4 was marked for

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1 identification.)

2 **Q. I'm handing you what I have marked as**
3 **Exhibit 4. This appears to be an invoice that you**
4 **submitted; is that right?**

5 A. I don't remember if this one was submitted
6 or not, but it's my detailed invoice that I prepared.
7 I don't remember what time I stopped submitting
8 detailed invoices.

9 **Q. Okay. Flip to -- do you see the Bates**
10 **number that's at the top? And I think my copy is in**
11 **red, yours might not. GJ Notes. Do you see that?**

12 A. Yes.

13 **Q. Okay. Go to 001544.**

14 A. Okay.

15 **Q. There is a Date of Work or Expenses field,**
16 **2015, 12/16, Meetings with SCE&G and ORS management**
17 **at the VCS site offices, document review and meeting**
18 **with Mike Couick and Mike Tye of Electric**
19 **Cooperatives of South Carolina.**

20 A. Okay.

21 **Q. Who is Mike Tye?**

22 A. Actually, I don't know. I got his name at
23 the meeting but I really don't know who he is.

24 **Q. Is it your understanding he is affiliated**
25 **with the cooperatives?**

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1 A. I don't know. He was at the meeting.
2 That's all I know.

3 **Q. What do you recall happening at this**
4 **meeting?**

5 A. What do I recall? I don't recall anything.
6 A general characterization, I would say, you know,
7 it's an updated status of the project, but I have no
8 recollection of this meeting.

9 **Q. Prior to abandonment, is it your testimony**
10 **that you were unaware that Bechtel had issued any**
11 **written report?**

12 A. That's correct.

13 MR. CHALLY: So I'm at a logical
14 stopping break and it's 12:10. Terry, you
15 mentioned you wanted --

16 MR. RICHARDSON: Yes, this is
17 fine.

18 MR. CHALLY: This works?

19 MR. RICHARDSON: Fine. No
20 problem.

21 MR. CHALLY: Okay. Why don't we
22 take a relatively short break for lunch.

23 MR. COX: Yeah, let's go off.

24 THE VIDEOGRAPHER: We are going
25 off the record at 12:11 p.m.

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1 (A recess was taken.)

2 THE VIDEOGRAPHER: We're going
3 back on the record at 1:21 p.m.

4 MR. CHALLY: Just one thing I want
5 to note before I begin questioning, and I
6 mentioned this to Mr. Cox and Ms. Pickling before
7 we began.

8 Is it Mr. Hamm, is that right,
9 representing the ORS?

10 MR. HAMM: Yes, Steven Hamm.

11 MR. CHALLY: Steven Hamm.

12 Mr. Hamm, I understand that you were recently
13 affiliated with Richardson Plowden, a firm here
14 in Columbia, and you're not -- sort of stating on
15 the record -- not, certainly not asking you a
16 question as to this, but as Richardson Plowden
17 represents SCANA and SCE&G in a wide variety of
18 matters. I am not here today to object
19 specifically to your involvement on behalf of the
20 ORS, but I want to make clear that you -- me
21 allowing your participation in that capacity in
22 this deposition doesn't waive the ability of
23 SCANA or SCE&G to object to your continued
24 representation of the ORS in this matter.

25 MR. HAMM: I hear you. But for

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1 the record, I have virtually no idea what my firm
2 has or is doing in this matter. I have never had
3 any involvement in it whatsoever. And I couldn't
4 answer the first question about what my former
5 firm is doing.

6 MR. CHALLY: Okay. We'll deal
7 with all that at a later time, but, thank you.

8 MR. HAMM: All right. I just want
9 to protect the record.

10 MR. CHALLY: Understood.

11 BY MR. CHALLY:

12 **Q. Mr. Jones?**

13 A. Yes.

14 **Q. We talked about some testimony that you**
15 **presented on behalf of the ORS at various points in**
16 **time earlier. Can you tell me generally what the**
17 **process was for preparing that testimony, the**
18 **pre-filed testimony that was submitted?**

19 A. Well, in general, the process would be after
20 the filings by SCE&G for a revised budget and
21 schedule. We would start preparing our assessment of
22 whether those were proper and acceptable and prudent
23 in preparation for presenting our recommendation to
24 the Public Service Commission.

25 **Q. Okay. I should have been a little bit**

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1 clearer. I am actually looking for very granular.
2 Did you write the words that appear in the pre-filed
3 testimony submitted on your behalf?

4 A. Absolutely, yes.

5 Q. You wrote every single word; you typed them
6 in?

7 A. I can't say that I wrote every single word.
8 There was some formatting that took place after my --
9 but the words were mine. They may have been word
10 processed after me, but the words were mine.

11 Q. Understood. Okay.

12 So, Mr. Jones, you were aware in 2014 that
13 the Consortium presented to the owners of the V.C.
14 Summer project a revised construction schedule
15 and expected cost to complete the project, right?

16 A. Repeat the date again, please.

17 Q. 2014.

18 A. 2014 that the --

19 Q. That the Consortium, had presented to the
20 owner a revised construction schedule and expected
21 cost to complete the project.

22 A. We were aware that they were supposed to,
23 and we kept requesting that. But as far as knowing
24 that it had actually been submitted, I don't think we
25 were ever really aware of when it was submitted.

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1 **Q. Mr. Jones, do you regularly review pre-filed**
2 **testimony submitted by SCE&G in connection with the**
3 **PSC proceedings related to the project?**

4 A. Yes, I usually do reviews of other
5 testimonies, yes.

6 **Q. So as it comes in, you would review it and**
7 **make sure -- well, you would review it, right?**

8 A. Are you talking about my testimony or
9 others?

10 **Q. I am talking about other testimony.**

11 A. I would say selectively. I don't review all
12 testimonies that are submitted, but some that are
13 more pertinent to my areas, I do review.

14 **Q. So testimony of Steve Byrne?**

15 A. Oh, you're talking about -- I'm sorry. Yes,
16 I would review that.

17 (Exhibit No. 5 was marked for
18 identification.)

19 **Q. So I have handed you what I have marked as**
20 **Exhibit 5. Is this testimony that you would have**
21 **reviewed at the time it came in, meaning the time it**
22 **was submitted to the PSC?**

23 A. Based on the title that's there, yes.

24 **Q. Flip with me to page 36.**

25 A. All right.

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1 Q. The second full paragraph begins, "In the
2 third quarter of 2014, SCE&G received what WEC/CB&I
3 termed a revised fully integrated construction
4 schedule."

5 Do you see that?

6 A. Yes.

7 Q. "Accompanying the construction schedule data
8 was information related the revised cost estimates
9 for completing the project, the
10 estimated-at-completion (EAC) cost."

11 Do you see that?

12 A. Yes.

13 Q. So as reflected in Mr. Byrne's testimony,
14 you were aware that in 2014, the Consortium,
15 Westinghouse and CB&I, presented to the owners a
16 revised construction schedule and expected cost to
17 complete the schedule, right?

18 A. Again, I would say we were aware they were
19 supposed to.

20 Q. Well --

21 A. On reading this, I became aware of it. But
22 there was always the case that we were expecting them
23 to submit the construction schedule, but it was not
24 provided to us.

25 Q. And Mr. Byrne confirmed -- to the extent

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1 there was any doubt as to whether that happened,
2 Mr. Byrne testified that it did in fact happen in
3 2014, right?

4 A. Yes.

5 Q. And you're aware that estimates provided by
6 the Consortium were based on a series of assumptions
7 regarding future performance, correct?

8 A. Yes, estimates are always based on that,
9 yes.

10 Q. And particularly with respect to these
11 assumptions or as to performance, there was an
12 assumption related to a productivity factor for the
13 work that needed to be done, correct?

14 A. Yes, I'm aware of that.

15 Q. And you're aware that that factor was 1.15,
16 correct?

17 A. Yes. I should say I'm aware that that's
18 what was reported as their bases. We did not see the
19 actual, you know, the actual estimate itself, but
20 that was what was reported to be the basis was the
21 estimate.

22 Q. Okay. Sitting here today and with
23 additional information that you have collected in
24 discovery, do you have any reason to doubt that 1.15
25 was the factor, productivity factor, used to develop

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1 **the assumptions for that schedule?**

2 A. I can say I don't have any reason to doubt
3 it. I also don't really have any reason to confirm
4 it. It was what was reported to us as the basis.

5 (Exhibit No. 6 was marked for
6 identification.)

7 **Q. I'm handing you what I have marked as**
8 **Exhibit 6. This is a request that I believe you**
9 **submitted to Chad Burgess with a "cc" to various**
10 **individuals that are titled, or having the purpose of**
11 **follow-up on initial AIR submittal. Do you see that?**

12 A. Okay. Yes.

13 **Q. Do you recall this request?**

14 A. Yes.

15 **Q. And you recall requesting that this**
16 **information be provided to you by May 29, 2015?**

17 A. I don't recall that specifically, but if
18 that's what it says, then, yes.

19 **Q. And this is a specific discussion of the**
20 **productivity factors, right?**

21 A. Yes.

22 **Q. In your request, not even in the response,**
23 **your request, which you issued sometime prior to**
24 **May 29, 2015, said that -- you state, meaning SCE&G,**
25 **states "that the productivity factor of 1.15 was**

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1 **chosen by the Consortium as the basis for the EAC;"**
2 **is that right?**

3 A. Yes.

4 **Q. So you knew, at least as of the time that**
5 **you made this request, that the Consortium's**
6 **productivity factor, for purposes of the schedule and**
7 **cost estimates it had provided, was 1.15?**

8 A. Again, I knew that that's what was reported
9 to us as the basis.

10 **Q. And you also knew, did you not, as reflected**
11 **in this Response to Interrogatory, that the**
12 **historical productivity factors were much higher?**

13 A. I did.

14 **Q. And you knew that on your own, didn't you?**
15 **Because you had access to the productivity factors on**
16 **a more regular basis.**

17 A. We received the productivity information
18 monthly, so I was aware that they had not met those
19 productivity factors of 1.15.

20 **Q. So you knew at this time in 2015 that using**
21 **a different productivity factor would lead to a**
22 **different schedule completion date, right?**

23 A. In general, yes. But there are other things
24 you can do, like, if you have a bad productivity
25 factor, you can increase staff.

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1 **Q. You can always hire more people to address a**
2 **poor productivity factor?**

3 A. Correct. Change the way you perform the
4 work. So if there's things that can be done that is
5 not a direct correlation, but if you do nothing and
6 continue, then it's going to impact --

7 **Q. The schedule.**

8 A. -- the schedule.

9 **Q. But it's going to impact the cost of the**
10 **project regardless, right?**

11 A. Yes.

12 **Q. So a poorer productivity factor will lead to**
13 **an increased cost to complete the project, right?**

14 A. In general. Again, if you do -- if you do
15 nothing, then, yes, it will.

16 **Q. And so you knew in 2015 that applying a**
17 **productivity factor higher than 1.15 would lead to a**
18 **different cost estimate than if you had used a 1.15**
19 **productivity factor, correct?**

20 A. I'm sorry, repeat that again.

21 MR. CHALLY: Maybe you can read it
22 back.

23 (The record was read as requested.)

24 THE WITNESS: Yes. If you --
25 again, if you do nothing other than accept the

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1 productivity factor as it's done, it will lead to
2 a higher cost.

3 BY MR. CHALLY:

4 **Q. You also knew, did you not, that there were**
5 **various mitigation efforts under way to improve the**
6 **historical productivity factor at this time, right?**

7 A. Yes.

8 **Q. And you also knew, did you not, that the**
9 **Consortium had promised to achieve this level of**
10 **productivity?**

11 A. I actually became aware of that through the
12 testimony, through, I think it was Mr. Byrne's
13 testimony.

14 **Q. His 2015 testimony?**

15 A. Yes.

16 **Q. And you knew though, at this time, that**
17 **particularly in light of the historical productivity**
18 **factors, that the Consortium might not be able to**
19 **meet this promised 1.15 productivity factor, right?**

20 A. I knew that it would be a challenge and that
21 they would definitely have to employ and fully
22 implement the mitigate strategies or some other
23 mitigation strategies in order to meet that, yes.

24 **Q. And all of that, all of that we just**
25 **described as you knowing in 2015, was clear from**

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1 **Mr. Byrne's 2015 testimony, isn't it?**

2 A. I would say it was fairly clear that, and
3 that it was acknowledged, that significant
4 improvements needed to be made in the productivity
5 factors in order to achieve the schedule and budget,
6 yes.

7 **Q. Now flip with me to pages 38 and 39 in**
8 **Mr. Byrne's testimony.**

9 A. All right.

10 **Q. So I want to read you a particular subset of**
11 **this and then ask you a couple of questions about it.**

12 **As to both timing and cost, the schedules**
13 **are based on productivity factors that WEC/CB&I**
14 **represents can be met --**

15 A. Excuse me, could you give me a more specific
16 reference?

17 **Q. Sure. Yeah. I'm sorry. Page 38.**

18 A. Okay.

19 **Q. The carryover paragraph at the end, third**
20 **sentence.**

21 A. Okay.

22 **Q. I'm going to start again. "As to both**
23 **timing and cost, the schedules are based on**
24 **productivity factors WEC/CB&I represents can be met**
25 **given the current status of the project. Meeting**

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1 those productivity factors will pose a challenge to
2 WEC/CB&I, but doing so will benefit the project both
3 in terms of cost and schedule. For that reason, as
4 owner, SCE&G, has no basis or interest in insisting
5 that WEC/CB&I should use less challenging
6 assumptions. However, SCE&G does recognize that
7 WEC/CB&I has set itself a significant challenge to
8 future productivity."

9 A. Okay.

10 Q. Do you agree with that statement?

11 A. Yeah, I think, in general, that would
12 characterize what had to be done, yes.

13 Q. So you do understand also that using a less
14 aggressive productivity factor, so a higher number,
15 would ultimately increase the cost of the project,
16 right?

17 A. Yes.

18 Q. And those are costs that would be borne by
19 someone, and if approved by the PSC, ultimately the
20 ratepayers, correct?

21 A. Yes.

22 Q. So the lower cost that was used here, lower,
23 reflecting the promised productivity factor as
24 opposed to a historical productivity factor, actually
25 saved money?

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1 A. No, it did not.

2 **Q. How so?**

3 A. If you're not going to meet those
4 productivity factors, you're not going to save
5 anything.

6 **Q. But by 2016, you understood, did you not,**
7 **that Westinghouse had assumed the cost, the potential**
8 **for cost overruns, associated with a poor**
9 **productivity factor, right?**

10 A. Through the implementation of the fixed
11 price, yes.

12 **Q. So at least as of 2016, through**
13 **implementation of the fixed price option, the**
14 **productivity factor was now Westinghouse's problem**
15 **exclusively, right?**

16 A. I would not say "exclusively," no. The
17 ultimate responsibility for the project still
18 remained with SCE&G. But, in theory, the financial
19 burden had been moved to the Consortium or to
20 Westinghouse.

21 **Q. All right. So by March of 2016, after**
22 **Mr. Byrne's testimony, you understood that the**
23 **promised productivity improvements, those promised**
24 **productivity improvements that Westinghouse had**
25 **promised, had not been achieved, right?**

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1 A. Yes.

2 (Exhibit No. 7 was marked for
3 identification.)

4 **Q. I'm going to show you what I have marked as**
5 **Exhibit 7 to your deposition. This is a letter from**
6 **Dukes Scott to Kenny Jackson. Do you see that?**

7 A. Yes.

8 **Q. This reports on the ORS's retention of you**
9 **as a consultant, which I believe SCE&G already knew,**
10 **but then discusses the certain issues related to the**
11 **project. Do you see that?**

12 A. Yes.

13 **Q. Were you involved in the preparation of this**
14 **letter?**

15 A. Yes.

16 **Q. Tell us what led to the preparation of this**
17 **letter.**

18 A. Basically, we were concerned that the
19 project was not meeting its schedule and budget
20 commitments, and that we believed that additional
21 actions needed to be taken, and so we thought that it
22 would be appropriate to outline this to SCE&G.

23 **Q. So what of this letter did you actually**
24 **develop?**

25 A. I can't tell you specifically, but I was --

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1 I was intimately involved with the development of the
2 letter and identified, I would say, where you get
3 into any kind of technical issues, most of those were
4 identified by me.

5 Q. So on page two of this letter, it begins, "A
6 discussion of certain factors that existed in 2008."

7 Do you see that?

8 A. Yes.

9 Q. Do you agree that in 2008 all these factors
10 were evident?

11 A. Yes, I put together that paragraph,
12 essentially.

13 Q. So do you agree, even today, that as of
14 2008, all of these things were true?

15 A. Yes. In 2008, that's the case.

16 Q. And would you further agree that in the
17 section entitled "Actual Experience," that these were
18 developments since 2008? That's what it has intended
19 to convey, right?

20 A. Yes.

21 Q. Are any of these developments things that
22 you disagree with today?

23 A. Probably only one.

24 Q. Which one?

25 A. On the page that -- I don't see page

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1 numbers -- but the one involving the EPA rulings on
2 non-greenhouse gas. Those have been pretty much put
3 on hold.

4 Q. Everything else though is accurate?

5 A. Yes.

6 Q. So footnote three on this second page
7 indicates that "We expect SCE&G to be filing for
8 approval of the executed amendment dated October 27,
9 2015 to the contract."

10 A. Okay.

11 Q. Do you see that?

12 A. Yes.

13 Q. Is that the EPC amendment that allowed for
14 the possibility of a fixed price option?

15 A. Yes.

16 Q. So -- okay. Then you identify certain
17 challenges to -- or this letter identifies certain
18 challenges to the project on the third page, correct?

19 A. Yes.

20 Q. One of those is "Productivity continues to
21 be lower than to meet construction schedules," right?

22 A. Yes.

23 Q. And what -- on what did you -- well, let me
24 ask you this: Did you develop these bullet points?

25 A. Yes.

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1 **Q. On what did you base that assertion?**

2 A. Based on the record that we have on a
3 monthly basis of what actual productivity numbers
4 were, productivity factors and productivity.

5 **Q. It's easy to follow and reach this**
6 **conclusion based on the information that you had at**
7 **the time, right?**

8 A. Correct.

9 **Q. So then, in conclusion, there are certain**
10 **bullets that are described after that introductory**
11 **phrase. Do you see that?**

12 A. You're talking about the "Conclusion"?

13 **Q. Yes.**

14 A. Okay. Yes.

15 **Q. Did you develop those bullet points?**

16 A. I don't know if I developed all of them, but
17 I had significant input into those.

18 **Q. Fair enough. Do you agree today that the**
19 **BRLA methodology reduces costs per an independent**
20 **study?**

21 MR. COX: Objection. Object to
22 the form.

23 THE WITNESS: Okay. That's one
24 that I did not, and I think that's based on
25 historical pre-me, that they had done studies in

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1 South Carolina that indicated that, but I don't
2 really -- that wasn't my --

3 BY MR. CHALLY:

4 **Q. Let's go to the last page. I have got one**
5 **other question to ask you about the bullet points.**
6 **But before we get there, last page, the last**
7 **sentence, "The BLRA, as it presently exists, remains**
8 **an essential element to success," and then it**
9 **continues.**

10 **Do you see that?**

11 A. Yes.

12 **Q. Do you disagree with anything that's**
13 **contained in that paragraph?**

14 A. I would say I don't disagree with it at the
15 time, no.

16 **Q. Then flipping back to the bullet points,**
17 **"The project faces significant but not insurmountable**
18 **challenges."**

19 **Do you see that?**

20 A. Yes.

21 **Q. So you knew, even as of March of 2016, that**
22 **the project would face significant but not**
23 **insurmountable challenges; is that right?**

24 A. I would not say "knew." There appear to be
25 mechanisms that it was achievable if the mitigation

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1 plans were successfully implemented and if they had
2 attained their goals. I did not know that.

3 **Q. But it was nevertheless your understanding,**
4 **based on the information that you had available to**
5 **you, right?**

6 A. Yes.

7 (Exhibit No. 8 was marked for
8 identification.)

9 **Q. I have handed you what I have marked as**
10 **Exhibit 8. This document is an e-mail from you to**
11 **Dukes Scott. It's dated May 6th -- yeah, it's dated**
12 **May 6th, 2016, right?**

13 A. Okay.

14 **Q. So in this, this document is a summary of a**
15 **site visit you conducted in April; is that right?**

16 A. Yes.

17 **Q. And is this part of your reporting to**
18 **Mr. Scott on the status of the project?**

19 A. Yes. This was one of the mechanisms that
20 evolved in -- eventually in my reports to Mr. Scott.

21 **Q. At what time did you start doing these**
22 **written reports?**

23 A. I honestly can't tell you. It was an
24 evolution of the project, but I don't remember
25 exactly when it started.

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1 **Q. But as of this time, as of 2016, you were**
2 **providing these reports on a monthly basis; is that**
3 **right?**

4 A. Pretty much on a monthly basis, not -- I
5 wouldn't say every month. If there was nothing
6 changed, sometimes we wouldn't do it; but, in
7 general, yes, on a monthly basis.

8 **Q. Flip to the last page of this report,**
9 **please.**

10 A. Okay.

11 **Q. The point referred to under Section K,**
12 **"Construction labor productivity rates and overall**
13 **productivity improvements have not yet significantly**
14 **increased;" is that right?**

15 A. Yes.

16 **Q. So that was your observation based on the**
17 **information available to you at the site at the time,**
18 **right?**

19 A. Correct.

20 **Q. And you reached the same conclusion in May,**
21 **didn't you?**

22 A. All I can say is probably, because that was
23 the situation. I don't know if I indicated that, but
24 that would have been my conclusion in May, yes.

25 **Q. Yeah. So there was no confusion as to the**

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1 **difficulty in achieving the enhanced productivity**
2 **that the Consortium had previously promised, was**
3 **there?**

4 A. No, I don't think there was any confusion.
5 The productivity increases have not been met.

6 **Q. Right. And that was obvious to anyone who**
7 **was observing the project, right?**

8 MR. COX: Object to the form.

9 THE WITNESS: I would say anyone
10 that understood what productivity numbers are and
11 what productivity factors and was conversant in
12 construction would have understood that, yes.

13 BY MR. CHALLY:

14 **Q. Fair enough. So you understood that, and**
15 **you understood that your job was, in part, to**
16 **describe those facts as you understood them to others**
17 **at the ORS, right?**

18 A. Correct.

19 (Exhibit No. 9 was marked for
20 identification.)

21 **Q. All right. Just to make sure the record is**
22 **clear, this is Exhibit 9. These are similar notes or**
23 **notes of your concerns regarding SCE&G responses to**
24 **ORS AIRs.**

25 A. Right.

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1 Q. And in four, you indicate the "Quality,
2 productivity and scheduling adherence issues continue
3 to cause a concern," correct?

4 A. Yes.

5 Q. Productivity -- later, skipping a couple, or
6 one sentence, "Productivity and construction
7 performance continue to lag, and the rates needed to
8 support the current completion schedule are not being
9 met."

10 Do you see that?

11 A. Yes.

12 Q. So you knew that in May of 2016, right?

13 A. Yes.

14 Q. And you think you reached a very similar
15 conclusion in June 2016, right?

16 A. That would have been so.

17 (Exhibit No. 10 was marked for
18 identification.)

19 Q. This is Exhibit 10. Tell me if you recall
20 this document.

21 A. Yes.

22 Q. Very first -- let me ask you this: The
23 e-mail is from you to Brittany Waring. Do you see
24 that? Who is Brittany Waring?

25 A. She is the administrative assistant to

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1 Mr. Scott.

2 Q. You said, "Please see that Dukes gets this."

3 Was there some specific prompting of this
4 particular communication from Mr. Scott?

5 A. I don't understand that question.

6 Q. Do you know what led to you sending this to
7 Ms. Waring and suggesting specifically that she see
8 that Dukes gets this?

9 A. I don't recall a specific reason. I know
10 that there was some concerns that Dukes had problems
11 with e-mail and overloaded with e-mail and he
12 preferred that many of these things go to Ms. Waring.

13 Q. All right. So then in your actual summary
14 that you prepared and attached to this e-mail, your
15 very first observation and comment is that
16 "Westinghouse and Fluor continue to struggle with
17 craft labor productivity," right?

18 A. Yes.

19 Q. And you're aware at the time that the
20 performance factor was at, in June 2016, hovering
21 around 2.0, correct?

22 A. Yes.

23 Q. And say, "The project has never attained the
24 revised 1.15 performance factor that was the basis of
25 the approval of Order Number 2015-661."

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1 A. Yes.

2 **Q. So all that's true and accurate, correct?**

3 A. Yes. Best of my knowledge and the
4 information available to me, yes.

5 **Q. And you knew all of that as of June 2016?**

6 A. Yes.

7 **Q. Then go down to six. "Lack of schedule**
8 **performance continues" -- I think it should be "to**
9 **be" but it says "continues be a significant issue on**
10 **the project. Even short-term goals are seldom met on**
11 **schedule."**

12 A. I'm sorry, I didn't follow. Where that was?

13 **Q. Number six.**

14 A. Oh, six. Okay.

15 **Q. Page two.**

16 A. And you are --

17 **Q. Very first sentence.**

18 A. Where --

19 **Q. "Lack of schedule performance."**

20 A. Okay. All right. Thank you. Yes. Okay.

21 **Q. So again, this is information that you were**
22 **able to determine just based on your access to the**
23 **site at the time, correct?**

24 A. Yes.

25 **Q. Then you, in the following pages, comment on**

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1 **certain filings. You say, "Issues associated with**
2 **files."**

3 **Do you see that? It starts on page three.**

4 A. Where are you, at the top?

5 **Q. Middle.**

6 A. Middle?

7 **Q. Bold --**

8 A. Okay.

9 **Q. -- language.**

10 A. All right.

11 **Q. So as of this time, June of 2016, ORS had no**
12 **confidence that the stated completion schedules would**
13 **be met; isn't that right?**

14 A. I would say -- I can't speak for ORS. I can
15 speak for me and that statement would be true. At
16 this time, the increases that I had thought would
17 come about with Fluor, increases in productivity and
18 production, that I thought would happen with Fluor.
19 They had been six months on the job and that did not
20 happen, and so I was pretty certain that the schedule
21 would not be met.

22 **Q. So this is before you submitted testimony to**
23 **the PSC in October of 2016, right?**

24 A. I don't recall the dates.

25 **Q. Well, the date of this is June of 2016,**

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1 **right?**

2 A. Okay.

3 **Q. And you recall submitting testimony to the**
4 **PSC in October of 2016, right?**

5 A. I recall submitting testimony. I don't
6 remember the date. If that's the date, then that's
7 the date.

8 **Q. Do you remember telling the PSC that, what**
9 **you concluded in paragraph six here?**

10 A. Not in those words. I indicated to the PSC
11 that there is going to be significant challenges in
12 order to meet the dates.

13 **Q. And SCE&G indicated the same thing to the**
14 **PSC, didn't they?**

15 A. Yes.

16 **Q. And in fact, in paragraph four, you say as**
17 **much. You say, "I have no confidence that the budget**
18 **cited by SCE&G in their filing represents the final**
19 **costs of the project, and neither do they as stated**
20 **in their filing", right?**

21 A. Yes.

22 **Q. So it was clear to you in June of 2016 that**
23 **SCE&G had serious concerns related to Westinghouse's**
24 **ability to meet the promised budget, correct?**

25 A. Yes.

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1 **Q. Now, you reiterated this point to Mr. Scott**
2 **in early August reporting on a result of a site visit**
3 **in July, didn't you?**

4 A. I assume you have the document so we'll see.
5 (Exhibit No. 11 was marked for
6 identification.)

7 **Q. I do. Here's Exhibit 11.**

8 A. Thank you.

9 **Q. Mr. Jones, does this document reflect notes**
10 **of your site visit conducted in July of 2016?**

11 A. Yes.

12 **Q. And in substance, these observations and**
13 **comments reflect similar information as to what you**
14 **had conveyed to Mr. Scott in April, May and June,**
15 **correct?**

16 A. If you're speaking specifically of
17 productivity not being met, yes.

18 **Q. You understood at this time, this July time**
19 **frame, that SCE&G and Westinghouse were evaluating**
20 **certain payments to be made following exercise of the**
21 **fixed price option, right?**

22 A. I can't comment specifically as to when I
23 knew that. I became aware that there were specific
24 negotiations relative to certain payments that would
25 be made to Westinghouse. I don't remember the time

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1 frame.

2 Q. Flip to the last page of this particular
3 document then.

4 A. Okay. Okay.

5 Q. "Additional issues associated with the
6 filing."

7 A. All right.

8 Q. "Following updates apply."

9 And then paragraph two, "Still not an
10 agreement between Westinghouse and SCE&G on the
11 revised milestone payment schedule. We were informed
12 that the July transition payment of \$100 million will
13 be the last such payment."

14 And then it continues.

15 A. Yes.

16 Q. So you were aware of negotiations related to
17 certain payments to be made to the Consortium
18 following exercise of the fixed price option, right?

19 A. Yes.

20 Q. You were aware, were you not, that SCE&G was
21 paying \$100 million a month to Westinghouse to act as
22 a bridge until Westinghouse and SCE&G could agree on
23 a milestone payment schedule, correct?

24 A. That was the information that was conveyed
25 to us, yes.

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1 **Q. Did you have any concern with that**
2 **particular arrangement, payment of \$100 million on a**
3 **monthly basis?**

4 A. I did not at that time. And the reason for
5 that was, when I looked at previous months, the
6 payments had been in that range of \$100 million a
7 month, so it wasn't a significant concern to me that
8 they were doing that at that time.

9 (Exhibit No. 12 was marked for
10 identification.)

11 **Q. Here is Exhibit 12. My first question for**
12 **you, Mr. Jones, is: Do you recognize this document?**

13 A. Yes.

14 **Q. What is it?**

15 A. As stated, it's a proposed or conceptual
16 draft of a settlement agreement.

17 **Q. Did you draft this?**

18 A. No.

19 **Q. Do you know who did?**

20 A. I think it was Mr. Sault.

21 **Q. Are these your handwritten notes on the**
22 **document?**

23 A. The thing in the bubble up there is, yes.

24 **Q. And it indicates, "Provided by Gene Sault on**
25 **2016/6/21. Discussed by ORS management and others at**

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1 meeting on 6/17/2016," right?

2 A. Yes.

3 Q. Do you know who was involved in this
4 particular meeting?

5 A. I do not recall the attendees, no.

6 Q. Was Mr. Scott there?

7 A. I do not recall.

8 Q. But you and Mr. Soult were there, right?

9 A. Yes.

10 Q. Now I want to flip to page five of this
11 document.

12 A. All right.

13 Q. There is a paragraph that begins,
14 "Summarizing the above."

15 A. Yes.

16 Q. I think it's the second sentence, "The lack
17 of productivity, accompanied with a 'first of kind'
18 NRC influenced technology, coupled with the lower
19 skilled labor market and construction material issues
20 leaves ORS very concerned about the company's ability
21 to complete both units within their GSD's."

22 A. Yes.

23 Q. The GSD there is guaranteed substantial
24 completion date, right?

25 A. Right.

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1 Q. Then it continues, "ORS believes that
2 without a significant change, neither unit will be
3 able to complete in time to obtain the production tax
4 credit advantages."

5 Do you see that?

6 A. Yes.

7 Q. And you noted, "I am not here yet. I think
8 you two can make it," correct?

9 A. Yes.

10 Q. Why did you make that notation?

11 A. It was a point of discussion during the
12 meeting and a comment that I still believed that
13 Unit 2 had a chance to make the December of 2020
14 date.

15 Q. But that wouldn't have been within the
16 then-existing guaranteed substantial completion date,
17 right?

18 A. That's correct.

19 Q. So you had no dispute with the statement
20 that ORS was very concerned about the company's
21 ability to complete both units within their GSDs,
22 correct?

23 A. No, I had no dispute with that.

24 Q. Then it was because of that, it was because
25 of the concern over the ability of the owner -- or

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1 **excuse me -- the contractor to meet those GSDs that**
2 **led the ORS to enter into a settlement agreement with**
3 **the owners that called for, among other things,**
4 **exercise of the fixed price option; isn't that right?**

5 A. Well, I think the fixed price -- oh, that's
6 right, the fixed price option had to be agreed to by
7 the PSC, so, yes.

8 **Q. So then when you submitted your testimony in**
9 **2016, did you tell the PSC that you didn't think the**
10 **guaranteed substantial completion dates could be met?**

11 A. No, I did not.

12 **Q. Why not?**

13 A. Quite frankly, with the implementation of
14 the fixed price agreement, I didn't consider it an
15 issue.

16 **Q. Why didn't you consider it to be an issue?**

17 A. Because through the settlement agreement, we
18 had gotten the guarantee that the cost would be first
19 to Westinghouse, and if not to Westinghouse to
20 Toshiba, and if not Toshiba would be borne by SCE&G,
21 not the ratepayers.

22 **Q. So in your view, the settlement agreement**
23 **and the fixed price option removed any need for you**
24 **to convey to the Commission that the guaranteed**
25 **substantial complete dates would not be met?**

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1 A. Another factor that -- and that I had no
2 other date to offer them.

3 **Q. Why did you have no other date to offer**
4 **them?**

5 A. Because I don't develop the schedule of the
6 project.

7 **Q. But you could have said, well, if you assume**
8 **a 1.15 productivity factor, you get to a schedule of**
9 **this day, but if you assume a productivity factor**
10 **more in line with historical performance, you get to**
11 **a date of this other day, right?**

12 A. I could have said a lot of things, but I am
13 not and was not the manager of the project, nor the
14 constructor of the project. It was not my job to
15 develop a schedule.

16 **Q. But it was your job to review and approve**
17 **the schedule and cost estimates, or I should say**
18 **review and evaluate the schedule and cost estimates**
19 **presented by the owner, correct?**

20 A. That's correct.

21 **Q. And in that regard, you could have done what**
22 **I just suggested, which is use historical**
23 **productivity factors to determine a revised schedule**
24 **and cost estimate that were higher and longer in time**
25 **than the schedule and cost estimate assumed by**

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1 **Westinghouse?**

2 A. I could have. I had no reason to do so.

3 Q. **And you had no reason to do so because you**
4 **believe the fixed price option absolved you of any**
5 **need to disclose that to the PSC; is that right? It**
6 **just wasn't important when you consider the fixed**
7 **price option, correct?**

8 A. I would agree with the last statement; I
9 didn't consider it to be important when you had the
10 fixed price in place.

11 Q. **Okay. So at the time you submitted your**
12 **testimony to the PSC in October of 2016, you were**
13 **aware, were you not, of a sensitivity analysis that**
14 **SCE&G had created to evaluate the potential for**
15 **further delays associated with construction, right?**

16 A. I was aware of it.

17 Q. **And this is the sensitivity analysis that**
18 **you suggested to, I believe it was Ms. Powell, that**
19 **the ORS engage Bechtel to further address, right?**

20 A. I believe that to be the case, yes.

21 Q. **So you received access to the sensitivity**
22 **analysis before it was presented to the Public**
23 **Service Commission, didn't you?**

24 A. I cannot definitively say that, no.

25 (Exhibit No. 13 was marked for

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1 identification.)

2 **Q. Let me see if this jogs your memory at all.**
3 **This is Exhibit 13. It's an e-mail from Ms. Powell**
4 **to you --**

5 A. All right.

6 **Q. -- dated July 7, 2016.**

7 **This appears to suggest that you were having**
8 **a meeting with, or at least Ms. Powell was having a**
9 **meeting with, Joe Lynch to discuss the sensitivity**
10 **analysis. Do you see that?**

11 A. Yes.

12 **Q. Do you recall participating in such a**
13 **meeting?**

14 A. I do not. I am not definitively stating I
15 wasn't there, but I don't recall being in this
16 meeting. I don't think I was, but --

17 **Q. Do you recall Ms. Powell participating in**
18 **such a meeting?**

19 A. I can't recall for her.

20 **Q. I guess -- so let me ask it a different way.**
21 **I'm trying to figure out whether you recall this**
22 **meeting occurring.**

23 A. I was aware through this announcement that
24 the meeting was going to occur, yes.

25 **Q. And as we sit here today, do you have any**

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1 **reason to dispute the idea that this meeting actually**
2 **occurred in July of 2016?**

3 A. No, I don't have any reason to dispute that,
4 no.

5 Q. But you certainly received this material on
6 **July 7 of 2016, correct?**

7 A. Yes.

8 Q. And you reviewed it and evaluated it as you
9 **did other material you received related to the**
10 **project, right?**

11 A. Yes. In general, yes.

12 Q. So this document further conveys the very
13 **real possibility of further delays associated with**
14 **construction of the project, correct?**

15 A. I would not characterize it as "the very
16 real." I mean, it's a study to determine what the
17 impact would be if these productivity factors
18 proceeded on the basis that's indicated here.

19 Q. And so then the impact would be hundreds, at
20 **least hundreds of millions of dollars in cost**
21 **overruns, right?**

22 A. Yes.

23 Q. And you understood that in July of 2016?

24 A. Yes.

25 Q. And that those -- that possibility of cost

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1 overruns reflected the fact that SCE&G had concerns
2 with whether Westinghouse could achieve the
3 productivity it had promised, right?

4 A. I can't say I understood on that basis. I
5 knew they did this study to see what the impact would
6 be.

7 Q. And you knew though, at this time, that this
8 study actually supported exercise of the fixed price
9 option, correct?

10 A. Yes, I was aware that that was the case.

11 Q. Because the cost overruns that are reflected
12 here as possibilities were as of the exercise to the
13 fixed price option, the responsibility of
14 Westinghouse and not SCE&G, correct?

15 A. Yes.

16 Q. You understood, did you not, that even as of
17 the time of the fixed price option, there was at
18 least the possibility that Westinghouse would not
19 accept the loss that these cost overruns might create
20 and therefore wouldn't complete the project, right?

21 A. I understood that to be a possibility, yes.

22 Q. And you concluded that this risk was
23 mitigated by a handful of factors, right?

24 A. I don't know what that means.

25 (Exhibit No. 14 was marked for

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1 identification.)

2 Q. Okay. Let me show you your testimony. This
3 is Exhibit 14.

4 A. All right.

5 Q. This is another report you prepared, I
6 believe you prepared following a site visit in March
7 of 2016?

8 A. All right.

9 Q. Do you agree with that?

10 A. Yes.

11 Q. And then this reflected information that you
12 conveyed to Mr. Scott as to the results of your site
13 visit, right?

14 A. Yes.

15 Q. Okay. And in paragraph two of the notes,
16 you state that "SCE&G advised that, due to concerns
17 with the financial stability and viability of
18 Westinghouse's parent company, Toshiba, they are
19 pursuing a design information escrow with
20 Westinghouse."

21 A. Yes.

22 Q. So you understood, as of March 2016, that
23 there was the possibility that Westinghouse might not
24 complete the project on the terms that it had
25 committed to complete the project, right?

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1 A. I can't say that I understood that. I
2 understood that Westinghouse may have been subject to
3 additional costs beyond the fixed price, that --
4 whether that had anything to do with the completion
5 of the project, was not in my --

6 **Q. What is design information escrow?**

7 A. The design information escrow was a program
8 that was set up to basically take the Westinghouse
9 design information and their computer programs and
10 provide them to a third party. So these were
11 proprietary, this was proprietary information for
12 Westinghouse.

13 So all the design documents -- well, maybe
14 not all -- the significant design documents and the
15 computer programs that generated the analysis that
16 was necessary for the licensing and for the operation
17 and for the design of the plant went into escrow at a
18 third-party facility so that in the unfortunate
19 eventuality that Westinghouse was unable to perform,
20 they would be available to SCE&G through this
21 third-party facility.

22 **Q. So you had contemplated at least the**
23 **possibility that Westinghouse wouldn't be able to**
24 **perform, correct?**

25 A. In this case, I would say that it was SCE&G

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1 had come to that conclusion that they wanted to
2 address that eventuality.

3 (Exhibit No. 15 was marked for
4 identification.)

5 **Q. I have handed you what I have marked as**
6 **Exhibit 15.**

7 A. Okay.

8 **Q. Do you recall this document?**

9 A. Yes, from the identification here, yes.

10 **Q. What is this?**

11 A. This was the draft of my testimony in
12 preparation for the submittal to PSC in the 2015
13 case.

14 **Q. You ultimately didn't submit testimony to**
15 **the PSC in the 2015 docket though, did you?**

16 A. I did not.

17 **Q. Why not?**

18 A. The settlement agreement was -- with SCE&G
19 was reached prior to the submittal date of the
20 testimony, and ORS advised me that when settlement
21 agreements are reached in advance of submittal of
22 testimony, the practice is to address -- for the
23 testimony to address only the settlement agreement.

24 **Q. Is there any aspect of the pre-filed**
25 **testimony reflected in this exhibit that you disagree**

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1 with? Let me ask it a better way.

2 Was this true and correct as of the time you
3 prepared it in June of 2015?

4 A. To the best of my knowledge and based on the
5 information I had at the time, yes.

6 Q. So you knew in 2015, that in June of 2015,
7 that there was likely to be schedule delays in the
8 project?

9 A. Yes.

10 Q. And that was because, among other things,
11 production and delivery of sub-modules had been an
12 ongoing issue for several months, right?

13 A. That's one of the reasons. There were many
14 issues on the project at this time.

15 Q. And you understood that there was the
16 possibility for delay, in part because of the
17 material that had been submitted in quarterly updates
18 by SCE&G, right?

19 A. I don't understand that question.

20 Q. Go to page nine.

21 A. Okay. Where are you?

22 Q. I'm sorry. Let me refer you to what I was
23 reading. I may have stated it incorrectly.

24 The very last sentence, "The revisions to
25 the project schedule presented by the Consortium to

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1 SCE&G in March of this year, which took into account
2 delays already experienced, any updated production
3 schedules provided by the subcontractors performing
4 the work on the modules and panels indicated that the
5 delays in the project schedule would occur," right?

6 A. Yes, in the report.

7 Q. And you indicated in this draft testimony
8 that that was not a surprise, and in fact had been
9 expected by ORS, and you yourself, right?

10 A. Yes.

11 Q. You also indicated that schedule impacts
12 were likely because of what was reflected in
13 Mr. Byrne's 2015 testimony in terms of relatively
14 poor productivity demonstrated by craft labor,
15 correct?

16 A. Do you have a specific place you want to
17 take me to there?

18 Q. Sure. Page 12.

19 A. Okay. All right. And --

20 Q. Very last paragraph.

21 A. Okay.

22 Q. So you understood from Mr. Byrne's testimony
23 that he had conveyed relatively poor productivity
24 demonstrated by craft labor, correct?

25 A. Yes.

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1 Q. And you further understood that that poor
2 productivity was likely to result in schedule delays,
3 correct?

4 A. Yes.

5 Q. So you understood in 2015 that SCE&G had
6 filed an update to revise the construction schedules
7 and capital cost schedules to be approved by the
8 Commission, correct?

9 A. Yes.

10 Q. And you understood the purpose of that
11 update was to change the construction schedule,
12 including the substantial completion date for the
13 units?

14 A. Yes.

15 Q. And you understood the substantial
16 completion dates were to change for Unit 2 to 2019
17 and for Unit 3 to June of 2020?

18 A. Yes.

19 Q. And that increased cost of approximately
20 \$700 million, right?

21 A. Yes.

22 Q. And you knew at this time that the
23 Consortium and SCE&G weren't in agreement on the cost
24 and the schedule, correct?

25 A. What I knew was that SCE&G had advised us

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1 that they were still working with the Consortium to
2 try to refine the schedule.

3 **Q. It was your opinion that, despite the fact**
4 **that these costs and the schedule were estimated that**
5 **it was still reasonable and prudent to award SCE&G**
6 **the cost that they were then expecting -- or excuse**
7 **me -- the cost that they were seeking in the**
8 **petition, correct?**

9 A. Yes. I should modify that. As modified by
10 the settlement agreement, by the terms in the
11 settlement agreement. I'm sorry, this was before the
12 settlement agreement. Nevermind.

13 **Q. Correct.**

14 A. Sorry.

15 **Q. The delays that were evident, even as of**
16 **2015, were, in your view, in 2015, similar to the**
17 **delays associated with other AP 1,000 design**
18 **construction projects, right?**

19 A. Similar to, yes.

20 **Q. Yeah. And they were not unusual in light of**
21 **the difficulty of nuclear construction, nuclear**
22 **reactor construction projects, correct?**

23 A. Specifically speaking of U.S. nuclear
24 construction, yes, that's true.

25 **Q. Well, okay.**

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1 And you knew that in the instances where
2 these sorts of delays were evident outside of the
3 project, that these delays were caused by the lack of
4 quality and schedule performance by the vendors
5 supplying equipment and components, correct?

6 A. One of the contributing causes was that,
7 yes, but not the sole.

8 Q. And that didn't impact your views as to the
9 prudence of the costs that SCE&G was seeking to
10 recovering in connection with this docket, right?

11 A. Not at that time, no.

12 Q. Okay. So page 15 and 16 of this testimony,
13 you're discussing estimated completion costs.

14 A. Okay.

15 Q. The end of this page, "The productivity
16 factors demonstrated thus far result in significantly
17 less production than is needed and anticipated for
18 the remainder of the project. SCE&G acknowledges
19 this, but indicates that it would not be in the best
20 interests of the project to insist that the
21 Consortium use more pessimistic productivity factors
22 which would increase the projected cost and remove
23 the incentive of the Consortium to improve in this
24 area."

25 Do you see that?

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1 A. Yes.

2 **Q. Where, to your understanding, did SCE&G**
3 **acknowledge this fact? Was it in pre-filed**
4 **testimony?**

5 A. Yes.

6 **Q. Then is it your understanding that it would**
7 **not be in the best interest of the project to insist**
8 **that the Consortium use more pessimistic productivity**
9 **factor?**

10 A. At that time, I would say, yes, it would not
11 have been.

12 And I should qualify that also. It would
13 not have been in the best interest in dealing with
14 the Consortium to do that.

15 **Q. And who -- are you excluding a certain**
16 **constituency in that answer?**

17 A. Yes. What I'm saying is that SCE&G should
18 have had a schedule that they believed in and one
19 that they would have been able to stand behind
20 themselves. In dealing with the Consortium, I can
21 see why you would want to hold their feet to the fire
22 on the schedule, but you yourself should know what it
23 really is.

24 **Q. So is it your belief that SCE&G should have**
25 **hired its own schedulers to compete with what**

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1 **Westinghouse was providing?**

2 A. Well, if you want to talk about beliefs, my
3 belief is they should have hired an owner's engineer
4 earlier in the project, and part of that component
5 would have been a scheduler or a scheduling crew.

6 **Q. Didn't impact your opinion as to the**
7 **prudence of the cost; that belief didn't impact your**
8 **opinion to the prudence of the cost that they**
9 **incurred and were seeking in 2015, correct?**

10 A. At that time, that's correct.

11 **Q. Nor did it impact your view as to the**
12 **prudence of the cost that they had incurred and were**
13 **seeking approval for in 2016, right?**

14 A. Based on the information I had at that time,
15 no.

16 (Exhibit No. 16 was marked for
17 identification.)

18 **Q. Okay. This is Exhibit 16. Does this look**
19 **to be a copy of the testimony, pre-filed testimony**
20 **you provided to the PSC in 2016?**

21 A. Yes.

22 **Q. So you understood in 2016 that SCE&G had**
23 **filed a request for updates and revisions to its**
24 **capital costs and construction schedule at this time,**
25 **right?**

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1 A. Yes.

2 Q. And that was to reflect the fact that the
3 EPC contract had been amended; is that right?

4 A. Oh, yes, yes.

5 Q. In parts of the process here, CB&I had
6 exited the project and Fluor had become engaged,
7 right?

8 A. Correct.

9 Q. And Fluor was an entity that you had
10 suggested to Skip Smith in, I believe you said 2014,
11 as a possible independent assessor of the project,
12 correct?

13 A. Yes.

14 Q. So you were familiar with Fluor?

15 A. Yes.

16 Q. And tell us about your familiarity with
17 Fluor at this time.

18 A. Again, it goes all the way back to my days
19 at Sargent & Lundy. Fluor, again, much similarly to
20 Bechtel, they were a competitor of Sargent & Lundy at
21 the time, and throughout the years I had worked on
22 projects where they were both the engineer and the
23 constructor.

24 And Sargent & Lundy has also been
25 subcontracted by Fluor to do engineering work. We

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1 were their prime engineering subcontract -- Flour's
2 engineering subcontractor on the South Texas project.
3 I don't remember the number, but it was the plant
4 that was under construction, or under -- not under
5 construction, under -- they were going through the
6 licensing process to get a license in Texas. And
7 that project was subsequently -- I don't think it's
8 officially been canceled but it's been deferred,
9 delayed, cast aside, it's not going to be built.

10 **Q. So this sort of -- well, I will strike that.**

11 **But you viewed Fluor's involvement here as a**
12 **positive element, right?**

13 A. Yes.

14 **Q. You understood, did you not, that the fixed**
15 **price option provided for an increase in liquidated**
16 **damages in the event that Westinghouse wasn't able to**
17 **meet the proposed guaranteed substantial completion**
18 **dates?**

19 A. Yes.

20 **Q. It also established a dispute resolution**
21 **board, correct?**

22 A. Yes.

23 **Q. And you also understood that it revised a**
24 **construction milestone payment schedule to better**
25 **align with the project priorities, right?**

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1 A. Yes.

2 **Q. You noted, nonetheless, that you did have**
3 **some concerns that we talked about earlier related to**
4 **Westinghouse's ability to absorb potential financial**
5 **losses that were possible if the projected cost**
6 **wasn't met, right?**

7 A. Yes.

8 MR. COX: Could you repeat that
9 question?

10 (The record was read as requested.)

11 THE WITNESS: I guess the only
12 part of that I don't understand is why it's
13 "nonetheless." But the basis of the question is
14 still there that I understood that that was --
15 that I still had the concerns.

16 BY MR. CHALLY:

17 **Q. You still had -- what I meant by**
18 **"nonetheless," you still had those concerns but you**
19 **nevertheless thought that the fixed price option was**
20 **the appropriate choice?**

21 A. Yes. And particularly in light of the --
22 also the terms of the settlement agreement, which not
23 only what I refer to as triple guarantee, took you
24 through Westinghouse, Toshiba, and then South
25 Carolina Electric & Gas as the guarantors of

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1 finishing the project with no additional cost to the
2 ratepayers.

3 Q. So you understood at the time of your 2016
4 testimony that the guaranteed substantial completion
5 dates provided for in the exercise to the fixed price
6 option were still likely to be delayed?

7 A. Yes.

8 Q. And you knew at the time -- you knew that at
9 this time, and also that Fluor which had just come
10 on, had not completed its review of the construction
11 schedule?

12 A. What time frame are we talking about?

13 Q. The time of your testimony.

14 A. October?

15 Q. Yes.

16 A. No, I did not know that.

17 Q. Let's flip to page 278. About midway
18 through the first paragraph, "At this time, it does
19 not appear that the GSCDs will extend beyond the
20 18-month duration allowed by the Commission.
21 However, this will be better known later this year
22 when Fluor completes its review of the construction
23 schedule," correct?

24 A. Yes.

25 Q. So you -- I'm sorry.

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1 A. At that time, we -- the Fluor construction
2 schedule was under review, and we were supposed to be
3 provided that schedule after the review by SCE&G.

4 Q. But the fact that you didn't have that
5 information didn't in any way restrict you from
6 taking the position that the costs sought in this
7 docket were prudent and appropriate, right?

8 A. Not based on the information that we had,
9 no.

10 Q. And about Westinghouse's potential failure,
11 you discussed the information available to you as to
12 how to mitigate that concern, right?

13 A. I am not following that question.

14 Q. Okay. Let's go to page 30 of your
15 testimony.

16 A. Okay.

17 Q. Here you say, halfway through the first full
18 paragraph, "WEC executive management assured SCE&G
19 and ORS that WEC abide by the terms of the EPC
20 contract and absorb the losses that are forecasted."

21 A. Yes.

22 Q. So you make no mention of this triple
23 protection that you referred to earlier; that being
24 that SCE&G would somehow assume the losses of WEC's
25 failure. You instead focused your testimony on what

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1 **WEC executive management had conveyed to SCE&G, ORS,**
2 **right?**

3 A. Right, but the conclusions are based on the
4 acceptance of the settlement agreement also.

5 **Q. And there were further assurances that you**
6 **had received from WEC at this time, correct, and they**
7 **are also recounted in your testimony?**

8 A. By further assurances -- I mean, the only
9 assurance I recall was the assurance from the meeting
10 with the Executive VP, Mr. Benjamin, of Westinghouse.

11 **Q. Tell me what you recall about that meeting.**

12 A. It was on site in the nuclear operations
13 building at the site. There were several attendees.
14 My recollection is that none of the representatives
15 of Santee Cooper was there. A representative of
16 Westinghouse, Mr. Benjamin, was there. A
17 representative of Fluor was there, Gary Flowers.
18 Also one of the top executives at Fluor. Mr. Scott
19 was there. Allyn Powell, my colleague, was there.
20 Who else. From SCE&G, Mr. Byrne was there, I think.
21 I think -- I think there is a fairly accurate list
22 provided in the testimony of -- the direct testimony
23 of, I think it was Jimmy Addison's testimony.

24 **Q. So you participated in this meeting. Was it**
25 **your understanding that the purpose of this meeting**

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1 **was to give you and others an opportunity to ask**
2 **questions directly of the Consortium?**

3 A. That was one of the purposes of the meeting,
4 yes.

5 **Q. Were you restrained in any way in your**
6 **ability to ask questions that you thought were**
7 **appropriate?**

8 A. No, we were not.

9 **Q. Did you get all the information that you**
10 **thought necessary during that meeting?**

11 A. Again, I can't say we got all the
12 information we thought necessary. I mean, we kept
13 asking for a schedule, and there were promises made
14 about the schedule, too. But, I mean, one of the
15 primary things was to get the assurance from
16 Westinghouse that they understood the potential risk
17 and that they were willing to stand behind those.

18 **Q. And they made clear to you directly that**
19 **they were?**

20 A. Yes.

21 **Q. They both understood those risks and willing**
22 **to stand behind them?**

23 A. Yes. And they recounted that, you know,
24 Westinghouse was dedicated to the nuclear power plant
25 market, that they recognized that both V.C. Summer

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1 and the Vogtle plant represented their hallmarks for
2 maintaining their presence in the nuclear power plant
3 market, and that both of these plants were paramount
4 importance to the organization, and they assured us
5 that they would carry through and complete these
6 plants.

7 **Q. And it was based, in part, of those**
8 **assurances in the fixed price option that you**
9 **ultimately supported the requests that SCE&G had made**
10 **in the 2016 docket, right?**

11 A. That's correct.

12 **Q. So those assurances alleviated your concerns**
13 **related to the lack of a final schedule, didn't they?**

14 A. I wouldn't say they alleviated my concerns
15 relative to a final schedule. They were one of the
16 things that entered into the picture that if
17 Westinghouse understood the risk and were willing to
18 stand behind it, which I thought they could be taken
19 at their word, wrongly, that that provided a good
20 level of comfort that the project would be completed
21 and at no additional cost to the ratepayers.

22 **Q. So I guess my question is: But you didn't**
23 **get a schedule at that meeting, right?**

24 A. Oh, no, no. We just made known that we were
25 still looking for that.

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1 **Q. And despite the fact that you didn't get a**
2 **schedule, you didn't refuse to support the**
3 **settlement, correct?**

4 A. Correct.

5 **Q. Why not?**

6 A. It actually appeared to be a very good deal
7 for the ratepayers of South Carolina.

8 **Q. And that was true even though you hadn't**
9 **received the schedule that you requested of the**
10 **Consortium, correct?**

11 A. That's correct.

12 I will just add we didn't stop asking for
13 it; it's just that we didn't -- it wasn't something
14 that we believed should hold up proceeding with the
15 fixed price and with the terms of the settlement
16 agreement.

17 **Q. And that's true even though you understood**
18 **the basics of Dr. Lynch's sensitivity studies at this**
19 **time, right?**

20 A. Yes.

21 MR. COX: Can we take a break
22 whenever?

23 MR. CHALLY: Okay.

24 THE VIDEOGRAPHER: We are going
25 off the record at 2:44 p.m.

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1 (A recess was taken.)

2 THE VIDEOGRAPHER: We are going
3 back on the record at 2:58 p.m.

4 (Exhibit No. 17 was marked for
5 identification.)

6 BY MR. CHALLY:

7 Q. Mr. Jones, I'm going to hand you what I have
8 marked as Exhibit 17. This is an e-mail from
9 Ms. Powell to Anthony James, you're copied. The
10 subject is "Final Presentation."

11 The first sentence of the e-mail is,
12 "Attached is Gary's final presentation edits from
13 this morning."

14 Do you see that?

15 A. Yes.

16 Q. So then this attaches a presentation that's
17 entitled "Status of the V.C. Summer Units 2 and 3
18 nuclear power plants," correct?

19 A. Yes.

20 Q. And this is the presentation you made to the
21 Electric Cooperatives of South Carolina in March of
22 2016; is that right?

23 A. Yes.

24 Q. Did you prepare this presentation?

25 A. Yes.

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1 Q. Did you prepare it exclusively or did you
2 rely on assistance of others at ORS?

3 A. There were comments provided, but -- and I
4 think the final format was, but basically they were
5 my slides transposed onto these, this format.

6 Q. So the substance of this was primarily
7 developed by you; is that fair?

8 A. Yes.

9 Q. I want to refer to Slide 2 first. You
10 indicate that -- or the title of the slide is "A Very
11 Good Idea in 2008."

12 Are you referring to Units 2 and 3 as the
13 "Very Good Idea in 2008;" is that right?

14 A. Yes.

15 Q. In summary, the reasons why are those
16 described in the text of the slide; is that right?

17 A. What we thought in 2008, yes.

18 Q. And then you further describe some
19 developments since 2008 that you experienced; is that
20 fair?

21 A. Yes.

22 Q. And despite those developments, you
23 concluded that the BLRA remains an essential element
24 to success, correct?

25 A. Yes.

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1 **Q. Did you believe that in 2016, correct?**

2 A. Yes.

3 **Q. Do you believe that today?**

4 A. It's hard to say that now because it has not
5 been an element of success.

6 But the basic structure of the BLRA, I think
7 it definitely -- in retrospect, I don't think there
8 were provisions that should have been changed, but
9 the general approach I would still agree with. But
10 there definitely should have been some changes
11 relative to, for example, abandonment.

12 **Q. So the general approach that you understand**
13 **to be a good idea, what is it your -- what do you**
14 **describe that general approach to be?**

15 A. Well, the general approach was the recovery
16 of the financing cost as the project advanced. I
17 think this gave an amount of certainty that was
18 required at the time these plants were authorized in
19 order to go ahead with that and the assurance that --
20 to be able to proceed with the plant and not revisit
21 it.

22 **Q. So you understand that the BLRA provides for**
23 **a prudency determination at the outset of a project,**
24 **correct?**

25 A. That's what I understand, yes.

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1 MR. COX: Object to the form.

2 BY MR. CHALLY:

3 **Q. And it's your understanding that that**
4 **certainty associated with the preconstruction**
5 **prudency review is a good idea, roughly?**

6 A. I think the general concept is a good idea.
7 I think there probably should have been additional
8 limits on it.

9 **Q. But you understood that it was a good idea**
10 **because it provided for certainty to owners of the**
11 **sorts of nuclear facilities, correct?**

12 A. Correct.

13 **Q. Certainty as to their ability to recover**
14 **costs, correct?**

15 A. Yes.

16 **Q. And that's critical to incentivizing the**
17 **construction and development of these sorts of**
18 **facilities, right?**

19 A. At the time, I think that's the case, yes.

20 **Q. So you alluded to the fact that you believe**
21 **there needs to be some tweaks for abandonment. What**
22 **tweaks do you believe should be applied?**

23 A. I can't speak to the -- I have not really
24 reviewed in-depth, but I think -- I would say my
25 basic belief is that abandonment costs at least ought

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1 to be shared between the utility and ratepayers.

2 Q. So is it your understanding that, under the
3 BLRA, a decision to abandon doesn't require a
4 reduction, an immediate reduction in the rates that
5 were previously approved?

6 MR. COX: Object to the form.

7 THE WITNESS: You're going beyond

8 my --

9 BY MR. CHALLY:

10 Q. Okay.

11 A. -- purview of the BLRA's --

12 Q. So that's fair enough. Let me make sure I
13 just get the full extent of your understanding then.

14 It's your understanding the BLRA was to
15 allow for recovery of certain financing costs
16 associated with the construction of the nuclear
17 facility, correct?

18 A. Correct.

19 Q. And that once those costs were approved,
20 they could not later be eliminated?

21 MR. COX: Object to the form.

22 BY MR. CHALLY:

23 Q. Withdrawn?

24 A. Within certain parameters, yes.

25 Q. Do you understand what those parameters are?

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1 A. Not fully, no.

2 **Q. Do you understand those parameters to relate**
3 **in any way to a decision as to whether to complete**
4 **construction of the project?**

5 A. I can't speak to that. I don't know the
6 specific provisions.

7 **Q. I understand you don't understand the**
8 **specific provisions. But as we sit here today, are**
9 **you aware, in concept, that the costs approved by the**
10 **PSC under the BLRA are subject to revision dependent**
11 **on the status of construction?**

12 A. I can say, yeah, I basically understood
13 that, yes.

14 **Q. What about that the costs, once approved,**
15 **are subject to revision dependent upon abandonment?**

16 A. The cost -- repeat that, please?

17 **Q. Do you understand that the costs, once**
18 **approved under the BLRA, are subject to revision**
19 **dependent on abandonment?**

20 A. What I would say now is I know there's been
21 legislative changes, so I'm not totally familiar with
22 all of those legislative changes. If you're talking
23 about the original BLRA, then I would say that that
24 appears to be the case. But the new provisions that
25 have been enacted, I couldn't say how that stacks up.

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1 Q. Let's just talk about your understanding
2 about the original BLRA. Is it your understanding
3 that costs approved under the BLRA were to the
4 owners -- or SCE&G, excuse me -- was entitled to
5 continue to collect those costs regardless of whether
6 there was an abandonment of the project?

7 A. My understanding of the BLRA is that, yes,
8 original BLRA.

9 Q. Then on page five of this slide.

10 A. I would like to modify that. Costs
11 prudently incurred could be recovered.

12 Q. Was it your understanding that the prudence
13 determination was made at the time those costs were
14 incurred?

15 A. That's -- that is supposed to be the case,
16 yes.

17 Q. That's the certainty that you identified as
18 being important to incentivize owners of nuclear
19 reactor facilities, correct?

20 A. Yes.

21 Q. Now on Slide 5 under your title, "BLRA
22 Remains an Essential Element to Success," the first
23 bullet is, "Stable environment ensures project
24 financing." I think we talked about that.

25 The second is, "Independent study shows

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1 **plant is still a positive."**

2 **What are you referring to there?**

3 A. Let's see, what was -- you know, I think,
4 no, that wasn't independent. What was I referring
5 to?

6 Oh, I -- well, I think I was referring to
7 the ORS had brought on board someone to look at the
8 sensitivity studies performed by Dr. Lynch, and I
9 think that's what I was referring to there. That's
10 my recollection.

11 **Q. Who did the ORS bring on board to look at**
12 **those sensitivity studies?**

13 A. I don't remember his name. That's a
14 question for other staff, other staff other than me.
15 I had really no -- well, let's see. I believe it was
16 Mr. Richardson, but I would not -- Norm Richardson,
17 but I would not -- you need to ask someone other than
18 me.

19 **Q. Okay. Just to make sure I understand what**
20 **you said, you believe that Norm Richardson was tasked**
21 **with that?**

22 A. I believe that's the case.

23 **Q. Who would know?**

24 A. Well, for sure, Nanette Edwards would know,
25 I would assume other people would know. I mean, my

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1 first choice would have been Shannon, but she's not
2 there anymore, so --

3 Q. Then your presentation identifies certain
4 project challenges, and I just want to make sure I
5 understand. This is all stuff that you --

6 A. Where are you?

7 Q. I'm on page 19, on pages 19 and 20.

8 A. Okay.

9 Q. This is all information that you were aware
10 of given your involvement in the project as of this
11 date?

12 A. When you say "all information," I mean,
13 what's presented here is information that I was aware
14 of at that time, yes.

15 Q. And is any of this different than what you
16 understood to have been conveyed in testimony that
17 SCE&G submitted to the Public Service Commission by
18 this time?

19 A. I think there may be some detail in some
20 cases, but I'm not aware of any major differences.

21 Q. Do you recall -- did you actually give this
22 presentation on March 3, 2016?

23 A. Yes.

24 Q. Do you recall who attended the presentation?

25 A. No. I mean, there were representatives of,

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1 I think, almost all of the major electric co-ops, but
2 I don't know who they were, sorry.

3 **Q. What was the reason for this meeting?**

4 A. It had been requested basically by Mike
5 Couick through Mr. Scott. So that was my
6 understanding of how this came about.

7 **Q. Do you know why it was requested?**

8 A. Not specifically, but I think the
9 cooperatives had concerns that they weren't getting
10 the full story of the project and wanted someone else
11 to provide it.

12 **Q. And you understood this was in connection**
13 **with the evaluation of the fixed price option,**
14 **correct?**

15 A. No, I did not understand that that was the
16 case.

17 **Q. You understood, did you not, that the**
18 **electrical cooperatives -- I'm sorry -- ECSC**
19 **ultimately intervened in the PSC docket in 2016,**
20 **right?**

21 A. Yes.

22 **Q. You understood that they were part of the**
23 **settlement agreement that the ORS entered into in**
24 **2016, right?**

25 A. Yes.

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1 Q. So is it your understanding that your
2 provision of information here was intended to
3 facilitate the evaluation of that settlement?

4 A. I was not told that or did not know that.
5 But my -- what I was told was that this was to give
6 the cooperatives a better understanding of the status
7 of the project.

8 Q. You didn't tell the cooperatives at this
9 time that you knew there was an assessment going on,
10 right?

11 A. No.

12 Q. You didn't tell them that you knew Bechtel
13 had done some work on the project, right?

14 A. No.

15 Q. You didn't tell the cooperatives that they
16 should withhold support for any increased costs until
17 you got more information related to this assessment,
18 right?

19 A. No.

20 Q. Nor did you tell them that they should
21 withhold support for any increased costs on the
22 project until you learned more about what Bechtel was
23 doing on the project, correct?

24 A. No, I did not.

25 Q. You didn't tell them that they should

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1 withhold support for the project in light of the
2 problems that SCE&G had disclosed in its relationship
3 with the Consortium, did you?

4 A. No, I did not tell them that.

5 Q. You didn't believe that the cooperatives or
6 the ORS should withhold its support for the project
7 in light of those problems, right?

8 A. I had nothing to say about the cooperatives.

9 Q. Fair enough. But as to the ORS, you didn't
10 believe that it should withhold its support,
11 continued support, for the project because of the
12 problems that existed with the Consortium?

13 A. Correct.

14 Q. Nor did you believe that they should
15 withhold support for the project in light of the fact
16 that you didn't have further information related to
17 the assessment?

18 A. And the "they" you're referring to is ORS?

19 Q. Correct.

20 A. That's correct, I did not believe they
21 should.

22 Q. Do you recall a meeting involving SCE&G
23 employees and specifically Ken Brown in 2015?

24 A. No, you'd have to be a little more specific
25 than that.

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1 **Q. Did you meet with Ken Brown regularly in**
2 **connection with the project?**

3 A. Not regularly. We did meet with him
4 occasionally but not regularly.

5 **Q. How often do you recall meeting with him?**

6 A. I can't say. We met with him several times
7 during the course of the project, but I don't
8 remember.

9 **Q. Do you recall discussing with Ken Brown in**
10 **2015 issues related to the estimated completion?**

11 A. I don't remember that specifically, no, but
12 it's possible.

13 **Q. You don't recall receiving a presentation**
14 **from Ken Brown in 2015 where he discussed the**
15 **estimated completion?**

16 A. I don't recall that specifically. I know we
17 were -- I believe this was all tied to them
18 explaining to us all the changes that they had
19 submitted that did not have approved change orders
20 for the project and had not got Consortium buy-in to
21 the numbers that were there.

22 So there were several meetings that happened
23 during that time frame, because we were concerned
24 about how they had submitted this update. And those
25 are outlined in my testimony also, the fact that this

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1 was very unusual, that always before we had had
2 signed-off change orders, at least draft change
3 orders that had been accepted by the Consortium, but
4 in this case we got estimates, some of which were
5 only from SCE&G.

6 Q. Okay. Let's go back to Exhibit 1, your
7 testimony. I'm going to ask you similar questions
8 that relate to this testimony I asked you previously.

9 What was the process for preparing this
10 testimony? Did you draft it or was a draft prepared
11 for you?

12 A. No, I drafted it.

13 Q. You acknowledge in this testimony that at
14 the time the V.C. Summer project began, there was a
15 resurgence of interest of nuclear power in the United
16 States, right?

17 A. Yes.

18 Q. And the AP 1,000 design was considered a
19 major breakthrough in nuclear plant technology,
20 right?

21 A. Yes.

22 Q. You also state that the EPC contract SCE&G
23 entered into with the Consortium appeared to offer --
24 in 2008 -- appeared to offer an economical efficient
25 approach to building the plant; is that right?

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1 A. Yes.

2 Q. And it was actually a risk-reducing approach
3 to building those plants, correct?

4 A. It was thought so at that time, yes.

5 Q. And then you go on in your testimony to talk
6 about certain unexpected problems and delays that
7 impacted the project, correct?

8 A. Yes.

9 Q. And those are delays in the Nuclear
10 Regulatory Commission's issuance of the
11 certificate -- or the COL; is that right?

12 A. Yes.

13 Q. And certain delays associated with
14 Westinghouse's design not being as complete as it was
15 advertised?

16 A. Correct.

17 Q. And you talk about contract structure that
18 created some problems, commercial issues between the
19 owners and the Consortium.

20 A. Yes.

21 Q. And changes to the Consortium partners that
22 further resulted in problems in the project, right?

23 A. Yes.

24 Q. You state though that, despite all of these
25 challenges that you describe, the project had

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1 **potentially workable solutions and mitigating**
2 **approaches, right?**

3 A. As identified to us, yes.

4 Q. So what you say is, on page eight of your
5 **testimony, that you -- this is the first full**
6 **paragraph, "I asserted then" -- towards the end of it**
7 **-- "I asserted then and continue to maintain, based**
8 **on the available record evidence reviewed thus far,**
9 **that the actions taken by SCE&G appear to have been**
10 **reasonable based on the best information available at**
11 **the time;" is that right?**

12 A. Yes.

13 Q. So what precisely are you referring to here,
14 **what actions? Are you talking about all actions**
15 **taken in connection with the construction of the**
16 **project?**

17 A. No, I wouldn't say "all actions," I don't
18 know all actions. But what I am talking about is
19 that when they encountered problems, they worked
20 towards solutions, they had mitigating strategies
21 that were implemented. So the actions that were
22 taken, appeared at this point, to be genuinely
23 focused on completing the project in an efficient
24 manner.

25 Q. So these are problems that you had

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1 identified prior to September 24 of 2018? You said
2 "at this time." I want to make sure --

3 A. "At this time" means in the time frame
4 before March 2015.

5 Q. Oh, okay. So this comment then relates
6 exclusively to conduct that occurred before March 12,
7 2015?

8 A. Yes.

9 Q. And it is conduct that you believe occurred
10 after March 12, 2015 that is not reasonable; is that
11 right?

12 A. Correct.

13 Q. But you're not quibbling with any actions
14 taken prior to that time?

15 A. Based on the record that I have seen so
16 far -- again, I'm not going to say I'm not quibbling
17 with any action, I'm just saying that I am not -- I
18 don't know of any that I would disagree with.

19 Q. Notwithstanding these events or information
20 you believe occurred after March 2015, it's true, is
21 it not, that you believe the decision to abandon the
22 project in July of 2015 was prudent?

23 A. Yes.

24 Q. And it was prudent, at least in part,
25 because Westinghouse's bankruptcy resulted in voiding

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1 **the EPC contract, right?**

2 A. That's one of the reasons, yes.

3 **Q. And because Santee Cooper decided that it**
4 **couldn't continue with the project, correct?**

5 A. I agree with that, yes.

6 **Q. So SCE&G would not have been financially**
7 **able to complete the project alone, right?**

8 A. In that case, I can only say what they
9 asserted; that they would not have been financially
10 able to complete the project on their own.

11 **Q. And in light of that reality, abandonment**
12 **was a prudent decision, correct?**

13 A. Yes.

14 **Q. Well, you also agree, I believe in your**
15 **testimony, that the decision to monetize the Toshiba**
16 **settlement was prudent at the time that decision was**
17 **made, right?**

18 A. That's correct.

19 **Q. And that's because there was a concern**
20 **regarding Toshiba's ongoing viability, correct?**

21 A. There were financial issues associated with
22 Toshiba that indicated that it was a good idea to
23 take the money up front, yes.

24 **Q. And so you don't state in your testimony**
25 **that SCE&G's decision to abandon the construction of**

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1 **the nuclear facilities automatically means that SCE&G**
2 **is no longer entitled to collect the rates the PSC**
3 **previously approved, correct?**

4 MR. COX: Can you repeat the
5 question?

6 (The record was read as requested.)

7 THE WITNESS: I can say that I
8 don't state that and I don't see any reason why
9 it would.

10 BY MR. CHALLY:

11 **Q. Because it's not your understanding of how**
12 **it works, correct?**

13 A. It's not my -- that's not my call.

14 **Q. Okay. But it's your opinion that the only**
15 **costs that SCE&G should not be responsible -- or**
16 **excuse me -- that SCE&G should be responsible for are**
17 **costs incurred after March 12 of 2015?**

18 A. At the current time, there are little tweaks
19 on that.

20 **Q. What are those "little tweaks"?**

21 A. Well, they're not my little tweaks. They're
22 tweaks that the audit people have found that they're
23 disputing costs going back further than that, and
24 there are specific issues.

25 So I'm talking about in the big picture what

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1 you say is correct, but there are exceptions to that
2 that the audit, ORS audit department, has identified
3 and are pursuing on their own. I'm just aware of
4 these. I can't give you any details on them, just
5 know they're there.

6 **Q. Fair enough. Now, you state in your**
7 **testimony that SCE&G's delays in providing ORS with**
8 **requested information and/or refusal to provide**
9 **requested information prevents you from being able to**
10 **opine with any certainty regarding the prudence of**
11 **SCE&G's conduct prior to March 12, 2015, right?**

12 A. Right.

13 **Q. What delays are you referring to?**

14 A. Information from discovery that they have
15 not provided all the information that was requested,
16 some of which I think we got over 40,000 documents
17 like last Monday or Monday a week ago, Monday a week
18 ago, I think. So -- and there's still outstanding
19 information that is being identified that still
20 hasn't been provided.

21 **Q. What specifically are you looking for?**

22 A. I don't know specifically what I'm looking
23 for. We're looking for all the information to be
24 provided. If I knew what I was looking for, then I
25 probably wouldn't be asking for it.

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1 **Q. Well, you had extensive information related**
2 **to the project well before March 12, 2015, right?**

3 A. I did.

4 **Q. And you received reports on a daily, weekly,**
5 **monthly, quarterly basis, correct?**

6 A. Yes. But as I have identified during
7 discovery, we did not get all the information that we
8 needed.

9 **Q. And the information that I believe you said**
10 **you didn't receive are issues related to the Bechtel**
11 **report, correct?**

12 A. Several issues. I don't think we got
13 information that pertained to how SCE&G regarded the
14 schedule submitted by the Consortium, what their
15 confidence levels in those schedules were, and the
16 schedule and the cost. So there was information
17 there that wasn't provided to us that should have
18 been.

19 And going back again relative to Bechtel,
20 the very fact that they were doing an assessment
21 would have greatly impacted our decision to move
22 ahead with the March 12, 2015 filing. That would
23 have had a major impact on whether we would recommend
24 moving ahead with that. And then all the Bechtel
25 information itself.

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1 Q. So -- okay, Mr. Jones. We discussed these
2 categories of information that you thought you needed
3 earlier that was the Bechtel report. It was certain
4 communications between --

5 A. Yeah.

6 Q. -- Santee and SCE&G, certain information
7 related to schedules, cost estimates generated by
8 SCE&G, and then estimates of -- oh, estimate at the
9 abandonment or -- excuse me, my notes are bad on
10 this -- estimates of the cost of the project at the
11 time SCE&G was determining whether or not to abandon.

12 Those, I think, are all the categories of
13 information that you believe that you didn't receive
14 at one point or the other.

15 MR. COX: Object to the form.

16 BY MR. CHALLY:

17 Q. Is that right?

18 A. I think those are the -- that's the
19 information. When you asked the question, that's the
20 input that I provided.

21 Q. Okay. And you, in your testimony just a
22 minute ago, said that had you known about the
23 assessment in March 2015, you would have taken a
24 different approach. Is that what you're telling me?

25 A. Yes.

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1 **Q. You knew about the assessment in 2015,**
2 **Mr. Jones.**

3 **A. I did not.**

4 **Q. Your testimony earlier today was that you**
5 **knew that Bechtel had done an assessment in 2015.**

6 **A. That I knew about -- I'm talking about the**
7 **March 12 filing.**

8 **Q. Okay.**

9 **A. March 12, 2015.**

10 **Q. I understand. But you knew in March 2015**
11 **that Bechtel had been engaged to do an assessment on**
12 **the project.**

13 **A. I knew in October of 2015 that Bechtel had**
14 **been engaged.**

15 **Q. Correct. And you submitted -- you continued**
16 **working on the project until it was abandoned in**
17 **2017, and you submitted testimony to the PSC after**
18 **that time, didn't you?**

19 **A. I don't understand. What I knew is that**
20 **Bechtel had done an assessment. I had no idea the**
21 **scope, the content. I don't understand why knowing**
22 **that Bechtel did an assessment somehow influences**
23 **what happened to the rest of the project.**

24 **Q. Because you said in your testimony that had**
25 **you known they were doing an assessment on March 12,**

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1 **2015, that you would have done something differently.**

2 A. Yes.

3 **Q. And you knew they did an assessment, and you**
4 **did nothing differently after that time.**

5 MR. COX: Object to the form.

6 THE WITNESS: I don't understand
7 the form of that question either. What I'm
8 telling you is that if we had known that Bechtel
9 was going to do an assessment of the project, we
10 would not have proceeded with the case before the
11 PSC in the March 12, 2015 case. If we had known
12 at that time that Bechtel was going to do an
13 assessment, it would not have proceeded.

14 BY MR. CHALLY:

15 **Q. So you knew that Bechtel was doing an**
16 **assessment later in 2015?**

17 A. I knew that they had done an assessment,
18 yes.

19 **Q. And that was before the PSC had issued an**
20 **order on the 2015 -- in the 2015 docket, right?**

21 A. Yes.

22 **Q. Yes. And you didn't do anything to stop the**
23 **PSC --**

24 A. Absolutely not, because we had no idea what
25 the scope of the Bechtel assessment was, nor what the

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1 results were.

2 Q. So it wasn't at all the fact that Bechtel
3 was doing an assessment that you believe required a
4 change in course, it was some other fact?

5 A. No. You've got to take it in the context of
6 the timing. If we had known in March of 2015 that
7 SCE&G was planning to have Bechtel do an assessment,
8 the first thing we would have found out is, what is
9 the assessment going to be, what's the scope of the
10 assessment.

11 If the scope of the assessment had been to
12 do an independent assessment of the project with 14
13 people and take two months and look at the status of
14 construction and also take a look at the schedule, or
15 even if it wasn't to look at the schedule, if we had
16 known that they were going to do an independent
17 assessment due to the status of the update that they
18 filed, which was based on estimates with no -- with
19 no approved change orders, with no buy-in by the
20 Consortium, we would have been -- we would have -- I
21 can't say "we," I back off on that. I, my
22 recommendation would be not to proceed with the case
23 before the PSC, because we would await the results of
24 the Bechtel assessment.

25 Q. So, Mr. Jones, you knew in, by mid 2015,

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1 that Bechtel was doing an assessment, an independent
2 assessment, of the project, right?

3 MR. COX: Object to the form.

4 THE WITNESS: No, I did not know
5 by mid 2015. I knew October -- between
6 October 15th and October 27th is when I found
7 out.

8 BY MR. CHALLY:

9 Q. So you knew between October 15 and
10 October 27 that Bechtel was doing an assessment?

11 A. Yes.

12 Q. And that was before the time that the PSC
13 had entered an order on the 2015 docket, right?

14 A. That's correct.

15 Q. And you did nothing to tell the PSC, stop,
16 we need to know about the Bechtel assessment?

17 A. I had no reason to.

18 Q. And in fact, other than asking for a copy of
19 the Bechtel report on two occasions, you did nothing
20 to figure out more information related to the Bechtel
21 assessment before allowing the PSC to enter an order
22 in the 2015 docket?

23 A. I had nothing, because we had been told that
24 there was nothing to -- that nothing new had been
25 found, that it was an assessment that was a

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1 no-nevermind.

2 **Q. So it's not at all the fact of an assessment**
3 **being conducted that causes you to believe action**
4 **taken after March 12, 2015, are unreasonable, and it**
5 **is something else?**

6 A. No. Context and time must be taken into
7 consideration. If I had known at the time that SCE&G
8 was planning for Bechtel to do an assessment of the
9 project, as I said, the first step would be to find
10 out what the scope of that assessment was. It could
11 have been a minor thing where two Bechtel executives
12 come in and give some guidance to Kevin Marsh about
13 maybe some of the things he should do, and that
14 wouldn't have necessarily been important.

15 If I had known that the plan was to bring a
16 substantial crew of senior Bechtel staff into the
17 project and do a comprehensive independent assessment
18 of the project, my recommendation to ORS and to the
19 PSC would be, this needs to be put on hold until the
20 Bechtel assessment is completed and the results have
21 been reviewed.

22 **Q. So --**

23 A. That's an entirely different thing than just
24 knowing that an assessment was done, and it was a
25 no-nevermind.

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1 **Q. Right. So it isn't the fact of an**
2 **assessment that causes a change in course; it's the**
3 **significance of that assessment, right?**

4 A. I guess, yes.

5 **Q. Okay. If the assessment is ultimately**
6 **insignificant, it wouldn't have required a change in**
7 **course at all?**

8 A. That's certainly true. If it was
9 insignificant, then, no, you wouldn't have to change
10 course.

11 **Q. And if the information provided related to**
12 **schedule was unreliable, it wouldn't have required a**
13 **change in course at all, would it?**

14 A. That presupposed that the information was
15 unreliable.

16 **Q. But if it was unreliable, it wouldn't have**
17 **required a change in course.**

18 A. If it was, and if we agreed that it was
19 unreliable, then, no.

20 **Q. So it's the significance of the assessment**
21 **that you believe causes the change in course. And**
22 **what specifically conveys to you that an assessment**
23 **is significant?**

24 A. Well, several things would convey it. One
25 would be the scope of the assessment, what did they

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1 intend to look at, what is the scope outline that
2 they're going to review. That would be one of the
3 first considerations of whether or not it's going to
4 be a significant assessment.

5 I think the level and depth that they
6 plan -- and that ties, to some extent, to the number
7 of people and the qualifications of the people that
8 are going to do the assessment. So that ties into
9 whether it's going to be a significant assessment.

10 The results of the assessment certainly
11 determine whether or not it's a significant
12 assessment. And the recommendations, the findings
13 and the recommendations, determine whether it's a
14 significant assessment.

15 **Q. Anything else that goes into determining the**
16 **significance of an assessment and whether you would**
17 **have recommended a change in course?**

18 A. Off the top of my head, I can't think of
19 anything that would be another determinant of the
20 significance of an assessment other than the scope,
21 reviewers, findings, recommendations. No, I can't
22 think of anything else.

23 **Q. So that's one basis for you contending that**
24 **SCE&G should be responsible for all costs incurred**
25 **after March 12, 2015, that there wasn't information**

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1 related to the significance of this assessment
2 that -- well, I'm butchering this. Let me start
3 over.

4 So one part of your testimony is that the
5 significance of the assessment needed to be revealed
6 to you, and that because that significance wasn't
7 revealed to you, costs incurred after March 12 of
8 2015 shouldn't be allowed, correct?

9 A. I would go to the first thing that needs to
10 be revealed is there is an assessment being done.
11 Then you get into the discussions of the significance
12 of the assessment.

13 **Q. But you knew there was an assessment being**
14 **done.**

15 A. Did not. Did not know in March of 2015 that
16 there was an assessment being done. Did not know
17 that.

18 **Q. You knew that in October of 2015.**

19 A. Correct.

20 **Q. And everyone at the ORS knew that in October**
21 **of 2015, right?**

22 MR. COX: Object to the form.

23 THE WITNESS: I can't possibly
24 tell you that everyone at ORS knew that.

25

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1 BY MR. CHALLY:

2 Q. Well, Ms. Howell knew.

3 A. Members of my immediate team, definitely.

4 Q. Ms. Powell knew it; is that right?

5 A. Yes.

6 Q. And Mr. Sault knew it?

7 A. Yes.

8 Q. Mr. Scott knew it?

9 A. That, again, my memory there is somewhat
10 faulty. He knew of it definitely later. He may have
11 known at that time. I don't remember whether it was
12 conveyed to him or not.

13 Q. Well, at least three of you knew of the
14 Bechtel assessment in October 2015.

15 A. Yes.

16 Q. And didn't do anything about Bechtel until
17 after abandonment of the project?

18 MR. COX: Object to the form.

19 THE WITNESS: Didn't do anything
20 about it? It was portrayed to us as an
21 assessment that found nothing new. We didn't
22 think any action would be required if nothing new
23 was found.

24 BY MR. CHALLY:

25 Q. And so long as that's true, so long as the

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1 **Bechtel assessment didn't reveal anything new, you**
2 **would agree, would you not, that nothing needs to be**
3 **changed in light of the Bechtel assessment in terms**
4 **of what costs are to be covered?**

5 A. I would not agree with that. I think that
6 it was an important disclosure to let us know that
7 the assessment was being done.

8 **Q. The disclosure you received in October of**
9 **2015?**

10 A. I'm talking about the disclosure we should
11 have received in -- earlier than that, that an
12 assessment was planned and was going to be done.
13 But -- and I think it would have been -- I would say
14 it would have been part of SCE&G's defense that it
15 was insignificant, and our acceptance that in fact it
16 was insignificant. But I think we should have been
17 brought in to process to make that determination on
18 our own.

19 **Q. So you had been asked by Skip Smith for**
20 **recommendations on who could provide an independent**
21 **assessment of the project?**

22 A. Right.

23 **Q. You knew that well before March of 2015,**
24 **right?**

25 A. I knew that he had asked me for

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1 recommendations. I did not know whether or not it
2 had been acted upon.

3 **Q. And by October of 2015, you knew that**
4 **Bechtel had done an assessment?**

5 A. Correct.

6 **Q. And none of that required you to take a**
7 **different course in connection with any PSC**
8 **proceedings until after abandonment of the project,**
9 **right?**

10 A. I don't think so.

11 **Q. Okay.**

12 A. Based on the information that we had at the
13 time, I don't think it required us to take any
14 different course of action.

15 **Q. It's the reason -- the reason it didn't**
16 **require you to take a different course of action is**
17 **because you understood that Bechtel, if it had been**
18 **reported to you, that Bechtel had not identified**
19 **anything of significance?**

20 A. That's basically correct.

21 **Q. So what you believe is that Bechtel**
22 **identified something of significance, number one; and**
23 **number two, that should have been disclosed to you.**

24 A. What I believe now, based on the record that
25 I have been able to review, yes.

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1 **Q.** Okay. All right. We're going to get to
2 that in more detail.

3 Separate and apart from Bechtel, is there
4 any other reason why you believe costs incurred after
5 March 12, 2015 related to the project should be
6 **SCE&G's responsibility?**

7 A. Yes.

8 **Q.** What?

9 A. I believe that they misled us on their views
10 of the Consortium schedule. If it is important for
11 the schedule to be supported by, and I can't think of
12 a better word, but believed by the utility, if they
13 don't believe that it can be achieved, then I believe
14 that it amounts to deception to tell you that this is
15 the schedule of the project. And I believe that
16 deception was involved in that they did not believe
17 either the schedule that was provided by the
18 Consortium or the budget provided by the Consortium.

19 **Q.** Mr. Jones, you didn't believe in the
20 **schedule as provided by the Consortium in 2016,**
21 **right?**

22 A. 2016?

23 **Q.** No. In 2016, you didn't believe in the
24 **schedule that was provided by the Consortium?**

25 A. I did not believe that they were going to

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1 achieve the schedules that were there, no.

2 **Q. Didn't stop you from recommending approval**
3 **and believing prudent and reasonable the costs that**
4 **SCE&G was then requesting to be approved, correct?**

5 A. Correct, because the prudent cost would be
6 the only cost that would be incurred by the
7 ratepayers, and then on that basis by SCE&G.

8 **Q. And you understood in 2015 that Mr. Byrne**
9 **didn't believe that the schedule was certain to hold,**
10 **correct?**

11 A. I believe what he testified and what the
12 information I had was that it would be a significant
13 challenge for them to make the schedule.

14 **Q. And he said in his pre-file testimony, these**
15 **schedules can and almost certainly will change, did**
16 **he not?**

17 A. Yes.

18 **Q. So the fact that SCE&G believed that**
19 **schedules could change didn't impact your position on**
20 **whether it should receive any costs as sought in the**
21 **2015 docket or in the 2016 docket, right?**

22 A. In the 2015 docket, I believed that the
23 schedules, at that time, I believe the schedules were
24 attainable within the 18-month window allowed by the
25 BLRA. And I think that was even in that draft

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1 testimony that that was so stated. So I didn't think
2 that they were going to meet the schedules that were
3 there, but I believe that they were within the
4 18-month allowed by the -- by the BLRA.

5 And so we considered that to be essentially
6 meeting the schedule. And when you say the schedule
7 changed, I would say that schedules always change;
8 that doesn't mean that they're going out by years, it
9 means that there is always schedule changes that
10 happen on nuclear power plants. So the fact that
11 Mr. Byrne made the statement that people believe the
12 schedule had changed did not surprise me or cause me
13 great concern.

14 **Q. In 2015, your draft testimony that you**
15 **prepared and were ready to submit to the PSC, you**
16 **say, The schedule will also be impacted -- excuse me.**
17 **You say, "If the Consortium's goals for improving**
18 **productivity are not met, the schedule will also be**
19 **impacted because the work may not be completed on**
20 **time," correct? Pages 12 and 13.**

21 A. What's the Exhibit Number, 16? Right.

22 **Q. I don't recall.**

23 A. 2016 testimony.

24 **Q. The draft 2015.**

25 A. Oh, '15.

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1 **Q. I'm referring to pages 12 and 13 of your**
2 **testimony, very end.**

3 A. I would like to direct your attention to
4 page 13, beginning on line 10, where it says,
5 "Reasonably achievable within the 18 to 24-month
6 boundaries established by the Order." That was my
7 belief.

8 **Q. That was your belief?**

9 A. Yes.

10 **Q. And that was based on your belief that a**
11 **schedule that anticipated a 1.15 productivity**
12 **factor -- excuse me -- that a -- these units could be**
13 **completed within 18 to 24 months of a completion date**
14 **based on a 1.15 productivity factor, correct?**

15 A. I believe that they could have productivity
16 improvements that would permit them to meet the dates
17 within the 18-month schedule.

18 **Q. Even though you knew at the time that there**
19 **was at least a possibility that productivity wouldn't**
20 **improve beyond a 2.00 factor?**

21 A. I did not know that. I did not know that at
22 that time.

23 **Q. But you knew there was at least the**
24 **possibility that the productivity factors could be as**
25 **bad as they historically were, right?**

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1 A. The historical ones didn't necessarily hover
2 around 2. They were in the upper 1.8 something or --
3 but, again, I thought the productivity could be
4 improved, I thought that additional resources would
5 be added to the project, and that the schedule could
6 advance in combination with implementing mitigation
7 factors, adding additional construction staff. So I
8 thought there were ways to get there within the
9 18-month allowable.

10 **Q. But you said in your 2015 draft testimony**
11 **that you're skeptical of the expected extent of**
12 **improvement, right?**

13 A. Yes.

14 **Q. And notwithstanding the fact that you were**
15 **skeptical, your expected -- the expected extended**
16 **improvement and the risk that that had on the**
17 **schedule and the cost, that you thought the 2015**
18 **request was appropriate at the time?**

19 A. Was?

20 **Q. Appropriate at the time.**

21 A. I thought it was within the bounds of
22 possibility, yes.

23 **Q. And that's true even though you knew, as**
24 **Mr. Byrne had disclosed in 2015, that there were**
25 **concerns about the likelihood of meeting the schedule**

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1 **that Westinghouse had imposed on itself.**

2 A. I knew -- I would go back to Mr. Byrne's,
3 that there were significant challenges that had to be
4 met for them to do that. I was aware of that, that
5 definitely there were significant challenges that had
6 to be overcome in order for them to do that, yes.

7 **Q. So what exactly do you believe today that**
8 **SCE&G understood as to the Consortium schedule in**
9 **2015?**

10 MR. COX: Would you repeat that
11 question?

12 (The record was read as requested.)

13 MR. COX: I will object to the
14 form.

15 THE WITNESS: Based on the
16 documentation that I have gone through and the
17 discovery, I think that they were -- they didn't
18 believe the Consortium schedule at all, that they
19 had absolutely no faith in the Consortium being
20 able to meet that schedule or meet those dates.

21 BY MR. CHALLY:

22 **Q. On what do you base that conclusion?**

23 A. There's several exhibits cited in my
24 testimony, including those that indicate that these
25 dates are not going to be met and this -- we were

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1 very -- we don't think this is going to happen.

2 **Q. And some of what you cited in your testimony**
3 **is actually testimony of SCE&G on that point, isn't**
4 **it?**

5 A. Yes.

6 **Q. Yes. So you knew from that testimony that**
7 **SCE&G had significant concerns related to the**
8 **likelihood of Westinghouse's ability to meet the**
9 **schedule?**

10 A. We knew that there were concerns. The
11 concerns were, I think, much greater than portrayed.

12 **Q. You point in your 2018 testimony, on page**
13 **14, that July 24 --**

14 A. I'm sorry, which one are you in?

15 **Q. Your 2018 testimony, page 14.**

16 A. Okay. All right.

17 **Q. You point to July 24, 2015, the testimony of**
18 **Mr. Kevin Marsh where he acknowledged the lack of**
19 **confidence in the proposed cost and schedule**
20 **estimates, right?**

21 A. Yes.

22 **Q. So that testimony was submitted in the 2015**
23 **docket, correct?**

24 A. Yes.

25 **Q. The 2015 docket that followed the petition**

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1 **filed in March of 2015, correct?**

2 A. Yes.

3 **Q. And it's that petition that you believe**
4 **marks the line between what should be approved and**
5 **what should not be approved as recoverable costs,**
6 **correct?**

7 A. Correct.

8 **Q. So in the very same docket, in four months**
9 **later, Mr. Marsh says, clearly, as you state in your**
10 **testimony, "a lack of confidence in the proposed cost**
11 **and schedule estimates."**

12 **That's what you understood from Mr. Marsh's**
13 **testimony in 2015?**

14 A. What I have come to understand, based on
15 other documentation and other exhibits I cite, it's a
16 matter of degree that their confidence was at a much
17 lower level than what was portrayed here.

18 **Q. On what do you understand that lower level**
19 **of confidence to be based?**

20 A. I'm sorry, you're saying what other exhibits
21 or whatever?

22 **Q. Yes. Here you have Mr. Marsh saying, we**
23 **don't have confidence in the proposed cost and**
24 **schedule. Here we have, at this time, you're already**
25 **aware in 2015 of the historical productivity factors**

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1 that were materially worse than the 1.15 that was
2 assumed. What other information do you believe SCE&G
3 had that further reflects a lack of confidence in the
4 schedule?

5 A. I think I have outlined it in my testimony
6 and the exhibits provided there that there were other
7 things that indicated that they had even less
8 confidence than was portrayed here.

9 It also kind of tweaks my interest as to why
10 you believe that it was okay if Mr. Marsh didn't
11 believe in the schedule, why was it advanced by him.

12 Q. I'm asking you. You submitted testimony.
13 You had the possibility, in 2015 as the consultant
14 for the ORS, to put a stop to any additional costs
15 associated with this project. You didn't exercise
16 that opportunity, and you didn't because you didn't
17 think it was important, and you didn't because you
18 knew, even though you knew the productivity,
19 historical productivity factors, even though you knew
20 from testimony from Mr. Marsh and Mr. Byrne that
21 SCE&G lacked confidence in the schedule and the cost
22 estimates that the Consortium had provided. So I'm
23 asking you why you didn't put a stop to anything at
24 that time?

25 A. Well, my job is not to schedule the project

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1 and not to manage the project. Our review is based
2 on the information provided by SCE&G, and we expect
3 that information to be correct, truthful, and
4 forthcoming. And my belief now is that it was not.
5 And that forms part of the basis for why I believe
6 that they filed a misleading docket that they
7 didn't -- or filing that they didn't even believe in.
8 So if they didn't believe in it, why did they file
9 it.

10 **Q. So, Mr. Jones, I'm trying to understand**
11 **exactly what you believe to have been misleading. We**
12 **have talked about issues related to the Bechtel**
13 **report -- we're going to come back to that. But you**
14 **have included a second category of information that**
15 **you believe to have been misleading, and that was**
16 **their opinion of the schedule.**

17 A. Right.

18 **Q. And so what I am asking you is: What do you**
19 **believe was misleading about their opinion of the**
20 **schedule, in light of the fact that, in your own**
21 **testimony, you're pointing to their contemporaneous**
22 **comments about the unreliability of the schedule?**

23 A. And as I say in my testimony, you can view
24 this from a different light. At the time, there is a
25 difference between believing that it's challenging,

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1 which I took Mr. Marsh's comments to mean that it was
2 going to be challenging to meet the schedule versus
3 believing that it's impossible, which I now believe
4 that they thought to be the case.

5 **Q. On what do you base your belief as to**
6 **SCE&G's view that it was impossible to meet the**
7 **schedule?**

8 A. From the exhibits that I have found during
9 discovery and quoted them throughout my testimony.
10 So I have come to believe that they did not believe
11 at all that this schedule could be met, that -- and
12 it's also based on the status of the docket that they
13 gave us, the fact that it seemed to be totally
14 premature, and was without precedent in the way they
15 presented it. So the question is: Well, why did
16 they do that then?

17 When you look at it in retrospect and say:
18 What were they trying to accomplish? Why did they --
19 why did they provide us with information that did not
20 have change orders when always before they had? Why
21 did they provide us with information that was based
22 solely on their estimates instead of getting the
23 Consortium buy-in on those estimates? Why did they
24 give us a schedule that was not approved on a
25 contractual basis? And I grant you, the reason they

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1 gave us seemed reasonable at the time, but in
2 retrospect isn't.

3 So all of these things combined together,
4 plus the discovery of various exhibits that I found
5 here that definitely indicate that they had no faith
6 in meeting the schedule or the budget.

7 **Q. So is it hindsight?**

8 A. Yet they filed it.

9 **Q. Is it hindsight, Mr. Jones?**

10 A. Yes, of course it's hindsight based on the
11 discovery evidence that I have.

12 **Q. No. Those are two different things. And I**
13 **want to make sure I understand. We have already**
14 **established that you were aware of the productivity**
15 **factors, the historical productivity factors. We**
16 **have already established that you were aware of the**
17 **various comments SCE&G made related to concerns of**
18 **meeting this project schedule, and you were aware of**
19 **those at the time and it didn't cause you to do**
20 **anything differently.**

21 Now you're saying you're aware of some other
22 information, and I'm trying to --

23 A. Right.

24 **Q. -- figure out: Is it hindsight, or what**
25 **specific information do you believe conveys to you**

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1 **that there was no chance this schedule could be met?**

2 A. You will have to go through my exhibits.
3 Each one of them, I think, conveys that, that they
4 had no confidence.

5 **Q. Do any of those exhibits in any way retract**
6 **the promise that Westinghouse made to meet the**
7 **schedule?**

8 A. Do they retract Westinghouse's promise? No.

9 **Q. No. Westinghouse had promised to meet the**
10 **schedule that was reflected and requested in the 2015**
11 **document, right?**

12 MR. COX: Object to the form.

13 THE WITNESS: I -- I don't know
14 what Westinghouse promised. I know that this was
15 the basis that was provided.

16 BY MR. CHALLY:

17 **Q. And you knew that their failure to meet that**
18 **would create -- would entitle SCE&G liquidated**
19 **damages, correct?**

20 A. If they did not meet the substantial
21 completion date, liquidated damages would ensue, yes.

22 **Q. So Westinghouse had promised to meet the**
23 **schedule, and nothing in any of the exhibits that's**
24 **stacked up in front of you retract Westinghouse's**
25 **promise in that regard?**

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1 A. No, nothing that I have has really anything
2 to do with Westinghouse.

3 **Q. Right. Nothing retracts, nothing in any of**
4 **those exhibits retracts the effort that Westinghouse**
5 **put towards the schedule that they had conveyed to**
6 **SCE&G at the time, does it?**

7 A. Repeat that one, please.

8 **Q. Well, you're aware of the process that it**
9 **takes to prepare a schedule for a project like this.**

10 A. Right.

11 **Q. We have said that that process would take**
12 **three to six months and go from \$500,000 to**
13 **\$1 million just for purposes of creating the**
14 **schedule.**

15 A. We have said that for creating the initial
16 schedule. This was not an initial schedule.

17 **Q. So this schedule -- so the cost of the**
18 **schedule that would have been reflected by**
19 **Westinghouse at this time was much greater than that**
20 **cost, isn't it?**

21 A. Wait, I didn't understand that question at
22 all.

23 **Q. The total scheduling costs, by the time**
24 **Westinghouse provided its 2014 cost and schedule**
25 **estimate, the total cost of scheduling for**

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1 **Westinghouse efforts would be far greater than the**
2 **\$500,000 to \$1 million that you described?**

3 A. I think that's a reasonable assumption.
4 They had been updating the schedule as it was all
5 along.

6 **Q. Aren't you aware that Westinghouse had**
7 **dozens of people to work on the schedule for this**
8 **project?**

9 A. I am aware of that.

10 **Q. And aren't you aware that they have spent**
11 **months and months evaluating the schedule for this**
12 **project as of the time they submitted it to SCE&G**
13 **2014?**

14 A. I am aware that they expended time updating
15 the schedule, yeah, trying to update the schedule.

16 **Q. And it would have cost more than \$1 million**
17 **to get the product that they provided to SCE&G in**
18 **2014, right?**

19 A. Are you talking about cumulatively?

20 **Q. Yes.**

21 A. I mean, that's a different, whole different
22 thing. I mean, they had been producing the schedule
23 on the project for years.

24 **Q. It would have been millions of dollars of**
25 **cost to scheduling by that point.**

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1 A. For the entire cost of the scheduling group,
2 yes, it would have been millions of dollars.

3 **Q. And nothing in your exhibits retracts the**
4 **promise that Westinghouse made to meet the schedule**
5 **that it had developed through this process that you**
6 **just described, right?**

7 A. I would agree with that. I saw nothing from
8 Westinghouse and in fact didn't expect anything from
9 Westinghouse.

10 **Q. You say in your testimony that you thought**
11 **SCE&G's March 12, 2015 filing was seriously**
12 **deficient. Do you recall that?**

13 A. Yes.

14 **Q. Why was it seriously deficient?**

15 A. I think it was because of the reasons I have
16 cited already; that, again, at the time, we
17 recognized the deficiencies but thought we had little
18 choice under the BLRA to -- other than to accept. We
19 were concerned from the outset about the, again, the
20 lack of -- lack of the change orders, the lack of
21 buy-in by the Consortium to the estimates, the
22 various assumptions that were made, and then the
23 deficiencies involved in the disclosure that they
24 planned to have a project assessment done and the
25 deficiency of their true assessment of the schedule.

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1 **Q. So it's the Bechtel assessment, the**
2 **questions related to the schedule, both of which we**
3 **have discussed before. And what was the third?**

4 A. The deficiency in the submittal itself, the
5 fact that it wasn't -- there wasn't change orders, it
6 wasn't -- didn't Consortium buy-in on the estimates,
7 they were only SCE&G estimates.

8 **Q. All of that, that which falls into this**
9 **third category, is stuff that you actually disclosed**
10 **to PSC and made clear in your testimony at the time,**
11 **right?**

12 A. That's true.

13 **Q. And it didn't impact your decision to**
14 **support SCE&G's request for costs as reflected in the**
15 **2015 docket, right?**

16 A. It did not at the time, no.

17 **Q. Is there anything else that forms your**
18 **opinion that this March 2015 filing was seriously**
19 **deficient?**

20 A. I think that's enough.

21 MR. CHALLY: Okay. Let's take a
22 short break.

23 THE VIDEOGRAPHER: We are going
24 off the record at 4:06 p.m.

25 (A recess was taken.)

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1 THE VIDEOGRAPHER: We are going
2 back on the record at 4:19 p.m.

3 BY MR. CHALLY:

4 **Q. Mr. Jones, we're going to talk about Bechtel**
5 **in a little bit more detail.**

6 **Don't you now know that Bechtel's**
7 **preliminary presentation of its schedule was made**
8 **only in October of 2015?**

9 A. My understanding, it was made October 22nd,
10 2015.

11 **Q. Right. So it was made after this March 12,**
12 **2015 PSC filing, right?**

13 A. Yes.

14 **Q. And you understand that the final report**
15 **wasn't issued until February of 2016?**

16 A. Yes.

17 **Q. So how is it that you're selecting March 12,**
18 **2015 as the date?**

19 A. Again, as I have said before, the decision
20 to engage Bechtel was made before that date. That
21 decision was material; that if it had been known that
22 Bechtel was going to be doing an assessment of the
23 project, my recommendation would have been to delay
24 the hearings until that assessment was completed and
25 the results were reviewed.

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1 Q. That's what you say your recommendation is
2 now, but that was not your recommendation when you
3 discovered that there was a Bechtel assessment in
4 2015, right?

5 A. Yes.

6 Q. Okay.

7 A. And again, at the time, if it had been
8 announced that the Bechtel assessment was going to be
9 made, we would have -- we would have pursued what the
10 scope of that assessment was going to be.

11 Q. Now, you say that -- in your testimony that
12 SCE&G's deletion of the schedule from the report,
13 from the Bechtel report, was a direct attempt to
14 misrepresent and to hide relevant and significant
15 information from disclosure to the PSC and ORS,
16 right?

17 A. Yes.

18 Q. How do you know that SCE&G deleted the
19 schedule from the report?

20 A. From information that I have subsequently
21 seen in discovery, the indication is that the
22 schedule was removed through interaction with SCE&G
23 and the schedule. I guess the first thing is the
24 schedule was in the original report. There were two,
25 two revisions of that, and then the schedule was

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1 taken out from the final report, the February report,
2 and actually prepared in a separate report.

3 **Q. I understand all that. Your testimony**
4 **though is that SCE&G deleted the schedule from the**
5 **report.**

6 A. That's the understanding I have now from
7 the -- Bechtel deleted it from the report, but at the
8 request of SCE&G.

9 **Q. You understand that that request came from**
10 **SCE&G?**

11 A. That's my understanding, yes.

12 **Q. So you don't understand that that request**
13 **came from the suggestion of a lawyer with experience**
14 **in scheduling for these kinds of mega construction**
15 **projects?**

16 A. I don't understand that to be the case, no.

17 **Q. If it were the case that this schedule**
18 **information was deleted because, one with familiarity**
19 **and scheduling concluded that the scheduling**
20 **methodology was unreliable, would that change your**
21 **testimony?**

22 MR. COX: Object to the form.

23 THE WITNESS: Not really, because
24 the schedule was also presented at the
25 October 22nd meeting, so it was clearly provided

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1 to SCE&G.

2 BY MR. CHALLY:

3 **Q. But I believe we have already discussed that**
4 **what matters is whether or not any of this is**
5 **significant. Significance of the assessment is**
6 **what's critical to you concluding that SCE&G**
7 **shouldn't be allowed additional costs, right?**

8 A. Yes. If it's insignificant, then that -- it
9 would be insignificant.

10 **Q. And that's true for the schedule analysis as**
11 **well; if the schedule analysis is unreliable, it**
12 **would not cause you to believe that SCE&G shouldn't**
13 **be entitled to those costs, right?**

14 A. If in fact -- I wouldn't characterize this
15 as "unreliable." This was not a -- this was not a
16 detailed schedule for the project. This was an
17 assessment of what they believed that the project
18 would ultimately see.

19 So it's not a comparison of the schedule
20 that would be generally a Level 3 schedule that would
21 be generated by three months' effort from a
22 scheduling crew. This is somewhat equivalent to the
23 schedule that you hope that I would produce, which
24 was take a production factor and multiply it by when
25 the project is going to be completed, but it was

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1 based on Bechtel's knowledge of construction,
2 productivity rates and quantities and that kind of
3 thing.

4 So there isn't an equivalence that the
5 schedule would have been worth knowing for at least
6 discussion purposes and refinement.

7 **Q. So the schedule that Bechtel prepared was**
8 **not as reliable as the schedule that you understand**
9 **Westinghouse had prepared, right?**

10 A. I wouldn't say that. I wouldn't say that
11 any Westinghouse schedule was reliable.

12 **Q. Okay.**

13 A. I think that's been proven.

14 **Q. In terms of methodology, the methodology**
15 **that Westinghouse had pursued to develop its schedule**
16 **was more reliable than the methodology that Bechtel**
17 **had prepared, correct?**

18 A. I would not say that. Reliability also
19 depends on not only the volume of people that you
20 have got working on it, but also the input
21 information that you provide on the assumptions that
22 you make to do your schedule, and based on the
23 history that Westinghouse has demonstrated. I think
24 their schedules were much more unreliable than
25 Bechtel's schedules.

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1 **Q. Well, as you testified earlier, if someone**
2 **asked you, as a person who was involved in the**
3 **engineering and construction of a nuclear reactor**
4 **project to prepare a schedule and an estimate**
5 **completion, you would have dedicated ten people for a**
6 **series of months to that process, right?**

7 A. No. As I understood your question,
8 initially, this was to prepare an actual construction
9 schedule for an ongoing project, not an assessment of
10 a project. There is a difference between doing an
11 assessment of a project and doing a schedule that
12 you're actually going to be working with and trying
13 to obtain.

14 **Q. So I'm trying to understand how a -- well,**
15 **ask it this way: You would agree with me that**
16 **Bechtel's schedule analysis was much less intense**
17 **than was Westinghouse's schedule analysis?**

18 A. I would agree that it was prepared in a
19 shorter duration and with less manpower and less
20 manhours than Westinghouse.

21 **Q. In fact, it was prepared in less than -- in**
22 **about seven weeks or so, right?**

23 A. Yes, that's my understanding of how --
24 what -- how the project --

25 **Q. And you are aware that the entire assessment**

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1 **fee that Bechtel received for its work was a million**
2 **dollars?**

3 A. Correct.

4 Q. And you're aware, are you not, that Bechtel
5 **had difficulties in accessing information from the**
6 **Consortium to conduct the review that was requested**
7 **to provide?**

8 A. I have seen that in documentation that we
9 received during discovery, yes.

10 Q. And aren't you aware that Bechtel itself
11 **acknowledged that the manner in which information was**
12 **provided to them limited their ability to fully**
13 **assess the information they received?**

14 MR. COX: Object to the form.

15 THE WITNESS: That's also -- I
16 have seen that statement.

17 BY MR. CHALLY:

18 Q. And aren't you aware that Bechtel was
19 **actually unable to download the full project schedule**
20 **during the time that they conducted their review?**

21 A. Again, I have seen that also.

22 Q. And you have seen -- because the October 22
23 **presentation is an exhibit to your testimony, that**
24 **Bechtel identified its schedule conclusions as**
25 **preliminary, right?**

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1 A. And that would be what I expect from an
2 assessment.

3 **Q. But it's your view, in light of all of that,**
4 **and its comparison to the much more significant**
5 **effort that you know Westinghouse put into its**
6 **scheduling, that the Bechtel schedule analysis is**
7 **more reliable than the Westinghouse schedule**
8 **analysis; is that right?**

9 A. As an engineer, I like to base things on
10 result. And I won't comment on the reliability, but
11 I can comment on the fact that the Bechtel schedule
12 came much closer to coming up with a more factual
13 estimate of completion when compared with the
14 estimate that SCE&G eventually did just before they
15 decided to abandon the unit.

16 **Q. How close was that?**

17 A. I don't remember exactly. But the other
18 part -- I have got that comparison in my testimony.
19 But the other comparison is also there had been an
20 additional, essentially over a year's delay, where
21 productivity was still -- productivity rates were
22 still not met.

23 So the SCE&G schedule was later than the
24 Bechtel schedules. But, again, there had been
25 another year in the project to progress where even

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1 Bechtel made the statement that all of us at that
2 time expected productivity improvements to come about
3 with the employment of Fluor as a construction
4 manager, but they did not.

5 **Q. So the reason for your belief that the**
6 **Bechtel analysis is more reliable is benefit of**
7 **hindsight, right?**

8 A. Benefit of hindsight? I wouldn't say it's
9 hindsight when you compare two numbers. Bechtel's
10 schedule gave the completion date, SCE&G gave a
11 completion date, Westinghouse gave a completion date,
12 and Westinghouse was never even close.

13 **Q. SCE&G's estimate was based on information**
14 **that postdated Westinghouse's analysis of the**
15 **schedule, right?**

16 A. Yes. SCE&G went and did their own
17 assessment based on their own productivity rates,
18 their own estimate of what had been completed, their
19 own estimate of quantities to be done, and it was
20 essentially an entirely different basis than
21 Westinghouse, so --

22 **Q. And Bechtel's analysis was done based on**
23 **information that postdated Westinghouse's schedule as**
24 **provided in 2014, right?**

25 A. Postdated their schedule?

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1 **Q. Took information not available to**
2 **Westinghouse because time had not elapsed.**

3 A. I am not fully understanding that question.
4 But that -- the schedule that -- the only schedule
5 I'm aware of that Westinghouse completed is the one
6 that was the basis of the 2016 filing. I never saw
7 an updated one from that time.

8 **Q. Okay.**

9 A. And that schedule essentially came out at
10 the same time because it was part of the October 27th
11 amendment that came out at the same time as the
12 Bechtel schedule, essentially.

13 **Q. So you described Bechtel's analysis as**
14 **reflecting a rigorous methodology; did you not?**

15 A. Yes.

16 **Q. What is your understanding of their rigorous**
17 **methodology?**

18 A. Well, we'd done an assessment. They went
19 through and used their -- based on their construction
20 experience, they used their own unit rates of what it
21 takes to do piping, to do cable tray, to do concrete.
22 So all of those, they took each of those commodities
23 to be installed, remaining on the plant to be
24 installed, and went through an analysis to determine
25 how much of that remained to be done. They used

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1 their own productivity basis, their own -- their own
2 assessment of -- I can't remember the phrase, but
3 basically how many people you can get into one area.
4 There is a phrase for it, I just can't recall it
5 right now. So they used their own numbers there.

6 They also did review what was available to
7 them from Westinghouse, and although not in my
8 testimony and I haven't confirmed it yet, based on an
9 analysis of one of my ORS colleagues, they looked at
10 over 2,000 documents in order to generate their
11 schedule.

12 **Q. So what, to your understanding, what did**
13 **Bechtel have that you didn't have?**

14 A. Well, for one thing they had more people,
15 for another thing they have scheduling capabilities
16 that I don't have. I don't have access to Primavera,
17 I don't have access to regularly scheduling programs,
18 so -- and quite frankly, they have specific
19 construction experience of things like unit rates to
20 install -- they have this rapidly available. I would
21 have to do a lot of research. These things are not
22 available to me directly to do unit rates for what it
23 takes to install piping, what it takes to install
24 cable, those kinds of things. The updated unit rates
25 are available to Bechtel because they're still

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1 working in the construction arena.

2 So they had a number of capabilities
3 available to them that I do not have, and they had
4 the time to devote, if you want to say seven weeks to
5 looking at generating a potential schedule.

6 **Q. But you certainly had the same information**
7 **or substantially the same information they had on the**
8 **status of the project, right?**

9 A. I can't really say that's true. I don't
10 know what information they actually used to determine
11 the completion. And we're talking -- when we're
12 talking about that, we're talking about in specific
13 areas, how many commodities had been installed, how
14 many remained to be installed, those kinds of things.

15 **Q. Do you understand that's what Bechtel did in**
16 **developing its schedule?**

17 A. Yes.

18 **Q. To that level of detail?**

19 A. They did.

20 **Q. That's required to provide a Level 2**
21 **schedule?**

22 A. I would say it gives you a better handle on
23 a Level 2 schedule.

24 **Q. Do you know whether or not they did that?**

25 A. From the information we see, that's what

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1 they indicated in their -- in part, they described
2 their methodology in their weekly report, some of the
3 things that they did, and it's, as we understand how
4 they developed this schedule, they did that.

5 **Q. If they didn't do that, would that impact**
6 **your opinion as to the significance of their schedule**
7 **of completion?**

8 A. I think one of the issues that we have to
9 get to is: Do you discount Bechtel out of hand? If
10 you presume that you can discount their schedule when
11 you get a schedule from them on October 22nd and you
12 totally discount it and decide to sign your contract
13 on October 27th, that seems a little premature to me.

14 So my -- do I think that the Bechtel
15 schedule would have stood exactly as it was
16 developed? No. But I think it was certainly
17 worthwhile to take that schedule and should have been
18 seriously looked at and used as input to refine the
19 schedule and not just to cast it aside and say, well,
20 this is all, this is all a guesswork, because it was
21 not.

22 **Q. As of the time of that UPC amendment, the**
23 **schedule was Westinghouse's responsibility, wasn't**
24 **it?**

25 A. Yes.

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1 **Q. And the failure to meet the schedule as**
2 **Westinghouse promised was on their dime, right?**

3 A. Ultimately, with the fixed price agreement,
4 yes.

5 **Q. So are you suggesting that what SCE&G should**
6 **have done is take the Bechtel analysis, pushed the**
7 **schedule out further and give Westinghouse the**
8 **ability to take more time?**

9 A. No. I'm suggesting that for their own
10 purposes, SCE&G should have concentrated on refining
11 the -- or at least taking into account the Bechtel
12 schedule so that they had a good handle on what
13 they -- actual schedule of the project is going to
14 be. Because it's important to know what the schedule
15 of the project is, even though you don't necessarily
16 have to pay for it, because there is all kind of
17 other things that enter into that. They're going to
18 have to look at their purchase power agreements at
19 the plant is not going to be completed at the time
20 that they think that it's going to be completed.

21 So there is all kinds of fallout to the
22 utilities that happen on meeting the schedule, so
23 it's just not, oh, well, let's pretend that it
24 doesn't matter anymore.

25 **Q. So is it your testimony what SCE&G should**

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1 **have done is not hold Westinghouse to the promised**
2 **schedule?**

3 A. No.

4 MR. COX: Object to the form.

5 BY MR. CHALLY:

6 **Q. Do you believe they should have held**
7 **Westinghouse to the promised schedule?**

8 A. My belief is that they should have taken the
9 Bechtel input into account.

10 **Q. Is it your opinion, as you sit here today in**
11 **2018, that SCE&G should have extended the**
12 **Westinghouse schedule in its requests to the PSC?**

13 A. Whatever -- wherever the chips fell should
14 have been what they did.

15 **Q. Even if that meant alleviating pressure on**
16 **Westinghouse?**

17 A. I think so. Because you can put pressure on
18 Westinghouse regardless of what the schedule is. You
19 could still bring pressure to bear on Westinghouse.
20 And, in my mind, at least, it would be much better to
21 know when you're actually going to finish the project
22 than -- this goes back to the original argument was,
23 oh, it's all on the EPC contractor, we don't have to
24 worry about or do anything, and that's not the case.

25 There's too many, too many other factors

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1 that enter into the project completion that you need
2 to factor in. And if it costs more money, then you
3 argue that with the contractor. If the schedule is
4 going to be -- if the actual schedule is going to be
5 delayed, you argue that with the contractor. You
6 don't put blinders on and proceed on the basis of not
7 knowing where you're going.

8 **Q. So what you think should have been done in**
9 **the March 12, 2015 filing is, one, it delayed; and**
10 **two, ultimately, the request for more money put in?**

11 A. No. What I believe is that they should have
12 taken the Bechtel assessment seriously and done a
13 serious evaluation of what Bechtel was telling them;
14 that's what I --

15 **Q. What if they did precisely that and reached**
16 **the same conclusions? What if they did precisely**
17 **what you're saying, they took seriously Bechtel's**
18 **schedule analysis and ultimately decided to pursue**
19 **the same path that they did, which is seek recovery**
20 **of the cost that Westinghouse had committed to**
21 **complete the projects for, is that all fine, from**
22 **your perspective?**

23 A. As long as -- I mean, if they had the
24 realization of when the project was going to be
25 completed, I think they would have had the

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1 information that they needed then to all these
2 ancillary things that I'm talking about that they
3 need to know, they would have known those, and they
4 could have pursued -- bad word -- continuing to beat
5 up on Westinghouse to meet the original requirements.
6 They could have done that, and that would have
7 been -- that would have been okay.

8 **Q. If the PSC had approved costs for an**
9 **elongated schedule, how do you believe SCE&G could**
10 **have held Westinghouse to its original estimate?**

11 A. Contractually. They didn't change the
12 contract.

13 **Q. It would have alleviated pressure on**
14 **Westinghouse though, wouldn't it?**

15 A. No, because, contractually, they're still
16 committed to it.

17 **Q. Contractually, they had been committed to**
18 **certain requirements previously, and then through**
19 **change orders and the like, they altered those,**
20 **right?**

21 A. Yes.

22 **Q. So you, as we sit here today, are you aware**
23 **of Bechtel having more information regarding the**
24 **status of the project than you had in 2015?**

25 A. I am not aware. There's a couple of minor

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1 areas that I saw that they dug some stuff out. But I
2 think, in general -- and I have never argued the
3 assertion that most of the issues that Bechtel
4 identified were in fact known by us; that's true.
5 But knowing the issue does not get you to the point
6 of knowing the impact on the scheduling budget. Just
7 knowing the issue does not get you there.

8 **Q. But you knew as much, as we sit here today,**
9 **you knew as much as Bechtel did regarding the status**
10 **of the project; and you also knew, did you not, the**
11 **assumptions that existed related to expectations for**
12 **future performance?**

13 MR. COX: Object to the form.

14 THE WITNESS: I can't say what
15 Bechtel knew. I don't know what Bechtel knew. I
16 don't know what they found out. They did very
17 in-depth interviews with people, below the level
18 of people that we usually talk to. So if the
19 people at the level that we talk to were
20 withholding information and other people weren't,
21 maybe they found out more than we did. I don't
22 know. I can't speak to what Bechtel knew.

23 BY MR. CHALLY:

24 **Q. I understand. But you have now reviewed**
25 **various different documents in connection with**

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1 discovery in this case, you are expected to testify
2 in the PSC proceeding, and you have submitted your
3 pre-file testimony, and as we sit here today, you
4 can't identify a piece of information that Bechtel
5 had indicated it was relying on that you didn't also
6 have related to the status of the project, right?

7 MR. COX: Object to the form.

8 THE WITNESS: I think that -- you
9 know, I will get back to being able to generate
10 their own schedule, as preliminary as it may be.
11 They had that capability, and that's a piece of
12 information that I didn't have and wasn't charged
13 with having as to generate my own schedule. I
14 was relying on the schedule provided to me by
15 SCE&G.

16 BY MR. CHALLY:

17 Q. So evaluating the schedule was certainly
18 your responsibility, right?

19 A. Yes.

20 Q. And to evaluate a schedule, we have
21 discussed that Bechtel would need information
22 regarding the status of the project, right? They
23 would need certain information regarding expectations
24 of future performance, right?

25 A. Or make assumptions with regard to future

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1 performance, correct.

2 **Q. So those are the two pieces to a schedule**
3 **analysis of the detail that Bechtel applied here,**
4 **right?**

5 A. I mean, there is more than that. Like I
6 say, they had unit rates which I can't definitively
7 state, but I believe they disagreed with the unit
8 rates being used by Westinghouse, and they had their
9 own productivity factors that they put in. So they
10 had other information that varied in their schedule
11 analysis.

12 **Q. Other than unit rates and productivity**
13 **factors that they relied on, are you aware of**
14 **additional information they had?**

15 A. No, I am not specifically aware of other
16 information.

17 **Q. Are unit rates the kind of thing that is**
18 **knowable in the industry?**

19 A. Yes.

20 **Q. So can you call someone at Sargent & Lundy,**
21 **for instance, and obtain information related to unit**
22 **rates?**

23 A. I could, but you couldn't.

24 **Q. Right. And productivity factors, are you**
25 **able to -- we already discussed that you had all**

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1 **information related to historical productivity**
2 **factors on the project, right?**

3 A. I had I won't say all, but I will agree that
4 I had historical information and current information
5 on productivity.

6 Q. **So are you aware that Bechtel used**
7 **productivity factors different than the historical**
8 **productivity factors on this project?**

9 A. I'm not aware of what they were. I'm aware
10 that Bechtel identified that they used different ones
11 than historically. Because, again, everyone was
12 expecting increased productivity out of Fluor.

13 Q. **So it's just an assumption; productivity**
14 **factor is ultimately an assumption?**

15 A. Yes. Well, until it's reported. It's an
16 assumption to generate the schedule. It's not an
17 assumption when you report it, that what actually
18 happened.

19 Q. **Fair enough. Fair enough. Okay.**

20 **So Bechtel had information related to the**
21 **status of the project that in substance was similar**
22 **to what you had. Bechtel had information related to**
23 **unit rates, unit rates that you could have received**
24 **if you had called someone at Sargent & Lundy. And**
25 **Bechtel had information related to the productivity**

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1 **factors that we all acknowledge to be an assumption,**
2 **right?**

3 A. Well, again, I mean, you're assuming that
4 I'm going to generate the schedule. I'm not going to
5 generate the schedule. So, I mean, what you're
6 speculating is if I had been charged with generating
7 a schedule, I will have brought scheduling people in
8 and we would have done some of the things that you're
9 talking about.

10 **Q. Okay. Why didn't you?**

11 A. I had no reason to.

12 **Q. Why did you have no reason to?**

13 A. Because I'm not charged with generating the
14 schedule of the project.

15 **Q. Westinghouse was charged with that, right?**

16 A. Correct.

17 **Q. Okay. And you were relying on Westinghouse?**

18 A. I was relying on South Carolina Electric &
19 Gas who relied on Westinghouse. Although it's
20 somewhat of a misnomer because, in point of fact,
21 SCE&G never agreed with the raw schedule they got
22 from Westinghouse. There was always changes,
23 manipulations, whatever. We were never really privy
24 to what those were, whether they made it better,
25 worse, whatever, but we all -- we were aware that

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1 they never accepted, as provided, a schedule from
2 Westinghouse.

3 **Q. You've reviewed the Bechtel report, haven't**
4 **you?**

5 A. I have read the Bechtel report, yes.

6 **Q. You're aware that the Bechtel report**
7 **identifies what Bechtel describes as certain problems**
8 **with the Consortium, correct?**

9 A. Yes.

10 **Q. These are problems that you were aware of at**
11 **the time that you were consulting with the ORS at the**
12 **project, right?**

13 A. We would have to go through them in more
14 detail. But, in general, as I said, the issues
15 involved were not known to us.

16 **Q. Is there any issue that you recall Bechtel**
17 **identifying that you didn't know?**

18 A. There were a couple of minor things that I
19 don't recall specifically what they were, but they
20 were things they found. One that I do recall that we
21 weren't aware of is the turnover in, I think it was
22 field non-manual supervisors, and that the
23 granularity of the information we had didn't go down
24 to that level and never prompted a question from us
25 because it was never brought up as an issue. But I

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1 think Bechtel identified that as an issue, that there
2 had been a lot of turnover of non-manual supervision.
3 Weren't really aware of that.

4 **Q. What exactly does that mean to you?**

5 A. I mean it was an issue that's important but
6 not earthshattering.

7 **Q. That's the only thing --**

8 A. That's the only thing I can recall. I know
9 there were several, but I don't recall them right
10 now. But, I mean, I can characterize it in general.
11 Most of the issues at Bechtel identified we were
12 aware of.

13 **Q. What I want to do is get as complete of an**
14 **answer to that question as I can. So let's look at**
15 **Exhibit --**

16 A. In my testimony, you're looking at?

17 **Q. Your testimony.**

18 A. Yep.

19 **Q. G --**

20 A. I was hoping you'd go there.

21 **Q. -- CJ-246.**

22 A. Okay.

23 **Q. What I want to do is give you a chance to**
24 **look at this, and then you tell me what information**
25 **conveyed in this exhibit you didn't know.**

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1 A. There is a more concise exhibit.

2 **Q. Well, I'm referring to this one specifically**
3 **because this is the February 5, 2016 project**
4 **assessment report.**

5 A. Okay. And you're talking about where it
6 starts listing the issues?

7 **Q. Yeah.**

8 A. Talking about on page 50?

9 **Q. Well, we can look there, but wherever --**

10 A. Wait, wait, I'm sorry, no. There is one
11 before that. There is a PM in Engineering. I
12 skipped too far. Sorry.

13 **Q. What I was looking at was page one.**

14 A. Yeah. Okay. Let's go to page one. All
15 right. Wait.

16 **Q. But I'm not intending to limit you. So**
17 **if -- you know, you can look at Section 2-2 of the**
18 **report, "Observations and Recommendations."**

19 A. Wait a minute, wait a minute, I have lost
20 you. You're talking about page one of the report but
21 not page one of the exhibit?

22 **Q. Correct.**

23 A. Okay. So that's -- okay. That's page eight
24 of the exhibit. Okay. All right.

25 **Q. Yeah. So what I want to refer you to is**

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1 **specifically the "Executive Summary" on page eight,**
2 **and then in more detail the "Observations and**
3 **Recommendations" that are conveyed on page 13.**

4 A. Okay.

5 **Q. And I want you to identify for me any of**
6 **these issues that you weren't aware of, if there are**
7 **any.**

8 A. In some of these cases, I would say they put
9 into words things that we would not necessarily --
10 like a lack of shared vision, goals, accountability
11 between the owners and the Consortium. Okay. We
12 would have said that, you know, there is conflict
13 that exists there. So I would say that one was
14 known, but if you had asked me to put it in those
15 words, I would not have, but that's --

16 Okay. So the bulleted items on that are
17 page one, is that what you're talking about?

18 **Q. We can start there, sure.**

19 A. And there is none of those that we weren't
20 aware of. But, as I said, we probably would not word
21 it the way that they did, but --

22 **Q. Okay.**

23 A. Where do you want to go now?

24 **Q. Well, I don't want to limit you. I'm**
25 **interested in knowing what you believe was conveyed**

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1 **in this report that you didn't know.**

2 A. Okay. I can tell you that. The things that
3 were conveyed in this report that we didn't know were
4 the recommendations for fixing stuff.

5 **Q. So let's go to that.**

6 A. And --

7 **Q. Page 13.**

8 A. And we, the ORS and me, I believed that a
9 lot of these actions, we were somewhat optimistic at
10 the time because we believed that SCE -- I'm going to
11 put this in the vernacular, I guess, but they had
12 finally seen the light, realized that they had to
13 take more charge of the project than they had been,
14 and they were implementing these actions due to their
15 own recognition of the issues.

16 One of the disappointing things for me was
17 to see that they were implementing Bechtel
18 recommendations, and they were not conclusions that
19 they had come to on their own.

20 So that's why the recommendations are
21 important, because they were -- and why the Bechtel
22 report is important, because almost all of these
23 recommendations got implemented. So it would have
24 been nice to know that the recommendations for
25 improvement came from Bechtel, and it would be nice

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1 to know what they recommended to do for the issues.

2 Q. Let me make sure I understand. It's your
3 testimony that all of the recommendations that
4 Bechtel had suggested were actually implemented by
5 SCE&G?

6 A. No, not all.

7 Q. Almost all?

8 A. Most. Most.

9 Q. Any of them that you recall not being
10 implemented?

11 A. Now, there is -- again, we would have to go
12 through each one, one by one, which ones were, which
13 ones weren't. But most of the Bechtel
14 recommendations were in fact implemented, and at the
15 time we thought they were generated because Fluor had
16 come on board and because SCE&G had had the
17 recognition that they needed to do these things.

18 Q. So to make sure I understand, as we sit here
19 today, you can't recall a specific recommendation
20 from Bechtel that hadn't been implemented by SCE&G;
21 is that right?

22 A. No. I would have to go to the -- there is a
23 summary of all the recommendations and how -- the
24 status of them, and some were to be implemented later
25 because they involved operations and pre-op

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1 activities that weren't yet under way so they
2 couldn't be implemented.

3 So there's variations in this thing that
4 when you say the Bechtel recommendation was not
5 implemented, it's because they didn't get to that
6 stage of the project.

7 **Q. So let me ask it this way: Are you**
8 **criticizing SCE&G for its failure to adopt any of the**
9 **recommendations that are considered in this report?**

10 A. I never reviewed it on that basis. I
11 never -- I never looked at it as, okay, why didn't
12 they do this one or why didn't they do that one. My
13 criticism was did they keep them from us.

14 **Q. And what's important, from your perspective,**
15 **is that Bechtel had reached its conclusion; is that**
16 **right?**

17 A. What's important would have been to have
18 known that Bechtel had reached this conclusion and
19 provided these recommendations. That would have been
20 nice to know.

21 **Q. But it's not the substance of the**
22 **recommendations or the substance of the efforts to**
23 **adopt those recommendations that matters to you; it's**
24 **that Bechtel had made these recommendations?**

25 A. Again, I did not review these in detail to

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1 determine which ones -- because, as I said, we didn't
2 get this report until after the project was
3 abandoned. So why would I waste the effort doing
4 that?

5 So I can't tell you whether or not some of
6 these that weren't implemented should have been
7 implemented. What I can tell you is, at the time
8 they were made, they should have been presented to
9 ORS and we should have been a participant in the
10 discussions about what was going to happen.

11 **Q. So in your 2018 testimony, you are saying**
12 **that SCE&G should not be entitled to certain costs.**
13 **And then do I understand your testimony correctly**
14 **today to say that you're not in any way basing your**
15 **opinion on what costs SCE&G should be entitled to on**
16 **the question of whether it implemented any of these**
17 **recommendations?**

18 A. What I am basing my conclusions on is at the
19 time they started deception and misleading ORS. You
20 can look -- that's where it is. And from that point
21 on, everything is imprudent.

22 **Q. So everything is imprudent simply because**
23 **you believe they misled the ORS?**

24 A. That's what I believe.

25 **Q. The basis for you contending that they**

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1 **misled the ORS is because they didn't tell you the**
2 **significance of the assessment?**

3 A. You have got to go back. They didn't tell
4 us the assessment was being performed.

5 **Q. Mr. Jones, that is not true. You have**
6 **already testified multiple times today that you**
7 **personally were aware that an assessment was being**
8 **performed.**

9 MR. COX: Object to the form.

10 BY MR. CHALLY:

11 **Q. That they specifically told you that.**

12 A. I am talking about -- no, I never said they
13 specifically told me that.

14 **Q. Skip Smith told you that.**

15 A. No, he didn't specifically tell me that. We
16 found out when the guy from Bechtel stood up and said
17 he's done an assessment. Skip told me that there was
18 no report and that he couldn't provide any written
19 information to us and that the results were at a
20 higher level than he said. That's not specifically
21 telling me they did an assessment. I had to find
22 that out -- we had to find that out ourselves.

23 **Q. And you did.**

24 A. Yes. In October, we found that out. I'm
25 talking about -- I'm talking about at the beginning,

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1 based on the March -- from that point on, and that's
2 the point that we start, that's where the deception
3 started and only got worse, it got worse.

4 **Q. So your testimony is that SCE&G should have**
5 **told you five months earlier that Bechtel was doing**
6 **an assessment?**

7 A. No. They should have told me that they were
8 going to have Bechtel an assessment.

9 **Q. They inquired as to who you would recommend**
10 **for that purpose.**

11 A. What does that mean? That means nothing.
12 If I recommend somebody, they don't have to take the
13 recommendation. I don't know that they did it.

14 **Q. Okay.**

15 A. How do I know that they did it? I didn't
16 know that they did it.

17 **Q. So you agree with me that the problems that**
18 **were identified in the Bechtel report that you have**
19 **attached as an exhibit to your testimony were known**
20 **to you throughout the project?**

21 A. I would not testify that I knew all of them.
22 I will testify that, from what I have reviewed, I
23 knew most of them; that is true, I have never denied
24 that. But knowing the problems is not developing a
25 schedule and a completion date on the project.

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1 **Q. And you also testified that you were aware**
2 **of most or almost all of these problems, and that**
3 **SCE&G had actually implemented the recommendations**
4 **that Bechtel had conveyed, right?**

5 A. I wouldn't say -- I would say they were
6 implementing or in the process of implementing. Some
7 of them were ongoing and some of them were in the
8 future. So in many cases, they were in fact
9 implementing Bechtel's recommendation.

10 **Q. And it isn't anything about the failure of**
11 **SCE&G to provide you with the information Bechtel**
12 **disclosed or the failure of SCE&G to implement the**
13 **recommendations that Bechtel suggested that leads you**
14 **to believe that SCE&G shouldn't be entitled to the**
15 **costs it seeks past March 12th of 2015, right?**

16 A. I'm confused by that question, because the
17 assumption that you make is that we knew all this
18 stuff. We didn't know this stuff until the project
19 was abandoned.

20 **Q. No, no, no. You said you knew of the**
21 **problems that Bechtel had identified.**

22 A. No. I knew of the issues, not that Bechtel
23 had identified them. I knew of the issues on the
24 project. Had nothing to do with Bechtel identifying
25 them. We found -- we found these out through our own

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1 devices.

2 **Q. You didn't need Bechtel to figure those**
3 **points out, right?**

4 A. I didn't -- no, I didn't need Bechtel to
5 identify the issues.

6 **Q. Nor did SCE&G, did they? They knew these**
7 **issues, too?**

8 A. Yes, they did.

9 **Q. And they disclosed them to the PSC, correct?**

10 A. I wouldn't say they disclosed all of them,
11 but, in general, the issues were known. It's not a
12 question of the issues, as I keep emphasizing. As I
13 keep emphasizing, it's not knowing the issues. It's
14 knowing the impact of the issues, how they're going
15 to impact the budget and schedule of the project that
16 is the issue.

17 **Q. Okay.**

18 A. How are you going to implement -- not
19 modifications -- changes -- mitigation, that's the
20 word I was looking for -- mitigation plans in order
21 to resolve them.

22 **Q. Okay.**

23 A. That's the -- that's the important part of
24 this whole thing, not knowing the issues.

25 **Q. And on that point, on what would be done to**

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1 **implement these changes, your testimony is today that**
2 **you're not aware of something that SCE&G -- that's**
3 **described in the Bechtel report that SCE&G didn't**
4 **ultimately implement or take steps to implement?**

5 A. I'm not aware but I haven't reviewed it on
6 that basis.

7 Q. **So those two points, the issues identified**
8 **in the Bechtel report, and the recommendations, do**
9 **not in any way inform your testimony that SCE&G isn't**
10 **entitled to costs after March 12th, 2015?**

11 A. As I said, I can't address the
12 recommendations because I haven't done any real study
13 that indicates which ones they implemented and which
14 ones they didn't.

15 Q. **Well, if you haven't done the study, it**
16 **certainly isn't the basis for the testimony you've**
17 **providing to the PSC already, is it?**

18 A. Why isn't it? If you don't disclose --
19 that's the basis of my testimony is it wasn't
20 disclosed. It was withheld, and purposefully
21 withheld.

22 By far the most important thing in this
23 whole discussion is the schedule information. I know
24 you're trying to discount the schedule. But to have
25 a schedule assessment come from one of the most

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1 prestigious nuclear constructors in the business
2 needs to be considered. That's the most important
3 thing, that the schedule was not disclosed, was
4 ignored, was hidden, and it was imprudent activities
5 on SCE&G's part to withhold that both from the ORS
6 and from the Public Service Commission. That's the
7 basis of my testimony.

8 **Q. So that's the only imprudent activity that**
9 **you can identify; is that right?**

10 A. No. We have gone through this before. The
11 first imprudent activity was never telling us you
12 were going to do an assessment. And why that is
13 imprudent is because it would have impacted the
14 entire project from then on. And the reason for that
15 is because it would have delayed the hearings until
16 after the Bechtel assessment was completed. And if
17 Bechtel had done what they actually did -- I don't
18 know what would have happened if the Bechtel
19 assessment scope had been different or whatever; I'm
20 going on the basis of what they actually did.

21 If they had done the same thing, first off,
22 it could have been advanced much faster. And it
23 didn't have to start in August, it could have started
24 in March. There was no reason for not doing that.
25 Then that assessment would have then generated both

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1 ORS evaluation, and we would have had to have had
2 SCE&G defend the schedule that they had. Why is this
3 schedule now, you're saying you're going to complete
4 this in 2019, Bechtel says it may be 2021 for it.

5 So if -- that could have changed the entire
6 complexion, and the project at that time could have
7 been found to be uneconomic. Now, under the BLRA,
8 that supposedly wouldn't have made any difference,
9 but it certainly would have. If it would have been
10 shown that this project would be a burden on the
11 ratepayers of South Carolina and would never be
12 economic to be operated, that its construction dates
13 were, one, beyond the production tax credits which
14 would have been a \$2.2 billion hit; two, that it was
15 going to take much longer than anybody thought, I'm
16 fairly certain that the political pressures that you
17 see now would have been just as great to do something
18 different with the project.

19 So that failure to disclose colors the
20 entire project from that point on. It's just not you
21 take them in discrete steps and say, well, you didn't
22 do this one but you later did that. That would have
23 changed the whole entire complexion of how the
24 project was done.

25 **Q.** **So --**

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1 MR. COX: John, whenever you get a
2 chance, I would like to ask for a break,
3 whenever.

4 MR. CHALLY: I'm about done.

5 BY MR. CHALLY:

6 **Q. But you didn't do a single thing after you**
7 **learned of the existence of the Bechtel assessment in**
8 **October of 2015, other than have two conversations**
9 **with SCE&G employees?**

10 MR. COX: Object to the form.

11 THE WITNESS: I wouldn't say we
12 didn't do a single thing. We, again, tried to
13 get AIR requests, but it -- I can say -- you
14 know, this may get a little personal, but I had
15 my trusts violated. The people that I was
16 talking to and established a relationship over a
17 number of years, and if they told me something, I
18 believed them. I would, in general, try to
19 validate it in some way, but there was no way to
20 do this with the Bechtel report.

21 So when they told me there was a
22 no-nevermind, I believed them. And we had larger
23 fish to fry with the Westinghouse amendment
24 coming in at the same time. The whole
25 contractual structure of the project changed,

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1 massive changes in many of the terms and
2 conditions of the project.

3 So that's what we concentrated on
4 was, okay, how is this change in the EPC contract
5 going to affect the rest of the project? The
6 fact that Fluor was coming on was hailed as a
7 great achievement with great expectations. So I
8 did not pursue further on the Bechtel report
9 because I trusted the people that told me what
10 they told me.

11 BY MR. CHALLY:

12 Q. And they told you that there was nothing new
13 found by Bechtel during the assessment, right?

14 A. Yes.

15 Q. What exactly was new found by Bechtel in the
16 assessment that you believe they should have told
17 you?

18 A. I go back again: The primary thing that
19 they should have told us was the schedule that
20 Bechtel had developed.

21 Q. So anything else?

22 A. There may be bits and pieces of other
23 things. But, I mean, the first, first thing is the
24 schedule; the second is the disclosure that it was
25 done. There should have been -- for example, one of

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1 the things that they did is they, "they" meaning
2 South Carolina Electric & Gas, they generated their
3 own document called the Program Assessment Report, or
4 Project Assessment Report, and they basically put the
5 Bechtel recommendations on there and were tracking
6 them. Even that report was never provided to ORS.
7 And they could have easily disguised that, I would
8 say, as a document that could have been provided to
9 us but it was not.

10 Q. So, Mr. Jones, I'm going to ask my question
11 again, just to make sure I got the complete answer.
12 You were told, in October of 2015, that Bechtel had
13 done an assessment, nothing new was found.

14 A. Right.

15 Q. So what I'm asking you is: Now, having
16 reviewed all of this material and preparing and
17 submitting testimony to the PSC, what new did Bechtel
18 find? And the only thing you have identified is the
19 schedule. Anything else?

20 A. I thought I identified the other thing is
21 that I think it should have been disclosed,
22 regardless of what was found, it should have been
23 disclosed. So, to me, the most important thing was
24 the Bechtel schedule; the second was it should have
25 been disclosed to us that, what the report was, it

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1 should have been shared with us so it could be
2 discussed and defended if it had been decided that
3 they weren't going to implement the recommendations
4 of Bechtel. But we should have known about the
5 Bechtel recommendations, we should have had the
6 report disclosed, we should have had the schedule
7 disclosed.

8 MR. CHALLY: Okay. Let's take a
9 break.

10 THE VIDEOGRAPHER: We are going
11 off the record at 5:14 p.m.

12 (A recess was taken.)

13 THE VIDEOGRAPHER: We are going
14 back on the record at 5:22 p.m.

15 BY MR. CHALLY:

16 **Q. Okay. Mr. Jones, you received a Subpoena**
17 **that compelled your appearance for today, correct?**

18 A. Yes.

19 **Q. Do you know that that Subpoena included**
20 **certain documents that we were requesting you to**
21 **provide?**

22 A. Yes.

23 **Q. Can you describe generally the process you**
24 **followed to identify and produce those documents?**

25 A. Computer files. Basically I file e-mails in

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1 a file on my computer. All the ones that I want to
2 keep that are sent are submitted to me in a file
3 that's like SCE Regulatory or something like that.
4 There's an ORS file, so I keep all those in one spot.
5 So I provided back to the dates January 2015, I
6 believe was the date in the Subpoena. I think that
7 was it. All files in that file, and that's, as I
8 said, that's where I keep all the e-mails associated
9 with my assignment on this project.

10 In addition to that, documents themselves on
11 my computer file, I keep a couple of files. One was
12 associated with the docket number -- one's associated
13 with the docket number here. The other was a file
14 designated as -- the whole file is designated SCORS,
15 and the pertinent documents associated with this were
16 in the couple of files, sub-folders within that. So
17 I provided all the documents associated with that.

18 And then I had also hard copy documents that
19 included my detail, what I call detail invoices,
20 which you provided a couple of examples of. Letter
21 invoices, which is what I actually submit for payment
22 now, those go together. And handwritten notes that
23 date -- or that record notes that I take when I am
24 reviewing various documents, because I'm a fairly
25 visual person and writing stuff down helps me. It's

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1 not necessarily that I ever go back to them, but it
2 helps to have it there.

3 And I don't recall exactly the date now, it
4 was recorded but I don't recall the date that I went
5 back to, but it was not my -- it was not a complete
6 file of everything that has ever been generated,
7 because my basic practice was to throw my written
8 files away after a year. I changed it a little bit
9 when the project started getting into the
10 questionable state. So it's -- the files that I
11 provided go back a little further than a year, but
12 that's basically it.

13 **Q. Okay. So, in summary, you collected both**
14 **e-mails, hard copy files that you knew to exist, and**
15 **you transmitted all of those over to ORS's counsel;**
16 **is that right?**

17 A. It was e-mails and document, there were some
18 that documents I had also.

19 The things that I didn't provide that didn't
20 make any sense to me to provide were the hard copy
21 documents that SCE&G had sent to me associated with
22 this, and the CDs. I did not provide copies of
23 those. I stated that those were not provided. It
24 just didn't make any sense to me to try to -- and it
25 would have been a logistical nightmare for me to try

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1 to do that.

2 **Q. Any other information of any kind that would**
3 **be responsive to the Subpoena that you didn't**
4 **provide?**

5 A. No. I mean, I kept everything in separate
6 files and kept separated, so it wasn't --

7 MR. CHALLY: Okay. That's all the
8 questions for you. Thank you.

9 THE WITNESS: Oh, okay. Thank
10 you.

11 THE VIDEOGRAPHER: We are going
12 off the record at 5:27 p.m.

13 (Off-the-record discussion.)

14 THE VIDEOGRAPHER: We are going
15 back on the record at 5:28 p.m.

16 EXAMINATION

17 BY MR. EVANS:

18 **Q. Mr. Jones, I'm Jerry Evans. I represent the**
19 **plaintiff ratepayers in this action. It's been a**
20 **long day for everybody, and so I'm going to try and**
21 **be brief.**

22 A. Thank you.

23 **Q. Mr. Jones, who had the ultimate**
24 **responsibility for the proper execution of the EPC**
25 **contract and the construction of the project?**

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1 MR. CHALLY: Object to form.

2 THE WITNESS: Who had the ultimate
3 responsibility? My opinion would be SCE&G had
4 the ultimate responsibility.

5 BY MR. EVANS:

6 **Q. And would that include responsibility for**
7 **quality control and quality assurance?**

8 A. Yes.

9 **Q. Are you generally familiar with the Public**
10 **Service Commission Order of March 2nd, 2009,**
11 **approving the application to construct?**

12 A. Generally, yes.

13 **Q. Well, are you aware that the language**
14 **regarding the ultimate responsibility of SCE&G is**
15 **actually expressly in that Order?**

16 A. I can't say that I was specifically aware of
17 that but it doesn't surprise me.

18 **Q. You have talked a lot about the schedule,**
19 **and I think in your 2018 testimony, pre-file**
20 **testimony, you said an integrated resource loaded**
21 **construction schedule is the most important input**
22 **into determining the cost of a nuclear power plant;**
23 **is that correct?**

24 A. Yes.

25 **Q. I want to make sure I'm clear. When did you**

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1 **first see a fully integrated resource schedule for**
2 **this project?**

3 A. Point of fact, we never did.

4 **Q. You asked for one?**

5 A. Yes. Repeatedly, yes.

6 **Q. Repeatedly? At what point -- let's go back**
7 **in time to the beginning of the project. At what**
8 **point in time should a fully integrated resource**
9 **schedule have been in place?**

10 A. I want to -- there's stages you go through
11 in a nuclear project. But what was initially
12 submitted was, let's call it an integrated schedule.
13 Okay?

14 **Q. Okay.**

15 A. That identifies the activities and the
16 precursors and the successors. So it lays out the
17 basic logic of the schedule and gives you how you're
18 going to do it. The difference -- and that is
19 usually provided in the early stages of the project,
20 because if you haven't started construction, there is
21 really no use in having a fully -- a resource loaded
22 schedule.

23 So once you get -- others may disagree, but
24 where I think it becomes very important is when you
25 actually start the nuclear construction, and that

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1 would have been with the nuclear concrete pour.
2 Because at that time, you then start adding labor to
3 the project, and that's where the resource loading
4 part comes in.

5 **Q. And for this project, that would have been**
6 **approximately what date?**

7 A. I think the NI was in -- the NI concrete
8 pour was in 2000 -- at least these two dates, I
9 always get mixed up. We got the COL in -- it was a
10 little after a year that we got the COL, I think the
11 COL came in 2013, I think the -- it may be '12. It
12 would be nice to -- maybe I've got my timeline here.
13 No, it doesn't go back that far. But in the 2013
14 time frame, I would say, and that, really, you should
15 have started developing that schedule in preparation
16 for that activity, so that's really what drives it
17 from that point on.

18 **Q. You mentioned that when you received the**
19 **scheduling reports that you did have to look at.**
20 **They were, I think you described them as 90-day**
21 **lookaheads?**

22 A. For the most part, yes.

23 **Q. But if I understood you correctly, you**
24 **received those in like a PDF or a hard copy and not**
25 **through actual software?**

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1 A. Correct.

2 **Q. Would it have assisted your review to have**
3 **had access to the software?**

4 A. No, it would not, because I don't have the
5 software capability anyway, and I don't have the
6 computer power to do that either.

7 **Q. Do you know if SCE&G was monitoring the**
8 **schedule by way of looking at the software?**

9 A. What I do -- well, they did get -- they did
10 get a copy of the software, the software run and the
11 schedule itself, and they had a scheduling group of
12 their own that looked at that basis.

13 And I know it gets confusing, but there was
14 always a schedule, 250,000 or 400,000 items in it.

15 **Q. Right.**

16 A. But what it wasn't, it wasn't properly
17 updated to reflect what was going on on the project,
18 and it wasn't properly updated to reflect resource
19 loading.

20 **Q. Do you think that there was a fully**
21 **integrated resource schedule that you just never got**
22 **to see?**

23 A. At this point, I really don't think they
24 ever got to the point of having a resource loaded
25 schedule. I think they did have an integrated, a

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1 complete integrated project schedule, but I don't
2 think they ever got to the point where it was updated
3 and resource loaded to the point that we were talking
4 about.

5 **Q. Who at SCE&G was responsible for -- I will**
6 **use the word monitoring -- for monitoring**
7 **Westinghouse's scheduling work?**

8 MR. CHALLY: Object to the form.

9 THE WITNESS: Specifically talking
10 about scheduling work, I mean, you know, it
11 impacted many people, I mean, a lot of people
12 were interested in the schedule. I don't know
13 which phase you're talking about, but the
14 construction manager is definitely interested in
15 it.

16 BY MR. EVANS:

17 **Q. Was there someone at SCE&G who was**
18 **responsible for there being a schedule?**

19 MR. CHALLY: Same objection.

20 THE WITNESS: I mean, ultimately,
21 I think it rolls up to the lead guy on the
22 project. And then, too, you can say, you know,
23 it's either the site vice president or ultimately
24 it rolls up to that responsibility.

25

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1 BY MR. EVANS:

2 Q. Well, what are you aware of, actions SCE&G
3 was taking toward the folks at Westinghouse, to
4 ensure that a schedule was up-to-date?

5 A. There were -- we did see numerous
6 correspondence trying to get an updated schedule.
7 Westinghouse, in fact, did submit a monthly update,
8 but, as I said, it never got to the point where it
9 fully reflected the status of the project, what was
10 happening on the project, and an integration, a
11 resource loading of those activities.

12 Q. And whose responsibility was it to provide
13 information on the schedule, integrated schedule, to
14 you?

15 MR. CHALLY: Object to the form.

16 THE WITNESS: I can't say
17 specifically what it came -- it came to us in the
18 form of the status reports that we received. So
19 we received the 90-day updates through the weekly
20 status reports, also through the Westinghouse
21 status reports. So there were various venues
22 that we got copies of schedules, but I can't tell
23 you specifically who it was that provided that.

24 BY MR. EVANS:

25 Q. Do you know what a critical path report is?

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1 A. Yes.

2 **Q. Did you have access to critical path reports**
3 **with this project?**

4 A. We did have access to them per request. We
5 could get critical path reports. In many cases, the
6 critical path was not a critical path report but the
7 critical path was identified on the schedule
8 summaries that we got. So you would, like, for
9 example, one that stayed on the critical path for
10 many, many months was the critical path would be
11 through the shield building erection, and that would
12 be identified as specifically saying the critical
13 path on the project, even in the quarterly reports
14 that identified the critical path that said critical
15 path is shield building erection, then in the
16 containment, and on from that.

17 **Q. Were there particular aspects of critical**
18 **path reports that indicated to you problems with**
19 **keeping on schedule with the project?**

20 A. Yes, at various times there were issues that
21 prompted questions from me that we would discuss at
22 the status meetings. Examples I can think of is, in
23 some cases, the duration at the -- the durations of
24 end activities of the project, like start-up testing,
25 like pre-op testing, those types of things would be

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1 shortened from what they were previously, and the
2 date would -- the completion date would remain the
3 same. And when I saw that, I said, you know, how
4 does this come about, how are you going to do this?

5 And in some cases we would have discussions
6 of, well, we have mitigation plans to do this and
7 this and this, in some cases they actually changed it
8 when they realized that there is no way we're going
9 to get start-up testing done or pre-op testing done
10 in five months, so they go back and change it and do
11 a mitigation someplace upstream from that in order to
12 also --

13 **Q. Was this a frequent occurrence?**

14 A. Fairly frequent, yes.

15 **Q. I want to ask you about a few specific**
16 **things you talked about in your 2012 testimony before**
17 **the PSC.**

18 A. Okay.

19 **Q. You cited some fabrication delays in**
20 **structural modules coming from Lake Charles. Do you**
21 **recall that?**

22 A. Yes.

23 **Q. And that proved to be an enduring problem;**
24 **is that fair to say?**

25 A. That is fair to say.

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1 Q. In your testimony -- and if you need to see
2 it I can show it to you -- but if you recall, you
3 said that, regarding the structural modules from Lake
4 Charles, significant and appropriate corrective
5 actions have been taken by Stone & Webster, WEC, and
6 SCE&G. Do you recall generally that testimony?

7 A. Yes.

8 Q. I wonder if you could share with me the
9 corrective actions you recall, and I want to pick
10 these apart, done by Stone & Webster.

11 A. Well, Stone & Webster included Shaw at that
12 time. Shaw was the guy that actually owned the Lake
13 Charles facility. They were the owners, and it was
14 Shaw, Stone & Webster.

15 Corrective actions that I'm aware of in that
16 time frame: There were massive management changes,
17 they changed out the management of the plant, they
18 changed out welder qualifications, and they tried to
19 institute an electronic quality document tracking
20 system to reduce the paperwork involved and to speed
21 up the process of getting the modules completed.
22 They reconfigured their shop to make it more
23 efficient to fabricate the pieces.

24 One of the problems that they had was,
25 before they made these changes, they would pile up

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1 these very, very large sheets of metal, four times as
2 large as this table, and they would stack them on top
3 of each other, then they would have to go -- the one
4 that they wanted would be at the bottom and they
5 would have to move everything. So they changed how
6 they stored them, improved that area.

7 So these are some of the changes. There
8 were other changes, but those are the ones that come
9 to mind right off the top of my head.

10 **Q. Do you recall -- and again, talking about**
11 **the structural modules. Do you recall actions taken**
12 **by Westinghouse to -- corrective actions?**

13 A. Some corrective actions that Westinghouse
14 did is they assigned engineers to the fabrication
15 facility in order to expedite changes. So they
16 provided, essentially, resident engineers in order to
17 expedite the changes. And that was Westinghouse's
18 responsibility was design, and that's the changes
19 that they made.

20 **Q. And then finally SCE&G, because you included**
21 **them in the parties that were doing corrective**
22 **actions.**

23 A. Yeah.

24 **Q. What do you recall SCE&G specifically doing?**

25 A. SCE&G also assigned resident engineers to

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1 the Lake Charles facility in order to keep track of
2 what was being done and expediting the modules for
3 the shop.

4 **Q. Do you know how many engineers they had at**
5 **Lake Charles?**

6 A. How many SCE&G had?

7 **Q. Yes.**

8 A. No. It was -- it was one or two, but it
9 wasn't a massive amount of engineers. Because their
10 job was pretty much oversight and expediting, so you
11 didn't -- they didn't really participate in the
12 engineering design, so you didn't need a lot of
13 engineers there to do that.

14 **Q. And did those corrective actions, did they**
15 **solve the problem in short order?**

16 A. No, sir, they did not. They resulted in
17 some improvement but they did not solve the problem.
18 The modules, the shipments from the modules continued
19 to be delayed. And, in fact, I don't remember the
20 timing exactly, but the NRC, in their inspection of
21 the Lake Charles facility, found major issues
22 relative to quality at some time, and I can't place
23 it relative to my testimony there, but I think it was
24 after they found significant problems, and a lot of
25 recovery efforts had to be expended by the Lake

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1 Charles shop. They actually stopped work, and a lot
2 of activity had to be expended by Lake Charles to get
3 the facility back online.

4 **Q. You also addressed in your 2012 testimony a**
5 **need for increase in staffing, particularly in the**
6 **quality control area. Do you recall that?**

7 A. I don't specifically recall that but I know
8 there was an issue there.

9 **Q. In your testimony, you stated that the SCE&G**
10 **quality control people, they had seven people on the**
11 **job at the time and they were requesting an increase**
12 **of 20 more.**

13 A. Right.

14 **Q. What brought that in? That's a pretty**
15 **dramatic increase, isn't it?**

16 A. My recollection is the primary reason for
17 that increase was receipt inspection. And receipt
18 inspection is when you receive a piece of equipment
19 on site, you do inspections to determine that it's
20 the right thing, that you know what it is and it has
21 the proper paperwork, and that it had the proper
22 examinations provided to it.

23 So this -- it became problematic for the
24 SCE&G QC inspector to make these inspections because
25 there was more and more equipment coming on site than

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1 they could handle, so they had to staff up in order
2 to do that.

3 Now, QC inspectors also do field inspections
4 of welding and that kind of thing. But my
5 recollection is, at this time, the major problem was
6 receipt inspections.

7 **Q. Did SCE&G assign any quality control**
8 **personnel to Lake Charles?**

9 A. You know, I don't recall that specifically.
10 There were assignments made to Lake Charles. I don't
11 remember if they were solely resident engineers or if
12 they also sent QC inspectors there. Because one of
13 the things that could have been done, and I don't
14 remember whether it was or not, is to do some of the
15 at least preliminary receipt inspections in advance
16 before the item was shipped, but I don't remember
17 whether they did that or not.

18 **Q. And how quickly did the 20 additional**
19 **approved hires come on board?**

20 A. I can't address that. I don't know. We
21 know that there was an increase, but we didn't track
22 the hiring.

23 **Q. Let me move to your 2018 testimony that we**
24 **have talked about a lot. On page seven.**

25 A. Page seven. Okay.

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1 Q. Okay. In the middle paragraph, the last
2 sentence, it says, "The EPC contracting approach
3 appeared to be driven more by cost reduction concerns
4 than by quality and productivity and created deep
5 animosity among the Consortium partners and the
6 owners," correct?

7 A. Yes.

8 Q. That EPC contracting approach, that had
9 been -- that had been present since the beginning of
10 the project, correct?

11 A. In -- yes, in form it changed with the
12 amendment, but that same general EPC approach had
13 been in place.

14 Q. And in your review in 2018, did it seem to
15 you that the approach driven more by cost reduction
16 concerns than quality, did that apply to a
17 several-year period?

18 A. Yes. There were -- I mean, the change in
19 construction contractors was evidence of that, that
20 the construction contractors wanted out of the
21 project desperately.

22 I can give you a very specific example, and
23 that was based on my facility site visit to Oregon.
24 Vigor and Greenberry, and what we -- what I
25 discovered during that visit is that, at that time,

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1 CB&I was not providing their fabricator with design
2 changes because of a contract dispute with
3 Westinghouse, that they weren't getting paid for the
4 changes. So CB&I elected, at that time, to just stop
5 processing design changes. So the fabricator -- and
6 this was in place for nine months before we really
7 found out about it.

8 **Q. Do you recall the time frame of that?**

9 A. Not specifically but I could identify it. I
10 have a written trip report, and I have -- I think my
11 calendar is still active, too. But the written trip
12 report that I provided included this information.

13 **Q. Do you believe it was prior to 2015?**

14 A. I cannot be certain. I cannot be certain of
15 that. I would have to --

16 **Q. What did SCE&G do to correct this tension**
17 **between the other two companies?**

18 A. Well, I mean, in this specific instance, I
19 was accompanied on that trip by Alan Torrez, and he
20 brought the issue to the front rather rapidly and got
21 CB&I and Westinghouse to work out an agreement. I
22 don't know the details of how they worked it out, I
23 just know it was resolved and those changes were
24 provided to the fabricator.

25 **Q. You listed for Mr. Chally a number of items**

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1 that -- I want to get the wording correct here, so
2 let me get my notes. He asked you to list the
3 materials that you did not receive from SCE&G that
4 you thought you should have received, covered a
5 period of time.

6 A. All right.

7 **Q. And one of the categories you cited were**
8 **communications between the owners that revealed**
9 **concerns about the project.**

10 A. Uh-huh.

11 **Q. Can you expand on that, please.**

12 A. In the process of -- well, I had, I would
13 say, very little contact with Santee Cooper
14 throughout the project. And it was somewhat a
15 surprise in the discovery to find out that they had
16 been much more active than we had known. And so
17 there were -- they had been fairly vocal in
18 expressing their displeasure with the Consortium and
19 with SCE&G in the overall status of management and
20 the project. So there were several instances, and I
21 can't bring to mind any specific one, but there were
22 several instances of that in my exhibits.

23 **Q. You sited in your testimony on page 14 --**
24 **this is the 2018 testimony.**

25 A. Okay.

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1 Q. Actually, I'm referring to a sentence that
2 starts at the bottom of page 13.

3 A. Okay.

4 Q. You cite some correspondence between -- from
5 Mr. Carter of Santee Cooper, and then on the top of
6 14 you're quoting his correspondence. "My sense is
7 that neither owners, nor the Consortium, have any
8 real confidence that the proposed roll-out schedule
9 that the Consortium shared with the owners on
10 August 1st is achievable."

11 Is that an example of the type of
12 communications that you had access to later that you
13 believe you should have had access to at the time?

14 A. Yes.

15 Q. And this, if you look at the bottom of
16 page 13, the date of this communication is
17 September 8th, 2014, correct?

18 A. We must have different pagination or
19 something. Where is -- oh, I'm sorry. Oh.

20 Q. Double-sided.

21 A. Okay. September 8th, yes.

22 Q. So that -- and that predates the March 2015
23 date that your testimony is focused on, correct?

24 A. Yes.

25 Q. So there were instances of what you consider

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1 **to be significant omissions that predate the**
2 **March 2015 date, correct?**

3 MR. CHALLY: Object to the form.

4 THE WITNESS: I would say there
5 was information that we believe should have been
6 provided to us, yes.

7 BY MR. EVANS:

8 **Q. And you considered this significant**
9 **information?**

10 A. Yes, I would say so, yeah.

11 **Q. And there was language of no confidence in**
12 **correspondence predating this; is that correct?**

13 A. I can't specifically cite that, but I
14 believe there has been that we have identified, yes.

15 **Q. Let me just point you to another exhibit in**
16 **your vast Exhibit Number 1.**

17 A. In 1 or 2? Exhibit Number --

18 **Q. Exhibit 1 is the entirety of your --**

19 A. Oh, okay. I'm sorry.

20 **Q. And I would ask you to go almost to the very**
21 **back of it.**

22 A. Where are we going?

23 **Q. Exhibit 12, GCJ12, which is itself a**
24 **247-page exhibit. And I direct you to page 251 of**
25 **274.**

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1 A. Okay. Twelve and what page?

2 Q. 251.

3 A. 251. All right. Okay.

4 Q. Okay. This is an interoffice communication
5 from Lonnie Carter, President and Chief Executive
6 Officer of Santee Cooper; is that correct?

7 A. Yes.

8 Q. And I would direct you to the bottom of this
9 page in the discussion of the modules. It states,
10 Kevin and I -- and Kevin, if you look at the first
11 sentence, refers to Kevin Marsh of SCANA.

12 A. Uh-huh.

13 Q. Says, "Kevin and I went on to note that we
14 have received so many new schedules that they are
15 meaningless. We have no real confidence in their
16 ability to provide modules as scheduled."

17 Did I read that correctly?

18 A. Yes.

19 Q. So this is another example, would you agree,
20 of an expression of no confidence that you did not
21 have access to at the time?

22 A. Yes.

23 Q. And you consider this an important piece of
24 information that you would have liked to have had?

25 A. Yes.

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1 Q. On page -- going back to your pre-filed
2 **testimony from 2018.**

3 A. Okay.

4 Q. It's late in the day. I'm trying to give
5 **people some exercise.**

6 A. Okay. Where are we going?

7 Q. **Page 29.**

8 A. Okay.

9 Q. **At the bottom of the page.**

10 A. Not there yet. Okay.

11 Q. **At the bottom of the page in bold is the**
12 **question: "In your professional opinion, did SCE&G**
13 **properly manage --"**

14 (Interruption.)

15 A. Okay.

16 Q. **I'll read the question again. "In your**
17 **professional opinion, did SCE&G properly manage this**
18 **project?"**

19 **Can you tell what your answer was?**

20 A. Well, my answer now is that, from the
21 information that has come about with discovery, I
22 would say no.

23 Q. **And --**

24 A. Or did you want me to read it exactly? I
25 paraphrased. Sorry.

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1 **Q. Why don't you read it exactly for the**
2 **record.**

3 A. "Based on the documented record recently
4 made available as part of the discovery associated
5 with this filing, I must emphatically say no."

6 **Q. And there were instances of mismanagement,**
7 **in your view, that predates March of 2015; is that**
8 **correct?**

9 A. I think they could be classified that way.
10 And I give some examples. The whole issue of going
11 backwards gets somewhat muddled, because on any
12 project you can expect issues to occur. So is that
13 mismanagement? Maybe, maybe not, but -- so I -- I
14 would say probably there are instances of
15 mismanagement, but I still tie mine to the deception
16 that started with March.

17 **Q. You've used the term "prudence" in your**
18 **testimony today, as well as in the pre-file testimony**
19 **related to the nuclear project. Do you have a**
20 **definition for prudence?**

21 A. I think the definition, although I realize
22 that it was in the new, the new law, I thought it was
23 a good definition, but it's basically taking actions
24 that are based on the information that you have at
25 the time, they are correct and honest actions that

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1 you're taking to, in this case, complete the project.

2 **Q. And you include honest communications as a**
3 **component of that?**

4 A. Yes, I do.

5 MR. EVANS: Excuse me, excuse me
6 just a moment.

7 THE VIDEOGRAPHER: We are going
8 off the record at 6:03 p.m.

9 (A recess was taken.)

10 THE VIDEOGRAPHER: We are going
11 back on the record at 6:12 p.m.

12 BY MR. EVANS:

13 **Q. Thank you, Mr. Jones. Taking a little break**
14 **helps me to shorten my questioning.**

15 MR. HAMM: We're going to hold you
16 to that.

17 BY MR. EVANS:

18 **Q. You expressed in your testimony that ORS had**
19 **recommended an expanded hands-on role by SCE&G in**
20 **managing the project, correct?**

21 A. (Witness nodded head.)

22 **Q. Are you aware of any discussions within**
23 **SCE&G at an earlier time about bringing on outside**
24 **management?**

25 A. No, I am not aware of any discussions. I'm

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1 aware that -- well, outside management, no.

2 **Q. And SCE&G never did, to your knowledge,**
3 **bring in any third party to oversee management of the**
4 **project, correct?**

5 A. To my knowledge, no.

6 **Q. You testified earlier today that you thought**
7 **SCE&G had a responsibility to be transparent in the**
8 **materials it was providing to ORS in discovery**
9 **materials, correct?**

10 A. Yes.

11 **Q. Do you also think SCE&G had a responsibility**
12 **to be transparent in information it was giving to the**
13 **public?**

14 A. In general I would say yes, but, I mean, you
15 get into details of should they have disclosed
16 intimate details of the project, I would say no,
17 but --

18 **Q. Well, how about do you think they had a**
19 **responsibility to be truthful in information that was**
20 **provided to the public?**

21 A. I would say that is definitely true.

22 MR. EVANS: All right. That's all
23 I have. Thank you.

24 THE WITNESS: Thank you.

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EXAMINATION

BY MR. COX:

Q. Mr. Jones, Jim Cox representing the ORS again. Just wanted to ask you a few follow-up questions.

There was some talk early in your testimony about whether the ORS could have assumed a different productivity factor and come up with its own scheduling cost estimate. Is it true that a cost estimate depends on factors besides just the productivity factor that's assumed in the calculations?

A. Yes.

Q. There was also talk about Mr. Byrne's testimony about it being not in the best interest of the owners to use a more pessimistic productivity factor. You went back to this later in your testimony, but is it your testimony that the information that the company, SCE&G, provides to the PSC, wouldn't have affected the rights that SCE&G had vis-a-vis Westinghouse under the EPC contract?

A. I would say that's true, that whatever happened to the -- at the PSC did not necessarily affect the contractual arrangements that they had with Westinghouse.

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1 Q. And isn't it true that in the March 2015
2 filing, SCE&G was actually saying these are
3 Westinghouse's new cost estimates, but we're not
4 saying we're obligated to pay them; in fact, we're
5 actually disputing whether we have to pay some of
6 these costs?

7 A. Yes.

8 Q. There was a lot of talk about -- or there
9 was a lot of talk in your testimony about you not
10 being aware at the time of the March 2015 filing of
11 the fact that the owners were considering or that
12 SCE&G was considering retaining Bechtel.

13 In the March 2015 filing, you were also not
14 told by SCE&G what the actual cost estimate they had
15 come up with that they thought was the more likely
16 estimated completion cost versus what Westinghouse
17 had come up with, right?

18 MR. CHALLY: Object to form.

19 THE WITNESS: What I had become
20 aware of during the discovery process is a cost
21 estimate that was prepared by Ms. Carlette Walker
22 that was different from that prepared by the
23 Consortium, and we were not privy to that
24 information.

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1 BY MR. COX:

2 Q. And is that information that you feel that
3 SCE&G should have informed you about back in
4 March 2015?

5 A. Yes.

6 Q. There was some discussion about the
7 information that Bechtel obtained in producing its
8 conclusions, and I think at several different points
9 you discussed several pieces of information that they
10 had.

11 Is it true that the interview summaries that
12 they produced of their interviews with employees of
13 SCE&G and Westinghouse, you did not have that
14 information in 2015?

15 A. That's correct.

16 Q. Would you have liked to have known in 2015
17 that one of the senior executives with SCE&G
18 expressed some concern about going to jail over the
19 project?

20 A. Yes.

21 Q. If that had occurred in an interview, you
22 would have been interested in that information?

23 A. Yes.

24 Q. And would you have been -- would you have
25 felt like you needed to know in March 2015 during the

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1 time of that filing that one of SCE&G's own employees
2 who was submitting testimony in that docket felt
3 pressured to submit that testimony and wasn't
4 comfortable with the testimony?

5 MR. CHALLY: Object to form.

6 THE WITNESS: I would have
7 liked -- I would have liked to have known that
8 information, yes.

9 MR. COX: I have no further
10 questions. Thank you, Mr. Jones.

11 THE WITNESS: Thank you.

12 THE VIDEOGRAPHER: This video
13 deposition is concluded at 6:19 p.m.

14 MR. COX: The witness will read
15 and sign.

16 (The deposition concluded at 6:19 p.m.)

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1 STATE OF SOUTH CAROLINA

2 COUNTY OF GREENVILLE

3 REPORTER'S CERTIFICATE

4 I, Rebecca L. Arrison, a Notary Public in and for
5 the State of South Carolina, do hereby certify that
6 there came before me on the 5th day of October, 2018,
7 the person hereinbefore named, who was by me duly
8 sworn to testify to the truth and nothing but the
9 truth of his knowledge concerning the matters in
10 controversy in this cause; that the witness was there
11 upon examined under oath, the examination reduced to
12 typewriting under my direction, and the deposition is
13 a true record of the testimony given by the witness.

14 I further certify that I am neither attorney or
15 counsel for, nor related to or employed by, any
16 attorney or counsel employed by the parties hereto or
17 financially interested in the action.

18 IN WITNESS WHEREOF, I have hereto set my hand,
19 this 15th day of October, 2018.

20

21

22



23

Rebecca L. Arrison, Notary Public

24

My Commission Expires: 3/28/2027

25

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A-T-T-E-S-T-A-T-I-O-N

In Re: Lightsey, et al. v. SCE&G, et al.

Deposition of: Gary Jones

Date Taken: October 5, 2018

Taken Before: Rebecca Arrison

Having read my statement, no changes are necessary.

Signed: _____

Having read my statement, I make these corrections.

Page ____ Line ____ Correction _____

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Sworn to and subscribed before me this ____ day of
_____, _____ County, South

Carolina. My commission expires _____.

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