

DEPOSITION OF GENE SOULT

October 25, 2018

<p style="text-align: right; margin: 0;">1</p> <p>STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS)) COUNTY OF HAMPTON) CASE NO. 2017-CP-25-00335</p> <p>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.)</p> <p style="text-align: center;">VIDEOTAPED DEPOSITION OF GENE SOULT (Taken by Defendants South Carolina Electric & Gas Company and SCANA Corporation) October 25, 2018</p> <p>Reported by: Rebecca L. Arrison Court Reporter Notary Public</p>	<p style="text-align: right; margin: 0;">3</p> <p>1 FOR DEFENDANT SANTEE COOPER: 2 BY: BLAKE WILLIAMS NELSON MULLINS RILEY & SCARBOROUGH LLP 3 1320 Main Street, 17th Floor Columbia, SC 29201 4 (803) 799-2000 5</p> <p>FOR DEFENDANTS CENTRAL ELECTRIC COOPERATIVE; ELECTRIC 6 COOPERATIVES OF SOUTH CAROLINA: 7 BY: KEVIN BELL ROBINSON GRAY STEPP & LAFFITTE, LLC 8 1310 Gadsden Street Columbia, SC 29211 9 (803) 929-1400 10 11</p> <p>12 Also Present: 13 Michael Arrison, Videographer 14 15 16 17 Videotaped deposition of GENE SOULT, taken by 18 the Defendants, at Haynsworth Sinkler Boyd, P.A., 19 1201 North Main Street, 22nd Floor, Columbia, South 20 Carolina, on the 25th day of October, 2018, at 21 9:00 a.m., before Rebecca L. Arrison, Notary Public 22 and Court Reporter. 23 24 25</p>
<p style="text-align: right; margin: 0;">2</p> <p>1 APPEARANCE OF COUNSEL: 2 FOR THE PLAINTIFFS: 3 BY: JAMES L. JAY WARD MCGOWAN, HOOD & FELDER 4 1517 Hampton Street Columbia, SC 29201 5 (803) 779-0100 6 FOR THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF: 7 BY: ANDREW BATEMAN WYCHE LAW FIRM 8 44 East Camperdown Way Greenville, SC 29601 9 (864) 242-8200 10 BY: STEVEN HAMM OFFICE OF REGULATORY STAFF 11 1401 Main Street Columbia, SC 29201 12</p> <p>FOR DEFENDANTS SOUTH CAROLINA ELECTRIC & GAS; SCANA 13 CORPORATION: 14 BY: BRANDON KEEL KING & SPALDING LLP 15 1180 Peachtree Street, N.E. Atlanta, GA 30309-3521 16 (404) 572-2780 17 BY: LEAH B. MOODY LAW OFFICE OF LEA B. MOODY, LLC 18 235 East Main Street, Suite 115 Rock Hill, SC 29730 19 (803) 327-4192 20 FOR DEFENDANT DOMINION ENERGY, INC.: 21 BY: TIMOTHY D. PATTERSON MCGUIRE WOODS LLP 22 800 East Canal Street Richmond, VA 23219 23 (804) 775-1000 24 25</p>	<p style="text-align: right; margin: 0;">4</p> <p>1 2 CONTENTS 3 THE WITNESS: GENE SOULT EXAMINATION 4 BY MR. KEEL 8 5 BY MR. BATEMAN 152 6 BY MR. KEEL 153 7 8 INDEX OF EXHIBITS 9 Exhibit No. 1 South Carolina office of 35 Regulatory Staff Review of South 10 Carolina Electric & Gas Company's 2015 1st Quarter Report on V.C. Summer 11 Units 2 & 3 Status of Construction July 30, 2015 12 13 Exhibit No. 2 ORS Audit Department Request Form48 South Carolina Electric and Gas 14 Company Docket No. 2015-103-E April 20, 2015 15 Exhibit No. 3 ORS NND Request Form South 52 Carolina Electric and Gas Company 16 Docket No. 2015-103-E, April 23, 2015 17 Exhibit No. 4 ORS NND Request Form South 59 Carolina Electric and Gas Company 18 Docket No. 2015-103-E, May 22, 2015 19 Exhibit No. 5 Conceptual Draft Settlement 67 Agreement in Support of SCE&G 2016 20 E-Filing 21 Exhibit No. 6 ORS's Answers to First Set of 81 Requests for Admission, Second Set of 22 Interrogatories, and Second Set of Requests for Production of Documents 23 (Amended) 24 Exhibit No. 7 Email From Margaret Shirk Felkel 118 Dated October 22, 2015 Re: Final 25 October ORS Agenda</p>

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1	THE VIDEOGRAPHER: This is the	
2	videotaped deposition of Mr. Gene Soult, taken by	
3	the defendants, in the matter Richard Lightsey,	
4	et al., versus South Carolina Electric & Gas	
5	Company, et al., filed in the Court of Common	
6	Pleas, State of South Carolina, in Hampton	
7	County. Case Number is 2017-CP-25-00335.	
8	This deposition is being held at	
9	the law firm of Haynsworth Sinkler Boyd, located	
10	at 1201 Main Street, 22nd floor, in Columbia,	
11	South Carolina, on Thursday, October 25th, 2018.	
12	My name is Michael Arrison, your	
13	videographer, the court reporter is Rebecca	
14	Arrison, and we are here from CSI Global	
15	Deposition Services.	
16	Going on the record at 9:06 a.m.	
17	Counsel will now state their appearance for the	
18	record.	
19	MR. KEEL: Brandon Keel of King &	
20	Spalding on behalf of SCE&G and SCANA.	
21	MS. MOODY: Leah Moody, SCE&G and	
22	SCANA.	
23	MR. PATTERSON: Tim Patterson from	
24	McGuire Woods on behalf of Dominion Energy.	
25	MR. BELL: Kevin Bell on behalf of	

		7
1	Central Electric Power Cooperative.	
2	MR. WILLIAMS: Blake Williams from	
3	Nelson Mullins on behalf of South Carolina Public	
4	Service Authority.	
5	MR. WARD: Jay Ward from McGowan	
6	Hood & Felder on behalf of the plaintiff class.	
7	MR. HAMM: Steve Hamm with the	
8	Office of Regulatory Staff.	
9	MR. BATEMAN: Andrew Bateman on	
10	behalf of the Office of Regulatory Staff.	
11	THE VIDEOGRAPHER: The court	
12	reporter will now swear in the witness.	
13	- - -	
14	GENE SOULT,	
15	being first duly sworn, testified as follows:	
16	- - -	
17	MR. KEEL: And before we get	
18	started, I just want to put on the record the	
19	same reservation of rights that Mr. Chally	
20	mentioned during Mr. Jones' deposition with	
21	respect to Mr. Hamm's representation of ORS.	
22	We're not currently taking the position as to	
23	disqualification of that representation based on	
24	his prior involvement with Richardson Flowden,	
25	and we don't object to him participating here	

		8
1	today, but we do not want that to be interpreted	
2	as any waiver of any rights SCE&G and SCANA may	
3	have with respect to Mr. Hamm's representation.	
4	Okay?	
5	MR. BATEMAN: Okay.	
6	EXAMINATION	
7	BY MR. KEEL:	
8	Q. Can you please state your name for the	
9	record.	
10	A. My name is Gene Gayland Soult.	
11	Q. Mr. Soult, we met just prior to your	
12	deposition. But again, my name is Brandon Keel, and	
13	I represent SCE&G and SCANA in these proceedings.	
14	Have you ever given a deposition before?	
15	A. I have not.	
16	Q. Okay. So I will go over a few ground rules	
17	about the deposition process. I will be asking you a	
18	series of questions today about your background and	
19	the circumstances giving rise to these proceedings.	
20	Okay?	
21	A. Okay.	
22	Q. And we have a court reporter here who is	
23	going to take down everything I say and then all of	
24	your answers to all of the questions. And for that	
25	reason, all of your answers have to be oral. She	

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1 can't take down nods of the of head, uh-huh's or
2 huh-uh's, things of that nature. Okay?

3 A. Yes, sir.

4 Q. Also, she can only take down one of us at a
5 time, so even though you may know where I'm going
6 with some of my questions, if you could please just
7 wait until I complete my question before you give
8 your answer, and I will try to do the same when
9 you're giving your answers. Okay?

10 A. Yes, sir.

11 Q. And if at any time during the deposition you
12 need to take a break, just let us know and we'll be
13 happy to accommodate that. Okay?

14 A. Yes, sir.

15 Q. Are you currently taking any medications
16 that impact your memory?

17 A. No.

18 Q. Is there anything you're aware of that would
19 prevent you from being able to give truthful and
20 complete testimony here today?

21 A. No, sir.

22 Q. You are currently employed with the ORS?

23 A. Yes, sir.

24 Q. What is your current role?

25 A. I'm the senior research analyst with the

10

1 Office of Regulatory Staff.

2 Q. And what are your responsibilities as a
3 senior research analyst with the ORS?

4 A. Primary responsibility has been to work in
5 the NND Group, that's the New Nuclear Development
6 Group; and I have provided services in monitoring the
7 site activities and reviewing reports. My secondary
8 role is deputy director for emergency management
9 system for ESF12, and then whatever else somebody
10 asks.

11 Q. And how long have you been in the role of
12 senior research analyst at ORS?

13 A. I have been in that role since 2015.

14 Q. And prior to becoming a senior research
15 analyst, what was your position?

16 A. I was a part-time employee working on a
17 specific, specific contract for the Department of
18 Energy with the Office of Regulatory Staff.

19 Q. And what were your responsibilities in that
20 role?

21 A. In that role, I was to do research and
22 determine how to execute the DOE contract for the
23 state emergency plan -- or the State Energy Assurance
24 Plan, excuse me.

25 Q. And how long were you in that role?

11

1 A. I came on board in 2010 in the part-time,
2 and I finished that contract in 2013.

3 Q. And what did you do between 2013 and 2015?

4 A. In 2013 when I finished the contract, the
5 Office of Regulatory Staff asked me to stay on, and I
6 moved into the electrical department and re-did
7 citings and case work in the electrical department.

8 Q. So did you first join the ORS in 2010?

9 A. I did, as part-time work.

10 Q. Sure. And you have been with the ORS
11 continuously from 2010 until today?

12 A. As part-time or full-time work.

13 Q. And could you give us just a background of
14 your employment history prior to joining the ORS in
15 2010?

16 A. Employment history?

17 Q. Yeah.

18 A. I spent eight years in the nuclear Navy, and
19 when I got out of the nuclear Navy I went to work for
20 Alabama Power at the Farley Nuclear Station. I
21 stayed there about three years. And then I came to
22 SCE&G in the nuclear Unit One site, just prior to --
23 well, about 90 percent construction complete. I
24 stayed at V.C. Summer One until 1991, about 11 years.

25 And I then moved to corporate, worked a

12

1 brief period in human resources department on a
2 project. And I became the plant manager for the Cope
3 Generating Station and stayed there in -- that's in
4 Orangeburg, South Carolina -- for about six years.

5 And then I went back to corporate, and I became the
6 general manager of fossil hydro engineering for about
7 five years. And then I became the general manager of
8 operations for fossil hydro, and I retired in 2006.

9 Q. Okay. So do you recall what year you joined
10 SCE&G?

11 A. I joined SCE&G in June of 1981.

12 Q. And you were with SCE&G continuously from
13 June of 1981 until your retirement in 2006?

14 A. Yes, sir.

15 Q. And your roles at SCE&G included working at
16 the V.C. Unit One; is that right?

17 A. Correct.

18 Q. And responsibility for -- as the plant
19 manager for the Cope generating plant; is that right?

20 A. That is correct, sir.

21 Q. And after your retirement from SCE&G in
22 2006, what did you do then?

23 A. We had started a company, a private company
24 in 2000, and so I worked for the company from 2006 to
25 '10.

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1 Q. What kind of company was that?

2 A. It's called Auto Investment Recovery, AIR,

3 LLC, and I did some consulting work in the energy

4 field and also I had a small transportation business.

5 Q. Is it fair to say that prior to joining the

6 ORS in 2010, you had some experience in major

7 construction projects?

8 A. Yes, that is fair to say that, sir.

9 Q. And one of those was part of the

10 construction or the remaining construction of V.C.

11 Unit One when you joined, you said it was 90 percent

12 complete, right?

13 A. That's correct.

14 Q. And then you were involved with the

15 construction of the Cope plant in South Carolina,

16 right?

17 A. That is correct.

18 Q. And the Cope plant was constructed pursuant

19 to an EPC agreement; is that right?

20 A. It was, yes, sir.

21 Q. And who was the contractor on that?

22 A. Duke Fluor Daniel and -- well, it was a

23 portion of Duke -- or Duke was a portion of Fluor, I

24 should say, so it was a combined contract.

25 Q. And was the Cope plant the last generating

14

1 plant that was constructed by SCE&G?

2 A. No, not to my knowledge, it was not the

3 last.

4 Q. And which one has been constructed since

5 then?

6 A. Since then would have been the Jasper.

7 Q. Okay.

8 A. It's a gas-fired unit.

9 Q. Would you agree that the EPC arrangement for

10 the Cope plant was a success?

11 A. Pardon?

12 Q. Would you agree that the EPC arrangement for

13 building the Cope plant was a success?

14 A. Yes, I would say that was a success.

15 Q. The plant was, from my understanding,

16 constructed on time and within budget; is that right?

17 A. That is correct.

18 Q. And could you tell me a little bit about

19 your educational background, where you went to

20 college?

21 A. Sure. I have an undergraduate degree in

22 nuclear science, got it from Troy State University,

23 graduated in '86. I have an M.B.A. I got from

24 Western University in 2000, 2001, 2000, yeah.

25 Q. And throughout your deposition today, I'm

15

1 going to be using the term "project" to refer to the

2 project to build two new nuclear units, 2 and 3, at

3 V.C. Summer. Okay?

4 A. Okay.

5 Q. So when I use that term "project," you will

6 understand that that's what I'm referring to?

7 A. I got it, yes, sir.

8 Q. When did you first get involved in the

9 project?

10 A. My first time, best of my recollection,

11 would have been in 2014. I may have been involved in

12 some conversations prior to that, but I was not

13 active in any work.

14 Q. And what was your initial involvement with

15 respect to the project in 2014?

16 A. Went to the site, I attended a few meetings,

17 you know, provided my input, I guess you would say,

18 and that was about it.

19 Q. So in 2014, you became involved in the

20 project for your responsibilities at ORS; is that

21 right?

22 A. It was --

23 MR. BATEMAN: Object to the form.

24 THE WITNESS: It was part of my

25 job duties; was then assigned to, I would say

16

1 maybe, at that time, 20 percent of my time was

2 assigned to working on that project.

3 BY MR. KEEL:

4 Q. Okay. And what were your responsibilities

5 with respect to the project for ORS in 2014?

6 A. You know, we are basically under the BLRA,

7 so we monitor and report, and we normally look at the

8 information that the company provides; and from that,

9 we usually provide a summary of that report.

10 Q. And who would you provide a summary report

11 for?

12 A. Well, it was for the public and the Public

13 Service Commission.

14 Q. And you're referring to the quarterly

15 reports that ORS filed?

16 A. Right. We would monitor and review those

17 reports, and then we would draft our own report --

18 initially, we did, anyway -- and post it on the ORS

19 website.

20 Q. And what were your personal responsibilities

21 with respect to preparing the ORS's quarterly reports

22 on the project?

23 A. My personal responsibilities was to review

24 data that the company provided. That data, in '14,

25 was, you know, more electronic data that they put in

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1 a holding file, I guess you would say, and it dealt
2 with what activities was going on at the site or at
3 various locations where they had equipment being
4 built.

5 **Q. So you had access to -- as of 2014, you had**
6 **access to an electronic database of some sort where**
7 **the company would post information about the project;**
8 **is that right?**

9 A. I couldn't say it was exactly in '14. I
10 don't remember exactly when they started doing that
11 but they did supply paper, you know, and they would
12 give us whatever the report was; we had it on the
13 site in a location where you could get to it.

14 **Q. And when you say "report," what report are**
15 **you referring to?**

16 A. They had basic activity reports that they
17 provided. They were, you know, purchasing a lot of
18 equipment, so there were equipment specs and -- my
19 role was limited, really, to technical issues.

20 **Q. And so your role, from what I understand,**
21 **was primarily reviewing this data that the company**
22 **would provide about the project and then providing**
23 **input that would go into ORS's quarterly reports?**

24 MR. BATEMAN: Object to the form.
25

18

1 BY MR. KEEL:
2 **Q. Is that fair?**

3 A. I would say my role was to review the data,
4 determine what might be important, and then as we
5 reviewed -- this is my perspective of what I did --
6 we reviewed the quarterly report that the company put
7 out and matched those up and saw how -- if there was
8 a question that came out of that, that's kind of how
9 we did business in the 2014 time frame.

10 **Q. And were you involved in actually drafting**
11 **the ORS's quarterly reports?**

12 A. I might do pieces of it. Mainly, in fact,
13 we would, we would break it up and I would do the
14 more technical part because my background is
15 technical.

16 **Q. And does that basically sum up your initial**
17 **responsibilities with respect to the project when you**
18 **got started in the 2014 time period?**

19 A. I think so.

20 **Q. And then how long were you involved with the**
21 **project for ORS?**

22 A. There was some changes in ORS and my roles
23 changed in that, and I became more involved in the
24 nuclear development project about August of 2014.
25 And after time, I spent I think, if you look at my

19

1 performance review, about 40 percent of my time was
2 involved in the nuclear development side.

3 **Q. And from August 2014, did your**
4 **responsibilities with respect to the -- scratch that.**
5 **So from August 14th, you became --**
6 **August 2014, you became more involved with respect to**
7 **the project; is that fair?**

8 A. That's fair, yes, sir.

9 **Q. And for how long were you involved with the**
10 **project?**

11 A. I served on the project from that time
12 forward, and I was still in nuclear development
13 department.

14 **Q. And could you describe for me how your**
15 **responsibilities changed from August 2014 through**
16 **abandonment of the project?**

17 A. Okay. Initially, the reporting, we
18 eventually got involved in some plant meetings. I
19 was -- ORS has a consultant, they only come in like
20 once a month or so, so I was more on site than any,
21 probably anybody else at ORS.

22 So I would go to the plan-of-the-day
23 meetings once they started, which was sometime later
24 than that, and I would attend at least one or two a
25 week, if time permitted. And I would often call in;

20

1 they had a call-in for the plan-of-the-day, I would
2 call in on the plan-of-the-day.

3 We had monthly meetings at the site. I
4 would participate in those monthly meetings, and
5 usually the meetings resulted in a tour of the site;
6 I participated in the tour of the sites. As far as
7 the nuclear side, I think that wrapped up most of
8 what I did.

9 **Q. Okay.**

10 A. And that would have taken us up to 2015 time
11 frame, I guess, somewhere in there.

12 **Q. So from August 2014 through 2015 time**
13 **period, you would regularly attend plan-of-the-day**
14 **meetings once or twice a week; is that right?**

15 A. Well, the plan-of-the-day meetings weren't
16 really available in 2014. They started later, I'm
17 going to say maybe May of 2015. I don't remember
18 when they first started, but once they started
19 regular plan-of-the-day meetings -- they had
20 plan-of-the-week meetings and they had
21 plan-of-the-month meetings -- maybe it was monthly
22 meetings. I would attend whatever ones I could get
23 to.

24 **Q. So from the point that those meetings**
25 **started --**

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1 A. Uh-huh.

2 Q. -- through abandonment of the project, is it

3 fair to say that you attended, regularly attended,

4 one to two plan-of-the-day meetings a week?

5 A. I would say that's a fair question. I

6 wouldn't have always made that because of other

7 duties, but I tried to do that.

8 Q. And then same question: From the time that

9 the monthly meetings started through abandonment of

10 the project, is it fair to say you attended those on

11 a regular basis?

12 A. Yes, I did attend those on a regular basis.

13 Q. In addition to the plan-of-the-day meetings

14 and the monthly meetings, were there any regular

15 meetings about the project that you attended from

16 August 2014 through abandonment of the project?

17 A. I don't think there were any regular

18 meetings that I attended. There were meetings that

19 popped up. We did make some trips to various sites

20 and so we would prepare for that, we would have a

21 meeting and go over that. We would meet to develop

22 our monthly status updates, which was a meeting that

23 we set up internally with some SCE&G folks to do

24 that.

25 Q. You mentioned weekly planning meetings. Did

22

1 you attend those as well?

2 A. Plan-of-the-day meetings, when they were

3 available, yes, I did; two, at least two.

4 Q. What about meetings with the consortium, did

5 you regularly attend meetings with the

6 representatives of the consortium from August 2014

7 through abandonment of the project?

8 A. We did not attend regular meetings with the

9 consortium. My main contact with them would have

10 been whoever was at the plan-of-the-day.

11 Q. Do you recall attending any quarterly

12 meetings that the ORS had with members of the

13 consortium?

14 A. I actually don't remember quarterly

15 meetings, but they may have them, but I don't

16 remember.

17 Q. You don't recall one way or the other?

18 A. I do not recall attending a quarterly

19 meeting; that's what I don't recall. The only other

20 meetings, because it is a meeting but it's kind of an

21 odd one, the Nuclear Regulatory Commission had weekly

22 meetings and they were -- you could have call-ins, so

23 I attended those when I had opportunity to do that.

24 Q. Who would attend the plan-of-the-day

25 meetings from the consortium?

23

1 A. It changed over time, because the structure

2 of the meeting changed over time because activities,

3 you know, changed over time. Normally, it would be

4 the -- I would say like the superintendent level,

5 those people that were in charge of the work were in

6 charge of purchasing and quality. And then the

7 leadership, the daily leadership was at the meeting.

8 So it was a meeting of -- well, over time it grew,

9 maybe 50 people.

10 Q. And did you ask questions at these

11 plan-of-the-day meetings, if you had any?

12 A. Not normally, no. My job was to monitor,

13 kind of report and -- so we were not active in their

14 process.

15 Q. I would like to talk a little bit about the

16 structure of the ORS team that was involved in

17 monitoring the project. Could you describe for me

18 sort of the structure of who was involved, who you

19 reported to, that sort of thing?

20 A. Okay. And how far back do you want me to go

21 with that?

22 Q. From the time that you began, involved in

23 the project through abandonment.

24 A. Okay. Initially in -- in '14, I will just

25 start with '14 because probably a little more solid

24

1 for me. In '14, I worked with Anthony James some on

2 the project, and then Allyn Powell came in, and -- I

3 reported to Anthony James, when Allyn Powell came in

4 I reported to Allyn Powell, Ms. Powell. So they

5 normally were at the corporate -- or at our offices.

6 And, you know, I would be back and forth at the site

7 and then into my other duties.

8 So structure-wise, you know, they had asked

9 me initially was one day a week to be at the site and

10 review documents and attend the plan-of-the-day. As

11 more activities picked up, then I went to two days a

12 week when I could make that, because I had other

13 obligations as well. So, that was pretty much the

14 way it ran.

15 Then we set up the monthly meetings, and our

16 monthly meetings were with Gary, our consultant,

17 which I am sure you're all familiar with, would come

18 in, we would prepare an agenda prior to that. And

19 Allyn or Anthony and one of our auditors would be at

20 the meeting because our area didn't really take care

21 of any of the financial side of the house, per se.

22 We looked at the technical side of the house and the

23 operations side, and operations, of course, would --

24 a lot of activity there at that time, and the quality

25 side. Mainly interested in schedule and in the

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1 budget side of the house. Is that satisfactory, sir?

2 **Q. Yes. So just a few follow-up questions.**

3 **So you have mentioned initially when you**

4 **were involved, I think you reported to Anthony James**

5 **for the project; is that right?**

6 A. Anthony James, correct.

7 **Q. And then at some point Allyn Powell**

8 **essentially took over the same role that Anthony**

9 **James had; is that fair?**

10 A. I think they shifted some things. I think

11 Anthony kept some of maybe the higher level things

12 and indeed because he was still involved, but

13 Ms. Powell was my direct report.

14 **Q. And then the ORS obtained a consultant, Gary**

15 **Jones, who was also involved in monitoring the**

16 **project, correct?**

17 MR. BATEMAN: Object to the form.

18 THE WITNESS: Gary was monitoring

19 the site. He was only at the site once a month,

20 to my knowledge. I think he may have done some

21 other activities, you know, once the electronic

22 format got set up so he could look at that data.

23 I am not exactly sure what Gary was doing all the

24 time because I didn't have responsibility there.

25

26

1 BY MR. KEEL:

2 **Q. Anyone else regularly involved in monitoring**

3 **the project from the ORS, aside from Anthony James,**

4 **Allyn Powell and Gary Jones and yourself?**

5 A. The auditors that I mentioned, and there

6 were a number of those. I don't think, from ORS's

7 perspective, I don't know of anybody normally that

8 was involved with that. We might have had some

9 people come and visit from ORS.

10 **Q. Was it your understanding that the ORS was**

11 **responsible for conducting ongoing monitoring for the**

12 **construction of the plants and the expenditures of**

13 **capital for the project?**

14 A. That was my understanding that we monitored

15 and, you know, we had certain things that we were

16 trying to make sure it got done or we could

17 understand what was being done on those. That was

18 the monitoring. And then we reported on a monthly

19 basis, or a quarterly basis with a quarterly report

20 for the company's report.

21 **Q. And you would agree that the ORS's**

22 **activities with respect to the project focused**

23 **primarily on the schedule and the approved capital**

24 **estimates?**

25 A. The ORS activities focused on mainly the

27

1 quarterly report that came out, and we did an

2 evaluation on the quarterly report, and we would

3 be -- my job was checking the things that happened

4 during the months leading up to the quarterly report

5 and how they fit into the quarterly report, so -- and

6 we were looking at mainly schedule and budget in that

7 aspect, so that's how we did business.

8 **Q. Understood. Would the ORS receive drafts of**

9 **SCE&G's quarterly reports prior to them being**

10 **finalized?**

11 A. I think maybe somebody got a draft of it. I

12 didn't always get a draft of it. I think maybe like

13 the night before they put them out, they may give

14 them to the office, I am not sure. I have seen a

15 draft before. Not at the site though, normally.

16 **Q. Gotcha. And did you provide comments on any**

17 **drafts of the SCE&G's quarterly report for the**

18 **project?**

19 A. No, I never did.

20 **Q. Are you aware of anybody else at ORS who**

21 **provided comments on drafts of the quarterly report**

22 **before they were finalized?**

23 MR. BATEMAN: Object to the form.

24 THE WITNESS: I wouldn't have

25 really knowledge of that, mainly because there's

28

1 a disconnect of them and me if I am at the site.

2 And then if I am not at the site, I am doing

3 other work that's outside that activity

4 altogether.

5 BY MR. KEEL:

6 **Q. Let's talk about a little bit where you were**

7 **at the site. Did you have a particular office you**

8 **would work at when you were at the V.C. Summer site?**

9 A. Yes. The company, if I could use company as

10 a word, set up a trailer at the site. Actually, we

11 changed over time, but there was an -- initially we

12 were in the building that they had already, and we

13 moved out of the building into a trailer and

14 established some offices in the trailer. And it was

15 on the site but outside the protected area.

16 **Q. Was there anybody else who worked out of the**

17 **trailer where you worked at the site?**

18 A. The auditors, our auditors, would normally

19 come up at some point in time and do their reviews.

20 **Q. Anyone else that worked out of the same**

21 **location as the ORS on the site?**

22 A. When Gary came in, you know, Gary worked out

23 of there, he had an office in the trailer. And

24 Anthony was out there. But no other outside folks

25 were normally in the trailer. There may have been

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1 people at certain times. I was only in the trailer,
2 you know, one or two days a week, so anybody would be
3 using the trailer. I don't think it was necessarily
4 limited to just us, but -- had a sign on there for
5 ORS.

6 **Q. All right. Is it fair to say that**
7 **throughout your time on the project, you used your**
8 **experience and the information that was made**
9 **available to you as best you could to help fulfill**
10 **ORS's responsibilities for monitoring the project?**

11 A. Yes, I would say that; that is correct.

12 **Q. Is it fair to say that you attempted to**
13 **collect and review information that you thought might**
14 **be important for evaluating the status of the**
15 **project?**

16 MR. BATEMAN: Object to the form.
17 THE WITNESS: I'd like to maybe
18 state it the way I did it because that's what I
19 am familiar with. Yeah, I would review all the
20 data that I could find, and then those things
21 that I thought matched up with our monitoring and
22 reporting activities, I usually noted, and then
23 we moved those on into the monthly meetings and
24 on into the quarterly report reviews.
25

30

1 BY MR. KEEL:
2 **Q. And how would you communicate those items**
3 **that you thought were notable or important from the**
4 **data you reviewed within ORS?**

5 A. At times, I would take notes, and I have a
6 little notebook that I would be using. We would, in
7 the latter '15, '16 time frame, we would be
8 developing an agenda for our monthly meeting, and so
9 we knew that we wanted to track certain things
10 through that process. And so we would make those
11 notes, I would make my notes, and I imagine Gary was
12 doing the same thing, and Ms. Allyn, she would be
13 doing the same thing if she was involved at that
14 time, or Anthony, and we would compile those into an
15 agenda that was, you know, maybe four, five pages.

16 **Q. Aside from the agenda that you would create**
17 **for these monthly meetings, or the notes that you**
18 **would take, did you have any sort of other written**
19 **reporting that you would do from the data you**
20 **reviewed about the project?**

21 A. Not normally.

22 **Q. Were there occasions where you did other --**
23 A. Yeah, if there were specialty things, yeah,
24 then I might develop something.
25 **Q. And do you recall any occasions, specific**

31

1 **occasions, where you developed something, some other**
2 **written documents based on the data you reviewed**
3 **about the project?**

4 A. Off and on, I would do different reviews
5 myself, if you will. I did a -- I think we were
6 preparing for a case, and I did a proposed settlement
7 agreement one time. And I asked Ms. Allyn, I think
8 Allyn was the right one at that time, about, you
9 know, do you want me to do something, I have a lot of
10 ideas -- they might not be worth much but I will put
11 them on paper, and so I did that.

12 **Q. So in addition to the plan-of-the-day**
13 **meetings and the monthly meetings that you have**
14 **already talked about, the ORS had access to various**
15 **reports about the status of the project, correct?**

16 A. Correct.

17 **Q. And I want to talk through some of those.**
18 A. Okay.

19 **Q. And just talk about which ones ORS had**
20 **access to throughout the status of the project to**
21 **your understanding. Okay?**

22 **From your understanding, did the ORS have**
23 **access to the BLRA milestone tracking reports**
24 **throughout the time on the project?**

25 A. When they were provided, we did, yes.

32

1 **Q. Did the ORS have access to the commercial**
2 **issues log?**

3 A. We did have access to them.

4 **Q. Did the ORS have access to status reports**
5 **from the consortium?**

6 A. What would be a status report? Help me.

7 **Q. A monthly or weekly report provided by the**
8 **consortium on the status of the project.**

9 A. We got certain reports. I'm not sure it
10 covered the whole project, so they would be defined
11 on certain, like, procurement report, modules report,
12 we got those.

13 **Q. And any other reports that you recall being**
14 **provided by the consortium -- that were made**
15 **available from the consortium to ORS?**

16 A. There were monthly status reports that they
17 provided, and we had copies of those.

18 **Q. Okay. Productivity reports the ORS was made**
19 **available -- strike that.**

20 **The ORS had access to productivity reports**
21 **about the project, correct?**

22 A. Productivity was usually incorporated into
23 the monthly report.

24 **Q. And the minutes of project review meetings,**
25 **the ORS had access to those as well, correct?**

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1 A. Yes, ORS had access to the minutes of the
2 monthly meetings.

3 **Q. And schedule reports from the scheduling**
4 **software, Primavera, that the consortium used, the**
5 **ORS had access to those as well?**

6 A. Scheduling reports? Help me with that.

7 **Q. Do you recall having access to any reports**
8 **about the schedule of the project that came from the**
9 **Primavera software?**

10 A. We did have access to the ones that they
11 posted, like they would post a weekly, bi-weekly,
12 three weeks, three-week schedule report, and we had
13 access to those.

14 **Q. And were there any other reports that you**
15 **recall were regularly made available to the ORS about**
16 **the status of the project?**

17 A. I think we also got a copy of the quarterly
18 consortium report that the company and the consortium
19 put together, I think. Actually, I think the company
20 did one later on, and the consortium had always done
21 one, maybe by contract.

22 **Q. Any other reports that you recall having**
23 **access to about the status of the project?**

24 A. There was a lot of reports, and I am not
25 sure I could remember all of them.

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1 **Q. Fair enough. And how did you typically have**
2 **access to these reports; how were they made available**
3 **to you?**

4 A. ORS had a cabinet, basically a library in
5 the trailer, and filed by, you know, A to Z, and we
6 could -- we had books in there that SCE&G would
7 update. And, so, depending on the binder, that's
8 what we called them, depending on the binder that you
9 looked at, had the most recent report in it.

10 **Q. Okay.**

11 A. And they mirrored that, eventually online as
12 well, so that when Gary was reviewing he was looking
13 at the same document in the same folder-type thing.

14 **Q. Did all of the individuals who were involved**
15 **in monitoring the project for ORS have access to the**
16 **same information?**

17 MR. BATEMAN: Object to the form.
18 THE WITNESS: I don't know if all
19 of them did. I'm not sure of that.

20 BY MR. KEEL:

21 **Q. Did you and Gary have access to that same**
22 **electric database with information about the status**
23 **of the project?**

24 A. We did, when we could get in.

25 **Q. And did Ms. Powell have access to that**

35

1 **database as well?**

2 A. She did.

3 **Q. Did Mr. James have access to that database**
4 **as well?**

5 A. I believe he did. I don't know how often he
6 was involved in that directly.

7 (Exhibit No. 1 was marked for
8 identification.)

9 **Q. Mr. Soult, I'm handing you what's been**
10 **marked as Exhibit Number 1 to your deposition. Do**
11 **you recognize this?**

12 A. Yes, sir.

13 **Q. And what do you recognize Exhibit 1 to be?**

14 A. Pardon?

15 **Q. What do you recognize this document to be?**

16 A. This is our, as stated here, 2015 First
17 Quarter Report on VCS Units 2 and 3.

18 **Q. So this is an example of the quarterly**
19 **reports that ORS put together about the project that**
20 **we discussed earlier; is that fair?**

21 A. Yes, sir.

22 **Q. And do you recall that, at some point in**
23 **time, the ORS changed its practice to no longer**
24 **produce these quarterly reports?**

25 A. I do remember that.

36

1 **Q. Do you recall when that change in practice**
2 **occurred?**

3 A. I don't remember the exact time.

4 **Q. Do you recall roughly when that change of**
5 **practice occurred?**

6 A. It occurred -- there was something that
7 required us to do that and that was -- we weren't
8 getting the data, so wherever that data stopped, I
9 want to say maybe somewhere in the end of '14 or '15.

10 **Q. Okay.**

11 A. We didn't -- since this is a '15 report, we
12 obviously had the data for this report in '15.

13 **Q. Why did the practice change to no longer**
14 **provide these quarterly reports?**

15 A. When we never had access to reviewing the
16 schedule -- the schedule, since this is developed
17 from monitoring your quarterly report and your
18 quarterly report didn't have the schedule in it
19 either, we couldn't -- we couldn't validate it, to be
20 honest with you. So we just -- I think Anthony --
21 that was the time when Anthony was in charge of it,
22 and Anthony talked about it with our office, and we
23 decided that we don't have enough information to
24 create the report. And it was not required by the
25 statute, so we stopped it.

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1 Q. Okay. And so --

2 A. That's based on my recollection. Now,

3 Anthony might say something different.

4 Q. From what you recall, there was a period of

5 time where the schedule was being worked on by the

6 consortium and it was not available to either SCE&G

7 or ORS, your understanding; is that right?

8 MR. BATEMAN: Object to the form.

9 THE WITNESS: What I understood is

10 we didn't -- we didn't have it. It wasn't in the

11 folders that it normally would have been.

12 BY MR. KEEL:

13 Q. Okay.

14 A. And we asked the company about that.

15 Q. You understood that the company didn't have

16 access to it at that time either, right?

17 A. I did not understand that. I mean, I think

18 they should have given it to us if they had it, so --

19 and we kept telling them and they would give us the

20 plan-of-the-day, say, you go to the plan-of-the-day,

21 that's all you need, so that's what we would do.

22 Q. Okay. Do you know one way or another

23 whether the company had access to a schedule at that

24 time that they were not providing you?

25 A. I do not.

38

1 Q. So as far as you know, the consortium could

2 have been not making the schedule available to SCE&G

3 during that time period?

4 MR. BATEMAN: Object to the form.

5 THE WITNESS: I -- you know, they

6 could have been doing that. I would have thought

7 that would have been unacceptable, but they could

8 have been doing that.

9 BY MR. KEEL:

10 Q. Even when the ORS stopped making these

11 quarterly reports available, it still issued letters

12 on a quarterly basis to SCE&G about the status of the

13 project; do you recall that?

14 A. I was not very much involved with that. I

15 do believe there were letters.

16 Q. Okay.

17 A. But they didn't come from -- I might have

18 given some input, but I didn't generate them and I

19 don't know much about them. I've read them in the

20 back end, but I don't even know that they all came

21 out on a quarterly basis, to be honest with you.

22 Q. But at the time that those letters were

23 being prepared after these quarterly reports stopped

24 being published by ORS, you were not involved in

25 drafting them; is that right?

39

1 A. I may have provided input. That would be

2 the extent of my involvement.

3 Q. Okay. All right. Turning back to Exhibit 1

4 here.

5 A. Yes.

6 Q. If you turn to the page with three little

7 I's titled "Executive Summary."

8 A. Okay. Yes, sir.

9 Q. All right. And if you see at the top there

10 underneath the Executive Summary, it says, "On May

11 15, 2015, SCE&G submitted its 2015 First Quarter

12 Report related to construction of V.C. Summer Units 2

13 and 3 in Jenkinsville."

14 Do you see that?

15 A. I do, sir.

16 Q. And then the following sentence, the last

17 sentence here says, "With reference to the Base Load

18 Review Act, ORS's review of SCE&G's quarterly report

19 focuses on SCE&G's ability to adhere to the approved

20 schedule and approved budget."

21 Do you see that?

22 A. Correct.

23 Q. So that was your understanding of what ORS's

24 review focused on for the quarterly reports, correct?

25 A. Yes, sir.

40

1 Q. And you recall, as described here below, do

2 you recall in March 2015 that SCE&G filed a petition

3 with the Public Service Commission seeking approval

4 of an updated schedule and cost estimate for the

5 project?

6 A. Yes, sir, I'm familiar with that.

7 Q. And were you regularly involved in the ORS's

8 review of the 2015 petition for approval of updated

9 scheduling cost?

10 A. I was involved in it, yes.

11 Q. Would you review the filings that the

12 company made in support of their petition?

13 A. Maybe, depending on if the office wanted me

14 to do something like that.

15 Q. Well, what would be your general role with

16 respect to evaluating the petitions filed by SCE&G

17 for updated schedules, costs or rates?

18 A. I would review what they gave us and see if

19 it matched up with what I knew, basically, because I

20 had been watching the project.

21 Q. Okay.

22 A. And if it did, and I could -- maybe I had to

23 validate a portion of the information just to see if

24 we had it, if we understood it.

25 Q. Would it be fair to say that you would

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1 review the filings and the data that was made
2 available about the project in an effort to determine
3 whether the ORS should support the petition?
4 MR. BATEMAN: Object to the form.
5 THE WITNESS: From my perspective,
6 more the data, I wouldn't be making decisions for
7 ORS whether they supported the decision or not.
8 I mean, I would be giving them input to make a
9 decision.
10 BY MR. KEEL:
11 Q. But you understand that was the purpose for
12 your analysis was to help the ORS determine whether
13 they were going to support a petition for updated
14 schedule and cost?
15 A. Right.
16 Q. If you turn to page 14 of Exhibit Number 1.
17 A. Yes, sir.
18 Q. Are you with me?
19 A. I am.
20 Q. So at the top of page 14, it says -- it's
21 titled, "Additional ORS Monitoring Activities," and
22 it states, "ORS continually performs the following
23 activities, as well as other monitoring activities,
24 as being necessary."
25 And then it provides a list of various

42

1 activities that the ORS conducted to monitor the
2 project. Do you see that?
3 A. I do.
4 Q. Is that list consistent with your
5 understanding of the different activities the ORS did
6 to monitor the VCS project?
7 A. Yes, sir.
8 Q. This reference to "other monitoring in
9 addition to the list provided here," do you know what
10 "other monitoring" activities the ORS did with
11 respect to the project?
12 MR. BATEMAN: Object to the form.
13 THE WITNESS: Probably anything we
14 found outside news media stuff, you know, other
15 reports that somebody else had. This is pretty
16 much what went into our review for making up this
17 report, but there are other activities.
18 You know, an example I could give
19 you is when the NRC had their annual meetings at
20 the site, we would go to those meetings, monitor
21 what the NRC said about Unit One, as well as the
22 Unit 2 and 3 project.
23 BY MR. KEEL:
24 Q. Any other monitoring activities that you can
25 recall, other than the example you provided and this

43

1 list that's set forth on page 14 of Exhibit 1?
2 A. Off the top of my head, no, sir, I can't.
3 Q. And if you turn to the next page, 15 of
4 Exhibit 1.
5 A. Yes, sir.
6 Q. You see it's titled "Construction
7 Challenges"?
8 A. Uh-huh.
9 Q. And the introduction there says, "Based upon
10 the information provided by the company, in its
11 quarterly report, as well as information obtained via
12 additional monitoring activities, ORS identifies
13 several ongoing construction concerns that create
14 risk to the on-time completion of the units. ORS
15 continues to monitor these area closely."
16 Do you see that?
17 A. I do.
18 Q. Then if you look through page 15 through
19 page 17, it's got a list of various construction
20 concerns that the ORS had with respect to the
21 project. Do you see that?
22 A. I do.
23 Q. You were aware, as of the time of this
24 report in July of 2015, about these different
25 concerns that were set forth in page 15 through 17;

44

1 is that right?
2 A. I was aware of these items that were listed
3 on here, for the most part. I would have to read
4 them in detail, but --
5 Q. Go ahead and just take a quick look through
6 them. You don't have to read them entirely, but just
7 the general issues that are identified here.
8 A. Okay.
9 Q. And you would agree that you were aware of
10 these concerns as of the time July of 2015?
11 A. Yes, sir.
12 Q. And the very last item listed on page 17 in
13 these construction concerns, is titled --
14 A. You wanted me on the pages that I had
15 reviewed, so I stopped at 16.
16 Q. Oh sorry.
17 A. I apologize.
18 Q. No problem.
19 So the concerns set forth on page 17 also,
20 those are items that you are aware of as of
21 July 2015?
22 MR. BATEMAN: Object to the form.
23 THE WITNESS: Yes, sir.
24 BY MR. KEEL:
25 Q. The last item there, "Construction

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1 Productivity," it states, "SCE&G has identified in
2 its petition that the low productivity of the
3 construction workforce has increased the cost of the
4 project. Corrective measures have been identified to
5 improve this productivity, but the impact of these
6 corrective measures is not yet known. ORS has been
7 concerned with this issue for some time, but it was
8 not definitively apparent until the revised budgets
9 were formulated. Low productivity could also affect
10 schedule performance."
11 Do you see that?
12 A. Yes.
13 Q. As of July 2015, you were aware that ORS had
14 concerns about low productivity of the construction?
15 A. Yes, sir.
16 Q. And this reference here to, "ORS has been
17 concerned with this issue for some time," do you
18 recall when the ORS, for how long the ORS had been
19 concerned about low productivity on this job project?
20 A. This is '15. I would say certainly
21 throughout -- what quarter was this? This is first
22 quarter? So probably backed up into '14.
23 Q. And then the second to last sentence here
24 says that, "This low productivity was not
25 definitively apparent until the revised budgets were

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1 formulated."
2 Those revised budgets, due to the timing, I
3 take it, refer to the updated petition that was filed
4 by SCE&G in 2015; is that fair?
5 MR. BATEMAN: Object to the form.
6 THE WITNESS: I am not exactly
7 sure what that statement's about because I didn't
8 handle a lot of the finance side of that, but I
9 think so.
10 BY MR. KEEL:
11 Q. And what was it about the 2015 petition that
12 made it definitively apparent about this low
13 productivity concern?
14 A. I don't think, off the top of my head, I
15 could provide you an answer to that. I know that the
16 petition had in it a number of things that we were
17 having struggles trying to figure out what they were
18 or what the cost was with those.
19 Q. Do you recall in the 2015 petition that
20 SCE&G filed for updated costs and schedules, it
21 indicated that those were based on information that
22 was provided to SCE&G by the consortium?
23 A. Yes, I understood that.
24 Q. Do you understand that the consortium had
25 provided SCE&G with updated costs and schedules, and

47

1 then SCE&G filed this petition seeking approval for
2 the PSC for those?
3 A. If my memory serves me, you just sparked
4 something. Normally, in the case that we had done --
5 you know, this is '15, so I was only involved in,
6 really, this one, for the most part. The activities
7 that we would be reviewing and making a decision on,
8 we usually covered by well documentation, especially
9 if you were going to add something to the plant or if
10 you were going to submit a request to buy something
11 or build something, you had backup data. And I think
12 in '15, this is just my recollection now, in '15, we
13 were struggling to see that information. That's
14 what's in the back of my mind.
15 Q. But you did understand that SCE&G had
16 indicated in that petition that it was seeking
17 approval for updated schedule and costs based on
18 information that was provided to it by the
19 consortium, right?
20 A. That's what it said. And I think the
21 understanding in the past had been we had seen more
22 information; maybe that would be the best way to put
23 it.
24 Q. Okay.
25 (Exhibit No. 2 was marked for

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1 identification.)
2 Q. Mr. Soult, I'm handing you -- you have been
3 handed what has been marked as Exhibit Number 2 to
4 your deposition.
5 A. Right.
6 Q. Do you recognize this?
7 A. I do.
8 Q. Okay. And what do you recognize this to be?
9 A. This is a request for information that ORS
10 does when -- during their normal preparation for the
11 filing.
12 Q. So you will see at the top it refers to
13 Docket Number 2015-103E.
14 A. Yes, sir.
15 Q. Do you recall that that was the docket, the
16 2015 docket, in which SCE&G sought approval for
17 updated costs and schedules, right?
18 A. I understand.
19 Q. Okay. And so this is dated April 2015 and
20 it says it's from you to Byron Hinson and Chad
21 Burgess of SCE&G, correct?
22 A. Correct.
23 Q. So was this part of your responsibility in
24 2015, you would submit these requests for information
25 to the company in order to evaluate the petition?

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1 A. What I would do in my role was to gather all
2 the questions, put them on the format, and ship them
3 all over. So maybe not all the questions were my
4 questions.

5 Q. Sure. But you were involved in that process
6 of asking the company for information for the purpose
7 of evaluating the petition, correct?

8 A. Correct.

9 Q. And if you see, the first two pages are a
10 list of 17 requests that you included in this initial
11 request for information to SCE&G, right?

12 A. Yes.

13 Q. And if you look at request number eight, it
14 states, "Please provide the productivity rate that is
15 assumed to achieve Unit 3 substantial completion date
16 within the year following Unit 2 substantial
17 completion date."

18 Do you see you that?

19 A. I see that.

20 Q. And I take that you wanted to know what
21 productivity rates the consortium was assuming in
22 order to evaluate the reasonableness of the
23 projection; is that fair?

24 MR. BATEMAN: Object to form.
25 THE WITNESS: I think that's fair.

50

1 BY MR. KEEL:

2 Q. And then in the pages following, you can see
3 it actually has the questions listed again and then
4 the responses that were provided by SCE&G.

5 A. Right, got it.

6 Q. And if you turn to -- you see these little
7 numbers at the bottom of the page?

8 A. Uh-huh.

9 Q. If you turn to the number 1204253.

10 A. Yes, sir.

11 Q. And you'll see there is that same question
12 listed again about what productivity rate is assumed
13 to achieve Unit 3's substantial completion date and
14 SCE&G's response is, "The productivity rate used is
15 1.15."

16 Do you see that?

17 A. I see that.

18 Q. And you recall that, as of this time in
19 April of 2015, the ORS was aware that the actual
20 productivity rate on the project was in excess of
21 1.15?

22 A. I would have to verify that, you know, I
23 don't know.

24 Q. Based on the information that was made
25 available to the ORS on a regular basis, that would

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1 include information about the productivity rate of
2 construction, right?

3 A. Sometimes they provided that information --

4 Q. Okay.

5 A. -- depending on the year and what was going
6 on, and sometimes it wasn't there, so I don't know.
7 On this particular case, I just don't remember.

8 Q. And the performance factor was part of the
9 information that would be included in that regular
10 reporting, correct?

11 A. Correct. I think they had it, I mean --

12 Q. Sure.

13 A. -- in a lot of cases, productivity wasn't
14 calculated on certain things they were doing.

15 Q. And in addition to the productivity factor,
16 do you recall that the information made available to
17 ORS on those regularly reporting included information
18 about the percent complete on the project to date?

19 A. Right, they would provide that. And in '15,
20 I would say the majority of the reports probably had
21 that percent complete table in there. They used a
22 table they presented in there.

23 Q. And that table would show you the percent
24 complete on the different categories for engineering
25 procurement construction, that sort of thing, right?

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1 A. Correct, they broke it down.

2 Q. Okay.

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

5 Q. Do you want to take a break or do you want
6 to keep going?

7 A. I'm fine.

8 Q. All right. Mr. Soult, I have just handed
9 you what's been marked as Exhibit Number 3 to your
10 deposition. Do you recognize this document?

11 A. I do.

12 Q. And this is another request for information
13 in that 2015 docket that you sent to Bryon Hinson and
14 Chad Burgess of SCE&G, correct?

15 A. Correct.

16 Q. And if you look down here on the second
17 page, there is a request 4.3, it says, "Please
18 provide the status and any supporting documentation
19 of the WEC/CB&I and SCE&G negotiations concerning
20 responsibility for the delay and other EAC costs
21 totaling \$411 million."

22 Do you see that?

23 A. I do.

24 Q. And then below that lists SCE&G's response.
25 Do you see that?

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1 A. I do.

2 Q. And first three sentences of the response

3 reads, "In August 2014, the consortium advised SCE&G

4 of delays in the construction schedule and increases

5 in the construction costs. The consortium provided

6 SCE&G with the supporting document entitled

7 'Impacted/Partially Accelerated Summary' previously

8 provided as Attachment Two to ORS Audit Request

9 Number Two, Question Two. In further support of the

10 summary, WEC/CB&I provided target and T&M estimate

11 update, a copy of the same being attached hereto."

12 Do you see that?

13 A. I do.

14 Q. And then if you turn to the next page, there

15 is a document that attaches a target and T&M estimate

16 update provided on August 29, 2014. Do you see that,

17 Mr. Soult?

18 A. I do, uh-huh. You're talking about the

19 one-pager on 316?

20 Q. Yes. And if you turn behind that, starting

21 on 317 and continuing through the end of the

22 document, you will see there is a presentation

23 titled, "V.C. Summer Target and T&M Estimate Update,

24 August 29, 2014."

25 A. Okay.

54

1 Q. Do you see that?

2 A. You're talking about this whole

3 presentation?

4 Q. Yes, sir.

5 A. Uh-huh, I do see it.

6 Q. And you understand that this was an update

7 of the projected cost for completion of the project

8 that was provided from the consortium to SCE&G in

9 August of 2014?

10 A. 2015?

11 Q. '14.

12 A. 2014? I have to think now. I had '15.

13 Yeah, '14, 2914.

14 Q. And you understand that from the title here,

15 "Target and T&M Estimate," that's referring to the

16 target pricing category, and the trade and materials

17 category of the time and materials category of the

18 pricing, correct?

19 MR. BATEMAN: Object to the form.

20 THE WITNESS: What I understand, I

21 know target and T&M was a portion of the EPC

22 contract, and where the -- and there were

23 dollars, certain dollars, tied to that. That's

24 what I understood.

25

55

1 BY MR. KEEL:

2 Q. You understand that this refers to two

3 categories of the pricing in the EPC contract,

4 correct?

5 A. I understand that, yes, sir.

6 Q. And did you understand that the other

7 category of pricing in the EPC contract was the fixed

8 or firm pricing?

9 A. I know there were fixed and firm pricing,

10 and seemed like there was another price or two in

11 there. I'm not sure of all of them that was in that

12 thing.

13 Q. Sure. All right. So just a couple more

14 questions about this document, sir.

15 A. Yeah.

16 Q. If you turn to page three of the

17 Presentation, which the little numbers on the bottom

18 right end in 4319.

19 A. Yes, sir.

20 Q. You will see there is a list there of key

21 assumptions for the revised estimate. Do you see

22 that?

23 A. (Witness nodded head.)

24 Q. And the Key Assumption number five states,

25 "The unit rates were unchanged. Productivity factors

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1 and quantity adjustments are the basis for the

2 adjustments/change of labor hours."

3 Do you see that?

4 A. I see that, yes, sir.

5 Q. And then number seven states, "Productivity

6 factors were evaluated utilizing project experience

7 to date and assumed improvements going forward."

8 Do you see that?

9 A. I see that.

10 Q. And then if you turn all the way back to

11 Slide 28 of this presentation, the Bates number in

12 the bottom ending with 4344.

13 A. Yes, sir.

14 Q. And so this slide depicts the Craft

15 Productivity performance factor, both of the current

16 status in the project and the estimate relied on for

17 the updated ETC; is that correct?

18 MR. BATEMAN: Object to the form.

19 THE WITNESS: That's what it says

20 here, yes, sir, or what I am reading.

21 BY MR. KEEL:

22 Q. And this indicates on this slide that the

23 current PF as of the time of August 2014 was 1.41,

24 right?

25 A. That's what it says, yes, sir.

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1 Q. And that the last bullet, the ETC
2 performance factor of 1.15 indicates that is the
3 basis of the projected cost, correct?
4 A. Yes, sir, that's what it says.
5 Q. So this indicates, as of August 2014, the
6 actual performance factor on the project was worse
7 than the estimate that was being used for the updated
8 cost projection, correct?
9 A. That's what it says, yes, sir.
10 Q. And so as of the date that this document was
11 provided to the ORS, the ORS would have been aware
12 that the actual performance factor on the project was
13 in excess of what was being used for the projection?
14 A. I would agree.
15 Q. And the last bullet point also states that
16 the projected performance factor of 1.15 was to be
17 realized through gradual improvements over a
18 six-month period from August 29, 2014, right?
19 A. Yes, sir.
20 Q. And based on the data that was provided to
21 the ORS on a regular basis, the ORS would have been
22 able to determine whether that 1.15 performance
23 factor was being met within six months of
24 August 2014, right?
25 A. If it was in your quarterly report that you

58

1 put out, we would be talking about then the first
2 quarter of '15. If it was in there, we would
3 certainly know it was there.
4 Q. Or if it was in the other reports that were
5 provided to the ORS, correct?
6 A. If we found it, yeah, that would be true.
7 We would have to pick it up, put it in our monthly
8 meeting minutes and talk about it.
9 Q. Sure.
10 A. Make sure we understood it.
11 Q. You do understand that the higher
12 performance factor means that productivity is less
13 efficient?
14 A. I do understand that.
15 Q. And do you recall having discussions within
16 ORS about this issue of the 2015 petition for updated
17 costs relying on an assumed performance factor that
18 was lower than the actual performance on the project?
19 A. We did discuss that.
20 Q. And what was discussed about that within
21 ORS?
22 A. Well, we -- from my perspective, I'm not
23 sure. I mean, the words were there but I am not sure
24 how you get there from 1.41 to 1.15. So it
25 becomes -- my mother used to say, the proof is in the

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1 pudding, I think. We were looking for, how do you
2 get there.
3 Q. And you recall a follow-up request, an
4 additional request to SCE&G asking for more
5 information about why the consortium was projected at
6 1.15 compared to the actual performance on the
7 project, right?
8 A. Follow up beyond this?
9 Q. Yes.
10 A. There may have been, I --
11 Q. Sure.
12 A. I don't know the answer to that without
13 seeing something else, I guess.
14 (Exhibit No. 4 was marked for
15 identification.)
16 A. May 22nd, 2015.
17 Q. Mr. Soult, you have just been handed what's
18 been marked as Exhibit 4 to your deposition. Do you
19 recognize this document?
20 A. I understand the document. I don't think I
21 generated it, so -- I think Gary Jones was probably
22 the author of it.
23 Q. Okay. So this Exhibit 4 is another request
24 for information submitted, this time from Gary Jones
25 to SCE&G, on May 22nd, 2015, related to that 2015

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1 petition, right?
2 A. I gotcha, yes, sir.
3 Q. And if you look at the bottom, it's got the
4 request description states, "In response to your
5 question six of ORS NND Request GCJ-2, you state that
6 productivity factor 1.15 was chosen by the consortium
7 as the basis for the EAC and the previous values that
8 ORS had seen were actual values. However, the point
9 of the question is to explain how SCE&G can accept a
10 productivity factor as the basis of the EAC that
11 reflects a significantly higher level of productivity
12 than has yet to be realized during the previous
13 several months of high levels of construction
14 activity. I call your attention to the comparison of
15 the cumulative earned construction man hours verse
16 the actual expended man hours that is reported on
17 Slides 143 and 144 of the April 16, 2015 Project
18 Review Meeting and documented in the meeting minutes
19 dated, May 8, 2015. A calculation of productivity
20 factors using these values would result in a
21 productivity factor significantly different from the
22 1.15 value. Please explain the basis of your
23 acceptance to the 1.15 productivity factor."
24 Do you see that?
25 MR. BATEMAN: Object to the form.

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1 THE WITNESS: I do see that, sir.
2 BY MR. KEEL:
3 Q. Okay. And then the next page of Exhibit 4,
4 you can see that there is a response from SCE&G as to
5 why it was submitting the requested cost update based
6 on the information provided by the consortium. Do
7 you see that?
8 MR. BATEMAN: Object to the form.
9 THE WITNESS: I see that comment,
10 that's speculative from your perspective.
11 BY MR. KEEL:
12 Q. Yes. The third sentence down of the
13 response says, "The company believes that it would be
14 speculative to use a different productivity factor
15 and further does not believe it is appropriate or in
16 the best interest of SCE&G and its customers to
17 suggest to the consortium that it should not make
18 every effort to meet its commitment to improve labor
19 productivity."
20 Do you see that?
21 A. I do.
22 Q. And ultimately, ORS became comfortable with
23 the projected cost and schedules that were used in
24 the 2015 petition, correct?
25 MR. BATEMAN: Object to the form.

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1 THE WITNESS: I can't say that I
2 know that specifically. I know that there was an
3 agreement made.
4 BY MR. KEEL:
5 Q. You're aware that the ORS ultimately entered
6 into a settlement agreement with SCE&G for that 2015
7 petition, right?
8 A. I do.
9 Q. And the settlement agreement essentially
10 reflected that the ORS supported the PSC approving
11 SCE&G's requested update for new cost and schedule
12 for the project, correct?
13 A. I do.
14 Q. And you supported ORS entering into that
15 agreement, right?
16 A. I did.
17 Q. And you wouldn't have supported that if you
18 didn't believe that the projections were achievable;
19 is that fair?
20 A. I think what we support -- whether those
21 were achievable, I don't think we knew. Gene Soult
22 did not know. Because there wasn't evidence to show
23 that, back to my earlier point.
24 But, you know, we got comfortable enough to
25 sign a settlement agreement. And I don't -- and I

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1 was not party to that so, you know, I would have to
2 say ORS was satisfied, Gary probably, he was our
3 expert, got satisfied that there was enough action
4 going forward that it would be done.
5 Q. Okay.
6 A. Acceptable.
7 Q. And so, I mean, the ORS believed that
8 approving the requested petition for updated costs
9 and schedules was in the best interest of the
10 ratepayers, right?
11 A. I would think that's why ORS entered the
12 agreement, yes, sir. Our three-legged stool issue.
13 Q. What do you mean by that?
14 A. The company and the regulations and the
15 customer, that's what ORS had been charged to manage,
16 that relationship.
17 Q. And ultimately they came to the conclusion
18 in that 2015 petition, in ORS's view, the right thing
19 to do was for the PSC to approve the updated schedule
20 and costs, right?
21 A. I think so.
22 Q. And that was after receiving the information
23 that we just walked through about the performance
24 factors that were used to rely -- by the consortium
25 for the updated cost and schedule, right?

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1 A. Correct.
2 Q. And after the PSC approved that 2015
3 petition in line with the parties' settlement
4 agreement, the owners entered into an amendment to
5 the EPC contract with Westinghouse. Do you recall
6 that?
7 A. I have seen it, uh-huh. I don't remember it
8 all but I have seen it.
9 Q. You have seen the updated -- the EPC
10 amendment?
11 A. Yes.
12 Q. Okay.
13 A. It's been some time. I haven't looked at it
14 recently.
15 Q. Sure. But you understand that, among other
16 things, the EPC amendment contained an updated
17 projected completion date for Units 2 and 3, right?
18 A. Correct.
19 Q. Okay.
20 A. I remember.
21 Q. And the EPC amendment also included an
22 option that the owners could elect to essentially cap
23 the remaining price for completing the project,
24 correct?
25 A. Yes, I mean, expressed contract piece.

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1 Q. And then after SCE&G elected that fixed
2 price option, they filed another petition with the
3 PSC seeking approval of the updated costs and
4 schedule for the project as reflected in the EPC
5 amendment; is that right?
6 A. And I assume that would have been the 2016
7 case --
8 Q. Okay.
9 A. -- filing.
10 Q. Okay. And were you involved again in
11 evaluating SCE&G's 2016 petition?
12 A. Similar to what I did in the previous one.
13 I had the same duties.
14 Q. So your same duties essentially reflected
15 reviewing the petition, the filings, comparing that
16 to the data that was made available about the project
17 to help ORS determine whether to support the
18 petition; is that fair?
19 A. That would be fair, yes, sir.
20 Q. And you went through the same process of
21 requesting information from the company to analyze
22 the assumptions or the overall requests in the
23 petition?
24 A. Yes. From my -- my responsibility would be
25 to take the previous one that we did, because we

66

1 don't like to duplicate work, and go through and take
2 the boilerplate stuff, put it in the right format,
3 the right date and all that, and then collect
4 questions from other folks within our organization
5 and then submit it.
6 Q. Sure.
7 A. That's the way the previous one worked, too.
8 Q. So some of the same questions you had in
9 2015 you might use again in 2016?
10 A. Right.
11 Q. Plus others?
12 A. We just went through -- you know, I did the
13 first cut and then I passed it on.
14 Q. And then after that process, the ORS
15 ultimately again entered into another settlement
16 agreement reflecting that it supported the PSC
17 petitioning the request for approved costs and
18 schedule updates?
19 MR. BATEMAN: Object to the form.
20 THE WITNESS: I know they did,
21 yes, sir.
22 BY MR. KEEL:
23 Q. And I think you mentioned this earlier this
24 morning, but you drafted a conceptual settlement
25 agreement in connection with that 2016 petition?

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1 A. I believe I did, yes, sir. In the spirit of
2 the three-legged stool, by the way.
3 Q. Okay.
4 (Exhibit No. 5 was marked for
5 identification.)
6 Q. All right. Mr. Soult, I'm handing you
7 what's been marked as Exhibit 5 to your deposition.
8 Do you recognize this document?
9 A. I recognize it with the scribbles, I guess,
10 markups.
11 Q. Sure. Setting aside the handwriting and
12 markups reflected on the document, is this the draft
13 of the conceptual settlement agreement that you put
14 together for SCE&G's 2016 petition?
15 A. I put it together for ORS.
16 Q. Correct. For ORS consideration, right?
17 A. Yeah. Yes, sir, I did.
18 Q. And the handwriting reflected on this
19 document is not yours, right?
20 A. No, I don't write that well.
21 Q. Just a few questions about this document.
22 A. Sure.
23 Q. You can see down underneath in the first
24 page, there is a heading titled "Current Status."
25 A. Yes, sir.

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1 Q. And it refers to various metrics about the
2 status of the project, including the percent complete
3 for engineering, procurement, construction, and the
4 productivity of direct labor. Do you see that?
5 A. Yes, and referenced up above the monthly
6 meeting minutes report.
7 Q. So that's consistent with what we talked
8 about earlier, that these sort of metrics were part
9 of the information made available to ORS?
10 A. Yes.
11 Q. At the bottom, you see the total
12 productivity of direct labor indicates that, at this
13 time, it's a 1.83 compared to that goal of 1.15 from
14 the previous projections, right?
15 A. Right. And again, that was not something I
16 generated. It was something that, you know, was in
17 the report, and I just provided it so I could
18 summarize to it.
19 Q. You took that from the data that was made
20 available to ORS about the project?
21 A. Correct.
22 Q. And then if you turn to page five of that
23 document, please.
24 A. All right, yes, sir. I am there.
25 Q. You will see the second to last paragraph

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1 states, "Summarizing the above."
2 A. Uh-huh.
3 Q. "After 11 years of physically and
4 financially supporting the New Nuclear Development of
5 the VCS 2 and VCS 3 Units, they are far from being
6 complete, with the combined unit construction
7 progress of only 29 percent; and the capital
8 expenditures already exceeding the company's original
9 budget amount. The lack of productivity, accompanied
10 company with a 'first of kind' NRC influenced
11 technology, coupled with the lower skilled labor
12 market and construction material issues leaves ORS
13 very concerned about the company's ability to
14 complete both units within their GSD's. ORS believes
15 that without a significant change, neither unit will
16 be able to complete in time to obtain production tax
17 credit advantage."
18 Do you see that?
19 A. I do. And when we say "ORS" there, it's
20 really Gene Soult saying that. So I, you know, I
21 used ORS so I didn't have to put my name in there
22 each time. I wouldn't say whether or not ORS, you
23 know, supported that thing. This was a proposal.
24 Q. And the GSD's that's referenced here, that
25 refers to the guaranteed substantial completion

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1 dates?
2 A. Correct, in the contract.
3 Q. So as of the time that you put this
4 conceptual settlement agreement together, you wrote
5 the personal opinion that you did not believe the
6 units could be completed in time for the production
7 tax credits without a significant change; is that
8 fair?
9 A. That is the words I used, sir, I believe.
10 Q. And if you see in part of the handwriting
11 down below that, it says, "I'm not here yet. I think
12 Unit 2 can make it."
13 MR. BATEMAN: Object to the form.
14 THE WITNESS: I see that, I see
15 that writing.
16 BY MR. KEEL:
17 Q. And do you recall having any discussions
18 within ORS about whether you believe the units could
19 be completed in time to obtain the production tax
20 credit advantage around this time of the 2016
21 petition?
22 A. This handwriting looks like Gary Jones'
23 handwriting.
24 Q. It is.
25 A. And I would say Gary and I had a

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1 conversation about this. And, you know, I don't have
2 clear timing on it or who was -- you know, I think we
3 had at least two meetings on this. He and I were in
4 our trailer out there getting ready for our monthly
5 meeting and, you know, he said, I don't -- I think
6 they can make it, you know, on Unit 2. He felt
7 fairly confident in that particular case.
8 And my concern, and the reason I drafted
9 this, is that, you know, from working on projects,
10 you have to make some drastic changes to get
11 movement. And so I wasn't seeing the drastic change
12 stuff that would allow that much movement to get
13 productivity from 1.87 down to 1.15. So I was trying
14 to come up with a process that would help accomplish
15 that.
16 And in Gary's case, I mean, he felt pretty
17 comfortable on the Unit 2 and he wasn't sure about
18 Unit 3 yet, he was still working on the data. Is
19 that sufficient?
20 Q. Absolutely. And did you ultimately come to
21 agree with Mr. Jones' position that he thought Unit 2
22 could be completed within the time to obtain the
23 production tax credits in this 2016 time period?
24 A. I did.
25 Q. And why did you come to that conclusion?

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1 A. Gary has a lot more knowledge in a lot of
2 these areas than I do. My knowledge is more based in
3 the operation and maintenance of the house. His was
4 heavy construction stuff. So he -- we relied on him
5 heavily to know the details.
6 Q. Is it fair to say that, after discussions
7 and review of the information, Mr. Jones convinced
8 you that -- of his position that Unit 2 could be
9 completed within time to obtain the production tax
10 credit?
11 MR. BATEMAN: Object to the form.
12 THE WITNESS: Could I rephrase
13 that?
14 BY MR. KEEL:
15 Q. Go for it, yeah.
16 A. I would say it's more like, okay. I don't
17 know that he convinced me any differently, but I was
18 willing to support what we were doing.
19 Q. And did you ever share this conceptual draft
20 settlement agreement with anybody other than Gary
21 Jones?
22 MR. BATEMAN: Object to the form
23 inasmuch as it relates to attorney-client
24 communications.
25

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1 BY MR. KEEL:

2 Q. Fair enough. I don't want to -- I don't

3 want you to disclose any conversations you may have

4 had with counsel.

5 A. Okay.

6 Q. So setting aside discussions with counsel,

7 have you -- did you share this draft settlement

8 agreement with anybody other than Gary Jones?

9 A. I provided it to Allyn Powell, who is my

10 supervisor.

11 Q. Sure.

12 A. And Allyn and I had talked about it before I

13 even drafted it.

14 Q. Was Allyn Powell involved in those

15 discussions about whether you believed Unit 2 could

16 be completed on time to obtain the production tax

17 credits?

18 A. Not with Gary, no. I'm pretty sure Gary and

19 I were mulling over it ourselves. In fact, I think I

20 probably gave it to Gary before I gave it to Allyn

21 because I wanted his feedback.

22 Q. And did you share this conceptual draft

23 settlement agreement with anybody other than Gary

24 Jones or Allyn Powell, setting aside discussions with

25 counsel?

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1 A. I think Allyn may have shared it with

2 someone else and I could have been there. Seems like

3 we had a meeting downtown, because I was at the

4 trailer when this all took place with Gary and I.

5 Q. Was it ever provided to SCE&G?

6 A. I have no idea. I don't even know how you

7 got it.

8 Q. I got it from Gary Jones.

9 A. Oh, okay. Figures, it's got his writing on

10 it.

11 Q. Yeah, exactly.

12 You would agree with me that at the time of

13 this 2016 petition, the owners and the consortium

14 were making drastic changes to try to improve

15 productivity on the site?

16 A. They were.

17 Q. They brought in -- one of the changes was

18 they brought in Fluor Daniel as their new

19 subcontractor under agreement?

20 A. They did.

21 Q. And you had experience with Fluor Daniel

22 from your work at the Cope plant?

23 A. Correct.

24 Q. And what was your opinion of Fluor Daniel?

25 A. Top notch.

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1 Q. Top notch.

2 Did you think that bringing in Fluor Daniel

3 was likely to improve productivity on the project?

4 A. You know, that's kind of a different

5 question. We were hoping they would. Productivity

6 is tied to a lot of different things. And unless

7 those other things were also improved, some of which

8 Fluor didn't have responsibility for, it wouldn't, it

9 wouldn't happen.

10 Q. Would you agree with me that the

11 productivity factor wouldn't necessarily determine

12 whether a project was completed on schedule?

13 A. Correct.

14 Q. You could -- even if the project was

15 inefficient, you could do other things to account for

16 inefficiencies and potentially meet your projected

17 schedule, right?

18 A. There are limiting factors to what you could

19 do. Productivity is a -- certainly a good indicator

20 of whether or not the project is going, but it gives

21 you something to measure. And one thing I know about

22 nuclear plants, they have to be done, all of it has

23 to be done. You can't put something to the side,

24 especially in the safety-related nuclear side.

25 So every item has to be done, and

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1 productivity factors, tracks, commodities,

2 installation of commodities, that's how they

3 developed that. So that's really important, and it's

4 a good measure.

5 Q. Sure. Sure. It's a good measure. But you

6 could account, you could do certain things to account

7 for a worse productivity factor?

8 A. You could, you could add more people.

9 Q. Could add more people.

10 A. You could put on more shifts.

11 Q. And you understand that with the election of

12 the fixed price contract, the cost of adding more

13 people or other efforts that would be needed to meet

14 the projected schedule was effectively shifted to the

15 consortium?

16 MR. BATEMAN: Object to the form.

17 THE WITNESS: I don't think I

18 would -- I don't think I would state it that way.

19 It might shield some.

20 But the fixed price contract only

21 involved the consortium's dollars associated

22 with -- you still had company dollars, and

23 company dollars are tied to hours of the day,

24 just like consortium hours are. So the project,

25 you know, if it wasn't finished on the schedule,

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1 it was going to cost more money regardless,
2 because the company was going to have to pay
3 their share of all the things that went longer
4 than was required.
5 BY MR. KEEL:
6 **Q. So there were certain owner's costs that**
7 **were not part of the fixed price?**
8 A. Right, correct.
9 **Q. But to the extent that the consortium's**
10 **cost, they had to increase their cost above the fixed**
11 **price option in order to meet the projected schedule,**
12 **that risk was shifted to the consortium through the**
13 **fixed price option, right?**
14 A. Yeah, by contract.
15 **Q. Yeah. So in -- strike that.**
16 So ultimately, I think we mentioned already,
17 **the ORS decided to enter into another settlement**
18 **agreement for the 2016 petition, right?**
19 A. Yeah. You mentioned it, yes, yeah.
20 **Q. You understood it, right?**
21 A. And I understand it.
22 **Q. And you supported the ORS's decision to**
23 **enter into that settlement agreement, correct?**
24 A. I did.
25 **Q. And at the time of entering into that**

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1 settlement agreement, you believed that the PSC
2 approving the petition, in accordance with the terms
3 of the agreement, was in the best interest of the
4 ratepayers, right?
5 A. I think ORS believed it; that was why we did
6 it.
7 **Q. And you wouldn't have supported ORS entering**
8 **into that settlement agreement if you didn't think**
9 **the projections were achievable; is that fair?**
10 A. I think we were believing the company, what
11 the company said they were going to do. And, you
12 know, we look at reports, make an evaluation, and
13 trust the company to accomplish their will.
14 **Q. Do you recall that, prior to entering into**
15 **that settlement agreement, the ORS had a face-to-face**
16 **meeting with members of Westinghouse in August of**
17 **2016?**
18 MR. BATEMAN: Object to the form.
19 THE WITNESS: I think there may
20 have been one. I don't think it was one I
21 attended, to be honest with you.
22 BY MR. KEEL:
23 **Q. Were you present for any meetings with**
24 **members of Westinghouse in connection with the 2016**
25 **petition?**

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1 A. Well, we had some monthly meetings and some
2 of the consortium people attended those meetings, and
3 it would have been in that time frame.
4 **Q. Did you have any discussions with members of**
5 **the consortium about whether they were -- about their**
6 **commitment to completing the project?**
7 A. I did not personally.
8 **Q. Are you aware now, sitting here today, that**
9 **the consortium, members of the consortium,**
10 **represented to the ORS that they were committed to**
11 **completing the project?**
12 A. Yes, I agree with that.
13 **Q. And that was part of the information that**
14 **the ORS knew prior to entering into the settlement**
15 **agreement for the 2016 petition. Do you understand**
16 **that, too?**
17 A. I'm sorry, I cut you off there, I didn't
18 mean to do that.
19 **Q. No, you're fine, if you need to finish.**
20 A. Well, since you said the last piece of that,
21 I was trying to get back to where I was at.
22 We were aware, in fact I think Gary put it
23 in his testimony, that there were -- maybe Gary or
24 Anthony, I can't remember which now -- but there were
25 firm commitments from WEC, which was the consortium,

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1 to accomplish the task. And it may have went beyond
2 WEC, you know, I'm not sure how far back it went.
3 **Q. "Beyond WEC" meaning going to Fluor Daniel**
4 **or others involved in building the plant?**
5 A. Well, plant probably would have went to
6 Toshiba, and I think Toshiba was the parent, so they
7 felt comfortable about that. I think that was a
8 winning piece for ORS and the customer.
9 **Q. Gotcha. So part of the winning piece for**
10 **ORS in deciding to enter into that settlement**
11 **agreement were the commitments that were made by**
12 **Westinghouse and to Toshiba?**
13 A. And I think the company as well.
14 **Q. And the company, to ORS; is that fair?**
15 A. I think that's fair.
16 MR. KEEL: I am going to shift to
17 another topic. Do you want to take a short
18 break?
19 MR. BATEMAN: If you don't mind.
20 Are you okay with that, Gene? I don't want to --
21 THE WITNESS: I'm fine. I guess
22 we don't have a question. I can go to the rest
23 room, right?
24 MR. KEEL: Absolutely. Let's take
25 a short break.

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1 THE VIDEOGRAPHER: This marks the
2 end of video number one in the deposition of
3 Mr. Gene Soult. We're off the record at
4 10:43 a.m.
5 (A recess was taken.)
6 THE VIDEOGRAPHER: This is the
7 continuation of the deposition of Mr. Gene Soult.
8 This is video number two. On the record at
9 10:56 a.m.
10 BY MR. KEEL:
11 Q. Mr. Soult, are you ready to continue?
12 A. I am, sir.
13 (Exhibit No. 6 was marked for
14 identification.)
15 Q. Mr. Soult, I'm handing you what has been
16 marked as Exhibit Number 6 to your deposition. Do
17 you recognize this document?
18 A. Some of it, I believe I do.
19 Q. So these are, as it says on the front page
20 here, "ORS's Answers to First Set of Request for
21 Admission, Second Set of Interrogatories, and Second
22 Set of Request for Production of Documents" in
23 connection with this PSC proceeding.
24 Do you see that? Is that a yes?
25 A. Yes. Yes, sir, I'm sorry, yes, I do.

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1 Q. No problem. And did you participate in
2 providing information for these answers?
3 A. To be honest with you, not much, that I know
4 of. I haven't spent a lot of time on this document,
5 so I --
6 Q. Do you recall, did you review a draft of
7 this document before it was finalized?
8 A. I probably did.
9 Q. Okay.
10 A. I just can't remember all the things that I
11 reviewed, to be honest with you.
12 Q. But do you have a recollection of providing
13 at least some information for the answers reflected
14 in this document?
15 A. If we look at a specific question, I can
16 probably answer that question.
17 Q. Let's do that. Let's turn to page nine of
18 Exhibit 6.
19 A. Okay. I'm there.
20 Q. And you see under Interrogatory Responses in
21 the middle of the page there is an Interrogatory 1-1
22 that says, "State with specificity the date on which
23 you first learned that Bechtel was conducting a
24 review of the NND project."
25 Do you see that?

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1 A. I do.
2 Q. And then below that is the ORS's response to
3 this Interrogatory, correct?
4 A. I got it.
5 Q. I want to go through a couple of sentences
6 in here. In the middle of the page --
7 A. Uh-huh.
8 Q. -- in that response is a sentence that
9 starts with "At." Do you see that? "At the NND."
10 A. In the middle of the page, "At the NND/ORS."
11 Q. Yeah.
12 A. Yes, sir.
13 Q. That sentence reads, "At the NND/ORS monthly
14 meeting on August 26, 2015, Gene Soult was only
15 informed that SCE&G's legal office was handling an
16 external review; and at that time, he did not know
17 the identify of the external reviewer or any
18 information about the scope of the review."
19 Do you see that?
20 A. I do.
21 Q. Is that an accurate statement?
22 A. Yes, sir.
23 Q. Let's talk about this meeting for a minute.
24 What was the August 26, 2015 meeting?
25 A. That was our monthly status report meeting,

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1 I spoke about it earlier. We prepare an agenda, and
2 then we follow through the agenda with the company,
3 and they publish that agenda because it's really
4 their agenda. And there are a number of invitees
5 that we have based on the questions that's on the
6 agenda, and then we meet with those folks. And
7 they're kind of bunched into departments or areas of
8 responsibility.
9 Q. And in addition to -- or who from ORS would
10 typically attend these monthly meetings?
11 A. Normally, I attend the meeting. We normally
12 have our auditing person, if there is something
13 appropriate for them. And Gary Jones normally
14 attends those meetings. And whoever the supervisor
15 is or, you know, report, whoever we report to
16 normally attends them, if they can, and it may be
17 sporadic. So it would be Allyn Powell in the time
18 frame she was there, Anthony Williams -- or Anthony
19 Jones, excuse me.
20 Q. James?
21 A. James, got Jones mixed up there. Anthony
22 James. Did we have anybody else? No, I think that's
23 pretty much us.
24 Q. And then who would attend these monthly
25 meetings from SCE&G?

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1 A. Well, again, it would depend on the area of
2 focus that we have. If we're talking engineering,
3 then we would probably have the manager of
4 engineering or one of his direct reports would be
5 there. If we're talking commercial, it would be the
6 commercial people, and in a particular case it would
7 be Skip Smith and Shirley and Margaret -- there was a
8 number that worked in Skip's area that would show up,
9 depending on what we're going to talk about, the
10 conversations.

11 **Q. And you worked with Skip Smith at your time**
12 **at SCE&G?**

13 A. Did I previously?

14 **Q. Yes.**

15 A. Yes.

16 **Q. Did you work closely with Skip Smith during**
17 **your time at SCE&G?**

18 A. Yes.

19 **Q. And what was the sort of roles in terms of**
20 **how you worked with him?**

21 A. How far back?

22 **Q. Just if you could broad -- a general --**

23 A. General.

24 **Q. -- overview of how you worked with Skip**
25 **Smith.**

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1 A. Skip was normally in the project business, I
2 normally was in the building or operation business.
3 Normally, in his case, it would be in the project and
4 building. So we were either building plants or
5 modifying plants. And Skip had a contract, he was
6 pretty much in the same position, contract manager;
7 and I would be the general manager or plant manager
8 for the work that was being done.

9 **Q. Did you work for Skip Smith at SCE&G?**

10 A. No, I never did.

11 **Q. Okay.**

12 A. Two different areas.

13 **Q. Gotcha. And you mentioned that the**
14 **attendees for SCE&G would depend on the focus of what**
15 **was being discussed at those monthly meetings, right?**

16 A. Correct, yes, by the agenda.

17 **Q. And the ORS personnel who would attend the**
18 **meetings had input into the agenda for each meeting,**
19 **right?**

20 A. Correct.

21 **Q. And you would list whatever you wanted to**
22 **talk about on the agenda; is that fair?**

23 A. We would provide input to it. In some
24 cases, SCE&G had their own input they wanted to put
25 into it to inform us about certain things, and that's

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1 the way it was built.

2 **Q. And other than SCE&G and ORS, who else**
3 **attended these monthly meetings?**

4 A. It would have to be somebody the company
5 provided that would be there. I mean, I don't think
6 ORS had other people. We may have a guest from
7 auditing, sometimes our supervisors in auditing would
8 show up there, too.

9 **Q. What about members of the consortium, would**
10 **they show up to the monthly meetings?**

11 A. Only if directed by SCE&G to provide input.

12 **Q. If you wanted to speak with one of the**
13 **members of the consortium on a particular topic, you**
14 **could request that for purposes of these monthly**
15 **meetings, right?**

16 A. We would set it up, because it required
17 arrangements for that, and SCE&G would arrange that.

18 **Q. And you had the opportunity to say, I want**
19 **to speak with somebody from Westinghouse about the**
20 **schedule at the next monthly meeting, right?**

21 A. We could and we did.

22 **Q. And on those occasions when you would**
23 **request to speak with the members of the consortium,**
24 **do you recall who attended the monthly meetings?**

25 A. They were selected, I mean, because the

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1 topics changed as we moved through activities that we
2 were following, so --

3 **Q. What about with respect to schedule, do you**
4 **recall who from the consortium attended any of the**
5 **monthly meetings to discuss the schedule?**

6 A. Okay. Sometimes it's a timing issue. So in
7 the time frame we have been discussing, the 2016 time
8 frame, it probably would have been Terry Elam. He
9 was their head scheduler. And he had a couple of
10 other guys that I don't really remember their names
11 but they would usually come with him.

12 **Q. And on those occasions, Mr. Elam would**
13 **respond to any questions the ORS had about the**
14 **schedule for the project; is that fair?**

15 A. Normally, what he did was explain what they
16 were doing, and then we would ask him questions, and
17 then he would respond or have somebody else respond.

18 **Q. He would give some sort of presentation**
19 **about the status of the schedule for the project?**

20 A. Yeah. It depends -- I am not trying to be
21 waffling here, but sometimes we had -- we went to
22 them instead of them coming to the trailer. So when
23 we went to them, then they would present a more
24 detailed-type schedule.

25 **Q. Okay.**

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1 A. When they came out to us, it normally was
2 just a general conversation. We would ask questions
3 based on what he said.

4 **Q. How many times did you go to Westinghouse**
5 **and they provide a presentation to the schedule?**

6 A. To their location?

7 **Q. Yeah.**

8 A. In this time frame, 2016?

9 **Q. Any time from 2014 through abandonment of**
10 **the project.**

11 A. We never in '14, that I know of, or '15,
12 that I know of. But in '16, we probably went several
13 times to their location. We may have went once in
14 '15, but it wasn't normal.

15 **Q. And when you say "several times," you mean**
16 **more than ten?**

17 A. That's ten months. I don't think it would
18 have been more than ten.

19 **Q. Okay.**

20 A. To actually have gone to their place, no, I
21 don't think we did that.

22 **Q. More than five times?**

23 A. Maybe Gary could attest to it better than I
24 could.

25 **Q. Sure, sure.**

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1 A. But more than five, yeah, I would say
2 between five and ten.

3 **Q. And in those occasions in which you would go**
4 **to Westinghouse's location, Mr. Elam would give a**
5 **presentation about the schedule for the project?**

6 A. Yes.

7 **Q. Would he walk you through the schedule in**
8 **their database and show you the projections?**

9 A. Maybe once or twice we did that.

10 **Q. Okay.**

11 A. And normally they did not.

12 **Q. Okay.**

13 A. I mean, you're talking a huge schedule. We
14 would be talking from paper, for the most part. They
15 did have, especially when we went to their site, they
16 had stuff posted in their room, and they wanted to
17 use that as an object board to discuss items.

18 **Q. And then the ORS personnel staff there would**
19 **ask questions of Mr. Elam, if they had them, about**
20 **the schedule, right?**

21 A. Correct.

22 **Q. Was there any instance in which Mr. Elam did**
23 **not respond to the questions ORS provided?**

24 A. I would say there were times when he could
25 not answer the question, and so that -- you know, he

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1 would respond, "I can't answer that question." So he
2 gave me an answer that didn't satisfy the question.

3 **Q. Do you recall any particular question that**
4 **you had that he was unable to give you an answer for?**

5 A. Usually it evolved around constraints. The
6 schedule, I'm sure you're familiar with schedules, so
7 the schedule is set and then it moves every minute,
8 24 hours a day, seven days a week, 365 days a year.
9 And a constraint would possibly keep it from moving.
10 And we were concerned about that because there were a
11 lot, you know -- you know, productivity rate also
12 walked into the performance, monthly performance
13 rate. So if there wasn't movement, then we would be
14 asking, you know, why isn't this, why isn't the
15 schedule moving, we would ask that question.

16 **Q. And so there were certain activities in the**
17 **large schedule that were constraints that said they**
18 **would not float?**

19 A. Could be.

20 **Q. Okay.**

21 A. Yeah, I don't know, you know, numbers and
22 that stuff, but --

23 **Q. Sure.**

24 A. -- Gary often would ask those kind of
25 questions more than I would.

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1 **Q. Anybody else from the consortium that you**
2 **recall attending these monthly meetings other than**
3 **Terry Elam?**

4 A. For the schedule?

5 **Q. For any topic.**

6 A. Okay. Well, Alan, if we were going to meet
7 at the scheduling, then there would be more SCE&G
8 people there. Alan Torres, who was the GM for the
9 construction, would normally be there. Of course
10 Skip always came with us as well.

11 **Q. Okay.**

12 A. From the consortium side, Church -- usually
13 the -- I think it was the site director, site
14 director would normally come in. And when Fluor was
15 there during that period of time in '16, Fluor would
16 have their site director in there, too.

17 **Q. And the "Church" you referenced, is that**
18 **Carl Churchman from Westinghouse?**

19 A. Carl Churchman, yes.

20 **Q. And what topics would Carl Churchman discuss**
21 **during these monthly meetings?**

22 A. Well, he usually gave an update of where
23 they were, you know, based on milestones and things
24 that he was trying to accomplish, you know, provide
25 maybe more support for what was taking place,

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1 especially, I guess, if we would ask a question about
2 the schedule, and it seemed like a hard spot. He
3 could better handle what they were trying to do for
4 that particular hard spot, is the right term.

5 **Q. So the ORS would ask Mr. Churchman questions**
6 **that they had about the status of the project?**

7 A. Correct.

8 **Q. And Mr. Churchman would respond to those**
9 **questions?**

10 A. He did.

11 **Q. Any instance you recall in which**
12 **Mr. Churchman could not provide a response to a**
13 **question the ORS had?**

14 A. No. Mr. Churchman seemed to always have an
15 answer. He may not have answered the question, but
16 he always had a response to it.

17 **Q. Anybody else, other than Terry Elam and Carl**
18 **Churchman from the consortium, that attended monthly**
19 **meetings with the ORS?**

20 A. Normal monthly meetings?

21 **Q. No. Any of the monthly meetings.**

22 A. Probably a number of other folks came and
23 went, depending on what we were dealing with. Like
24 some of the WEC people for the -- they had, called
25 them FFA's, I believe they were, they were function

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1 areas that they were evaluating when Fluor came in,
2 and they would come and bring a number of people to
3 discuss where they were on that functional area.

4 **Q. Those functional area assessments, do you**
5 **understand those to be areas where they were trying**
6 **to make improvements on the production or on**
7 **construction moving forward?**

8 A. I think that was one piece. I think the
9 other piece was, there was an emerging piece for
10 Fluor when they were coming in to help them grab
11 ahold of what changes needed to be made to improve.

12 **Q. Was Dan Magnarelli one of the people that**
13 **attended?**

14 A. Dan was one of them, uh-huh.

15 **Q. What about with respect to cost projections**
16 **on the project; anybody from the consortium attend**
17 **these monthly meetings with the ORS to discuss**
18 **matters related to the projected cost?**

19 A. Not normally. Normally, commercial handled
20 the cost for us, you know, SCE&G commercial, Skip --
21 Skip Smith's folks, he would bring them with him,
22 like Ms. Sherry would come in and discuss pieces of
23 it. But we normally didn't have WEC people talking
24 to us about that.

25 **Q. Were there any instances you recalled in**

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1 **which WEC were people talking to the ORS about**
2 **projected cost for the project?**

3 A. There probably was, but none come to the
4 surface, to be honest with you.

5 **Q. Did you have any discussions with Ken Brown**
6 **about the projected cost of the project?**

7 A. I think I met Ken Brown once in a meeting.
8 You know, cost was not my thing I normally followed;
9 I'm more the technical guy. But I was in the meeting
10 when they came and made some kind of a presentation.
11 Our accounting folks there or auditing folks were
12 there.

13 **Q. Was there a meeting in which Ken Brown made**
14 **a presentation about the estimated completion cost**
15 **provided by the consortium for that 2015 petition?**

16 A. Could have been. I can't say for sure, but,
17 yeah, sounds like it would be in that time frame.

18 **Q. Back to this August 26th, 2015 meeting**
19 **that's referenced in the ORS's response to**
20 **Interrogatory Number 1-1. Who else attend -- who**
21 **attended this August 26, 2015 meeting that you**
22 **recall?**

23 A. From our perspective, ORS, or in general?

24 **Q. In general.**

25 A. I think it was a standard-type meeting,

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1 which means that Skip would have been there and his
2 crew, which was usually a three or four number of
3 folks there; one taking notes, one supplying the
4 change order type stuff and that kind of information.
5 Gary, I believe, was there. I would say Alan was
6 there. Of course I was there. I don't know from an
7 SCE&G perspective, because people came in and out. A
8 lot of times Alan Torres would stay and a lot of
9 times he wouldn't, so it depended on his schedule,
10 too. I think from this conversation, probably just
11 the commercial folks and us were there.

12 **Q. And during this August 26, 2015 monthly**
13 **meeting, who informed you that SCE&G's legal office**
14 **was handling an external review?**

15 A. Based on my recollection, that was Skip.

16 **Q. And what exactly did Skip say to you?**

17 A. He didn't really say much. He just said
18 that the company was looking at getting some outside
19 folks to come in and look at the project, and so that
20 was an interest to us, you know, because getting a
21 new set of eyes would be -- or a different set of
22 eyes would be a good idea.

23 **Q. What prompted Mr. Smith to make this comment**
24 **to you?**

25 A. I have no idea.

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1 **Q. What was the context of the discussion when**
2 **he brought it up?**

3 A. I think, this is just my surmise, he wanted
4 to let us know, you know, there was something going
5 on. Because we weren't anticipating anything, or at
6 least Gene Soult wasn't anticipating anything. He
7 just stated it, they were looking at bringing
8 somebody.

9 **Q. You didn't ask him a question about that?**

10 A. I think Gary did, and I think Gary, based on
11 my recollection, Gary and him went back and forth in
12 some conversation there. Since he said legal was
13 going to handle it, I didn't pay a lot of attention
14 to it, to be honest with you. It meant to me that
15 they're probably not going to be on site if legal
16 comes, because legal doesn't normally come to the
17 site and do anything.

18 **Q. What do you recall Gary Jones asking**
19 **Mr. Smith about this issue of an external review**
20 **during the August 26, 2015 meeting?**

21 A. Well, whether it was this time or another
22 time, I know Gary asked a question because, you know,
23 Gary's background is, you know, providing that kind
24 of service. And so he asked who was doing it. And I
25 know that Skip asked a question, whether it was at

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1 that time or another time, who would you suggest.
2 And so him and Gary were having that conversation
3 about who he would suggest would do a good job coming
4 in and looking at it. Of course one of them was his
5 company, so, you know, I listened to the
6 conversation, I didn't have any input.

7 **Q. Who did Gary Jones suggest to Mr. Smith**
8 **could do the external review?**

9 A. Can I speak for Gary -- you mean what I
10 heard?

11 **Q. If you recall, yeah.**

12 A. What I heard. Sergeant & Lundy was one,
13 Bechtel was one, and Fluor was one. He may have said
14 somebody else but I'm not sure.

15 **Q. Do you recall when this discussion occurred**
16 **that you're referring to now between Gary Jones and**
17 **Mr. Smith?**

18 A. I would like to say it occurred at this
19 time, but I don't know that it did.

20 **Q. Did Mr. Smith say anything else during this**
21 **August 26, 2015 meeting about legal handling an**
22 **external review of the project?**

23 MR. BATEMAN: Object to the
24 question, form of the question.

25 THE WITNESS: Repeat the question

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1 one more time, make sure I got it.

2 BY MR. KEEL:

3 **Q. Sure. During this August 26, 2015 meeting,**
4 **you have mentioned that Mr. Smith made a comment to**
5 **you that SCE&G's legal was looking at having an**
6 **external review done of the project, right?**

7 A. Correct.

8 **Q. Did Mr. Smith say anything else about having**
9 **any external review done during this August 26, 2015**
10 **meeting?**

11 A. Yeah. I understood the question. I'm
12 running it back through my brain. I think what he
13 said next was he had to go downtown for a meeting.
14 That's what I remember. And he left. So it was in
15 the end of the day for us, in the meeting, anyway.

16 **Q. Did you respond to his comment in any way?**

17 A. About him going downtown?

18 **Q. About SCE&G's legal office handling an**
19 **external review of the project.**

20 A. No, I didn't respond. I mean, he made that
21 statement and I just heard the statement. I didn't
22 have any other response.

23 **Q. Did anybody present at the meeting have any**
24 **questions or responses to --**

25 A. Other than Gary, yeah.

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1 **Q. -- Mr. Smith's statement?**

2 A. Other than Gary, yeah, I don't know of one.

3 **Q. Other than Mr. Smith's comments and the**
4 **discussion you have mentioned between Mr. Jones and**
5 **Mr. Smith about who could conduct the review, was**
6 **anything else discussed that you recall during this**
7 **August 26, 2015 meeting about SCE&G's legal handling**
8 **an external review?**

9 A. Not that I remember.

10 **Q. Okay. Then let's turn back to Exhibit 6 in**
11 **that same response.**

12 A. Turn back to what?

13 **Q. Exhibit 6 on the same page you're looking**
14 **at.**

15 A. Yeah, I haven't left it.

16 **Q. The next sentence down after the one we read**
17 **previously, it says, "On October 15th, 2015."**

18 A. Uh-huh, I got it.

19 **Q. -- "Mr. Soult attended a plan-of-the-day**
20 **session in which an unknown individual made comments**
21 **that indicated he had participated in an assessment**
22 **of the project. As the individual finished his**
23 **statement, he and another unknown individual picked**
24 **up hats which were labeled with Bechtel. This event**
25 **made Mr. Soult think that Bechtel may have conducted**

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1 some type of review of the project."
2 Do you see that?
3 A. I do.
4 Q. Are those statements accurate?
5 A. To the best of my knowledge, yes, sir.
6 Q. So between August 26, 2015 and this
7 October 15, 2015 meeting, were you present or
8 involved in any discussions about Bechtel or an
9 external review of the project?
10 A. No.
11 Q. And this October 15, 2015 meeting, that was
12 a plan-of-the-day meeting, as it says here.
13 A. It was, yes, sir.
14 Q. Do you recall who was present for that
15 meeting?
16 A. About 50 people in the room. I mean the
17 normal people that show up for the plan-of-the-day
18 were in the room.
19 Q. And tell me everything you recall about the
20 context of this conversation that an unknown
21 individual made a comment that indicated he had
22 participated in an assessment of the project.
23 A. Okay. Let me set the stage --
24 Q. Great.
25 A. -- for the plan-of-the-day. When you

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1 normally -- an outsider, ORS is an outsider, come to
2 the plan-of-the-day, you sit against the wall, and
3 you stay quiet and listen, because a lot of activity
4 that goes on throughout that whole hour, hour and 15
5 minutes, that they're doing it. There's lots of
6 people talking. Normally, nothing said that doesn't
7 relate to what's happening on that day, the
8 plan-of-the-day.
9 So this gentleman stood up at the end of the
10 plan-of-the-day and made a statement, which was --
11 nobody, the time I spent in the plan-of-the-day, ever
12 did that. And the statement, you know, was about
13 thanking them for the time that he was on the site
14 and helping them do what they did, which I am not
15 sure what it was. I just listened to what he had to
16 say. And at the end of that, he bent down and picked
17 up a Bechtel hardhat. I'm the one that said that.
18 He put the hardhat on. And there was a fellow
19 sitting next to him who never said anything. And
20 they left. That was the end of the plan-of-the-day,
21 so we left.
22 Q. The man who stood up and made this comment,
23 had you ever seen him before?
24 A. You know, I don't know that. I might have
25 seen him, but I didn't have any inter-reaction -- is

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1 that the right word -- inter-reaction with him. And
2 I don't remember seeing him after that, that I know
3 of, but --
4 Q. So the comment was made after the -- at the
5 end of the meeting after this was about to conclude;
6 is that right?
7 A. Right.
8 Q. And, unprompted, this man --
9 A. Correct.
10 Q. -- just stood up?
11 A. Well, I don't think anybody prompted him.
12 From my perspective, you know, everybody leaves at
13 the end of the POD. So he timed it just in time to
14 be able to talk to everybody before they walked out
15 the door.
16 Q. And can you tell me precisely what you
17 recall this man saying during this plan-of-the-day
18 meeting in October 2015?
19 A. Precisely, I can tell you what I recollect,
20 what I think I remember. One, the thanking, which I
21 thought was very appropriate. The second thing that
22 he said was that he talked a little bit about the
23 craft, and he said, you know, he felt sorry for the
24 craft, he said he felt sorry for the fact that they
25 had to go out, put it up, take it down. You know,

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1 that's a very odd statement, you know, just out of
2 the clear blue.
3 And he said something else about
4 productivity. He said, you know, a half percent
5 productivity is not going to get us there and you
6 need 2 percent to be able to -- at least 2 percent to
7 get where you say you want to go.
8 And then he had one more comment, I'm trying
9 to remember what it was. Productivity. Slips my
10 mind right now, but there was one other comment he
11 made. I want to say it may have been about -- it
12 wasn't procedures. Oh, engineering. I think he made
13 a comment about engineering, about the work package
14 type stuff. There wasn't enough or you needed a more
15 concise package. It's probably not that but I can't
16 remember off the top of my head now. There was a
17 fourth thing that I had noted at the time.
18 So based on that, you know, I left the
19 meeting, jotted down a few of those notes and went
20 back to my office.
21 Q. Do you recall anything else that this
22 individual said during this October 2015 meeting?
23 MR. BATEMAN: Object to the form
24 of the question.
25 THE WITNESS: Pardon? Oh, you

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1 asked me that once. I have said all that I can
2 remember, to be honest with you.
3 BY MR. KEEL:
4 **Q. And that's all I'm asking.**
5 A. Yes. There is probably something else out
6 there but I haven't gotten it -- gurgled it back up.
7 If I think about it before the end of the day, I'll
8 come back to it.
9 **Q. And did anybody present respond --**
10 A. No.
11 **Q. -- to this individual's comments at all?**
12 A. No.
13 **Q. Did anybody ask a question?**
14 A. There was silence in the room.
15 **Q. But you gathered from the comments that he**
16 **made that he had participated in an assessment to the**
17 **project as of October 15th --**
18 MR. BATEMAN: Object to the form
19 of the question.
20 BY MR. KEEL:
21 **Q. -- 2015?**
22 MR. BATEMAN: I'm sorry.
23 THE WITNESS: What I gathered is
24 that, one, he was on site; two, he had done
25 something on site; and he was from Bechtel. Now,

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1 that's what I gathered, because I didn't know any
2 more than that.
3 BY MR. KEEL:
4 **Q. But this response down here, this sentence**
5 **says, "The individual made comments that indicated he**
6 **had participated in an assessment of the project."**
7 **You agree with that, right?**
8 A. Right. I may have used that word,
9 "assessment." I mean, you know, you go out and look
10 at something, you assess it. It's not a technical
11 word for me, it's a placement word.
12 **Q. Did the individual use the word assessment?**
13 A. Oh, yeah. So you got all these things here.
14 Don't know -- no, let me see where you're at. I must
15 have to back up a little bit here.
16 Yeah, that's it. I thought maybe you had
17 written down something that I missed, but I don't see
18 anything.
19 **Q. Now, this discussion that we have just had**
20 **about what you recall this individual saying, did you**
21 **relay that information when this response to these**
22 **answers were being put together?**
23 A. Related to --
24 **Q. Whoever was drafting these answers.**
25 A. Yeah, they would have probably had them. I

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1 just don't have the memory of it.
2 **Q. How did you recall the specific date of this**
3 **meeting that's October 15, 2015?**
4 A. I took notes usually when I went -- there
5 were two things that I did when I went to the
6 plan-of-the-day. Plan-of-the-day package is 100
7 pages; you're going to go through 100 pages in 45
8 minutes. So I always had the package with me, and I
9 would either make notes on the package or I would
10 make notes on a notebook. In this particular case, I
11 probably just scratched them on the package, which
12 was a confidential package which we kept in the
13 trailers.
14 **Q. Do you have those notes today?**
15 A. I do not.
16 **Q. Do you know what you did with those notes?**
17 A. Probably still in the trailer.
18 **Q. Did you rely on those notes, refer to those**
19 **notes, when you were provided --**
20 A. I did.
21 **Q. -- this information?**
22 A. Well, when I first responded to Bechtel,
23 yeah. And I have some notes in my office. What that
24 fourth piece is, I just can't remember off the top of
25 my head.

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1 **Q. Okay.**
2 A. I'm going to think about it. In a minute,
3 I'll probably get back to it.
4 **Q. And what I am saying is, when you were**
5 **providing information to -- for purposes of**
6 **responding to these Interrogatories, did you refer to**
7 **these notes of yours about these particular meetings?**
8 A. I would say yes.
9 **Q. And what have you done with those notes**
10 **between that time and today?**
11 A. They're in my office. You know, I
12 have got -- well, actually, I think legal may have
13 some of those notes.
14 **Q. And that's what I was going to ask you. If**
15 **you had access to those notes for this meeting, could**
16 **you provide those to your counsel?**
17 A. Sure, we can get them.
18 **Q. And we'll follow up with a request for**
19 **those.**
20 A. Yeah. Is there something I need --
21 MR. BATEMAN: He is going to
22 follow up.
23 MR. KEEL: Well, I will request
24 them now, that you produce those notes if he
25 provides those to you. If I have to follow up

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1 with a formal request, I will do that as well.
2 MR. BATEMAN: Okay.
3 BY MR. KEEL:
4 Q. All right. Was Mr. Jones present at this
5 plan-of-the-day meeting?
6 A. No.
7 Q. Turning to page ten to the exhibit that we
8 were just looking at.
9 A. Yeah. That's where I was, yeah.
10 Q. The next sentence following the ones we just
11 read about, the October 15th meeting, says, "Mr.
12 Soult mentioned the statement at the POD session to
13 ORS staff, which led Mr. Jones to make the following
14 entry on the agenda for the October 27th, 2015,
15 ORS/NND meeting: 'Discuss the status of the Bechtel
16 assessment and the top ten issues noted thus far,'
17 and to request a copy of the written report from the
18 assessment."
19 Do you see that?
20 A. I do.
21 Q. And did you have any discussions with anyone
22 between October 15th, 2015 and October 27, 2015 about
23 that Bechtel?
24 A. Allyn Powell, our supervisor, so we talked
25 about that. We talked about what I saw and what I

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1 heard; that's why we decided to -- Gary came, we sat
2 down, talked about what to do.
3 Q. When did you speak with Ms. Powell about
4 that?
5 A. You know, within probably a day or two.
6 Q. And what did you tell Ms. Powell?
7 A. Just what I said. I saw the Bechtel guy
8 stand up, say a few words, it was surprising to me,
9 it was surprising to everybody in that room, and that
10 was the end of it.
11 Q. What was Ms. Powell's reaction?
12 A. Okay, we'll talk about it. When Gary comes
13 in, we can get it. And we had a meeting coming up in
14 October, and we were preparing our agenda for
15 October, and so I think Gary is the one that coined
16 that: Let's just ask the top ten. Sounded like a
17 good idea to me.
18 Q. So did you have any other discussions
19 between October 15th and October 27th of 2015 about
20 Bechtel, other than relaying what you heard to
21 Ms. Powell?
22 A. Not to my recollection.
23 Q. And the statement that we just read on page
24 ten, is that an accurate statement?
25 A. Which one are we referring to now?

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1 Q. The first sentence we read there, the first
2 full paragraph, "Mr. Soult mentioned."
3 A. Plan-of-the-day session to ORS?
4 Q. Yes.
5 A. I think that's accurate.
6 Q. So then you had a meeting on October 27th,
7 2015, involving you, Mr. Jones and Ms. Powell; is
8 that right?
9 A. That would be correct. We are the ones that
10 normally get together and do our part of the agenda
11 and then we give it to the company to do their part.
12 Q. And the purpose is preparing the agenda for
13 the next monthly meeting with SCE&G?
14 A. Correct.
15 Q. And you relayed to Mr. Jones what you had
16 heard at that plan-of-the-day meeting?
17 A. I did.
18 Q. And what was Mr. Jones' reaction to that?
19 A. His reaction was the question.
20 Q. What do you mean by that?
21 A. His reaction was, well, let's just ask the
22 question, what are they doing. That sounded like a
23 good idea.
24 Q. Was there any further discussion during that
25 October 27th, 2015 meeting about Bechtel?

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1 A. The 15 -- in the 27th meeting, you're
2 talking about, October 27?
3 Q. I apologize. Before we get to the
4 October 27th meeting, that meeting that you just
5 discussed with Ms. Powell and Mr. Jones, was there
6 any further discussion about Bechtel then?
7 A. No, not that I know. I mean, I didn't bring
8 up anything. I didn't know anything else.
9 Q. So you added this item to the agenda for the
10 next monthly meeting, and then tell us what occurred.
11 What was discussed on that October 27th, 2015 monthly
12 meeting about Bechtel?
13 A. And that's all that I -- did you move to the
14 27th?
15 Q. Yes.
16 A. Okay. All right. Restate your question
17 again, sir.
18 Q. Yes. So what was discussed on this
19 October 27th, 2015 monthly meeting about Bechtel?
20 A. The statement -- we asked the questions and
21 it was asked in writing and was on the commercial
22 section, we got the commercial section. Skip -- I
23 think it was Skip -- basically said, we don't know
24 anything yet, or it wasn't completed, or something
25 like that.

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1 So I was putting the dots together, you
2 know, from what I heard in August to October, you
3 know, well, they talked about being -- somebody
4 coming and looking, and I see these guys, so that
5 must be, that must be the people.

6 **Q. Okay.**

7 A. That's all we knew, to be honest with you.
8 That's all I knew.

9 **Q. So turning back to page ten.**

10 A. Ten? I'm on ten.

11 **Q. The next two sentences read, referring to**
12 **that October 27, 2015 meeting, "Mr. Smith advised**
13 **Mr. Jones that Bechtel had performed a high-level**
14 **overview, had only discussed the review with senior**
15 **executives, and that he was not aware of the scope or**
16 **the results of Bechtel's assessment and would**
17 **probably not become privy to that information.**
18 **Mr. Smith also stated that there were no written**
19 **reports and that none were planned."**

20 Do you see that?

21 A. I do.

22 **Q. Do you recall Mr. Smith making those**
23 **statements?**

24 A. Yeah, I would say I didn't pay much
25 attention to it, but --

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1 **Q. Do you have a specific recollection of him**
2 **actually saying these things?**

3 A. Not really. My memory is based on usually
4 what I write down. So if I didn't take a note on it,
5 I probably wouldn't -- if it was really important.
6 So it just depends on what I determine I need to
7 write down so I can remember.

8 **Q. Okay.**

9 A. At the time, I mean, we were just talking
10 about it.

11 **Q. Do you have your notes from this October 27,**
12 **2015 monthly meeting?**

13 A. I probably do.

14 **Q. If you do, could you please provide those to**
15 **your counsel?**

16 A. Sure.

17 **Q. And we'll request production of that.**
18 **Was there any further discussion on this**
19 **October 27, 2015 monthly meeting that you recall**
20 **about Bechtel?**

21 A. No, sir.

22 **Q. When was the next time that you were present**
23 **for or involved in any discussion regarding Bechtel**
24 **related to the project?**

25 A. See, I think the next monthly meeting.

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1 Yeah, I think I see the November date down there, I
2 think, is probably when we had the next monthly
3 meeting, we brought it up again. It wasn't on the
4 agenda but we just brought it up to get an update,
5 which is oftentimes what we do.

6 **Q. So you recall that after the October 27th**
7 **meeting, you removed the top ten Bechtel items from**
8 **the agenda for the November meeting, right?**

9 MR. BATEMAN: Object to the form.

10 THE WITNESS: Let me tell you what
11 we do with the agenda, if that would help us. We
12 start over with the agenda every month, and we
13 would go down through and find out which is an
14 item we need to follow up on, which one we don't.
15 If we didn't need to follow up on it, maybe we'd
16 leave it. If we got enough information, we would
17 maybe take it off, say, well, we'll see what
18 happens. So there is no concise way of whether
19 we took it off or left it on. I may have been
20 the one that took it off. I don't know.

21 BY MR. KEEL:

22 **Q. But whatever the -- you decided not to have**
23 **that item again for the November 2015 meeting, right?**

24 A. Right, we did.

25 **Q. And you decided that you didn't need any**

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1 **further information about Bechtel, and that's why you**
2 **removed it from the meeting agenda?**

3 A. I don't think we decided that.

4 MR. BATEMAN: Object to form.

5 THE WITNESS: I think we just --
6 again, process. You've got a process you go down
7 through, you have so many pages, so many
8 questions, and you just deleted it, took it off.
9 I may have been the one who did that, to be
10 honest with you, because that's how we prepared
11 the agenda. Something else might have been, you
12 know, burning important to us at that point.

13 BY MR. KEEL:

14 **Q. But if you felt that learning about the**
15 **Bechtel assessment was a burning or important issue**
16 **at that point, you would have left it on the agenda;**
17 **is that fair?**

18 A. I can't speak to what I would have done.
19 Now, I would say that would be fair. But I can't say
20 that -- you know, at the amount of information we had
21 at this point, in my mind, you know, this was an
22 incidental thing. We didn't know what happened, you
23 know, other than somebody showed up on site, made
24 some comments. We're waiting on them to give us back
25 the information.

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1 So the top ten, that question was out there.
2 Usually they keep the questions open in their own
3 stuff, whether it's on the agenda or not. That's why
4 we go back and ask, hey, did you hear anything more?
5 It was a general statement like that.
6 **Q. But at the October 2015 meeting, it wasn't**
7 **left with SCE&G to come back to you; you weren't**
8 **expecting them to come back to you with information**
9 **based on the discussion you had, right?**
10 A. At the October 15th?
11 **Q. The October 27, 2015 meeting.**
12 A. Yeah, the October 27th, we did expect them
13 to come back and provide what we asked for. That's
14 usually what they do.
15 **Q. So you put this item on the agenda for the**
16 **October meeting. There was a discussion, and then**
17 **you took it off for the November 2015?**
18 A. It got taken off, correct.
19 **Q. And as a matter of process, if there was**
20 **something that you wanted to discuss that you thought**
21 **was important for the monthly meeting, you would put**
22 **it on the agenda, right? That's what you typically**
23 **would do?**
24 A. Usually new items did. Repetitive items
25 were usually carried by the, whatever group we were

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1 dealing with, and they would follow up on those
2 repetitive items, in general. If not, our agenda
3 would have been huge to be a follow-up to carry-all.
4 (Exhibit No. 7 was marked for
5 identification.)
6 **Q. So I am showing you what's been marked as**
7 **Exhibit Number 7 to your deposition. Do you**
8 **recognize this, Mr. Soult?**
9 A. I do.
10 **Q. And what do you recognize this to be?**
11 A. The agenda that we used on October the 27th
12 and 28th for our meeting with the company.
13 **Q. And if you turn to page five of the agenda,**
14 **you will see under the category**
15 **"Financial/Commercial."**
16 A. Right.
17 **Q. There is a d, "Discuss status of the Bechtel**
18 **assessment and the top ten issues noted thus far."**
19 **Do you see that?**
20 A. I think that's a Gary question.
21 **Q. And that was the question that you talked**
22 **about was added by Gary Jones after this meeting with**
23 **you and Ms. Powell in October 2015?**
24 MR. BATEMAN: Object to the form
25 of the question.

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1 THE WITNESS: I believe that was
2 correct.
3 BY MR. KEEL:
4 **Q. And then if you turn to page two.**
5 A. Page two? Okay. I'm there.
6 **Q. Now, you will see there is a couple of**
7 **examples here, for instance, under b, i.**
8 A. Uh-huh.
9 **Q. Under that topic in paren at the end, it**
10 **says, "Repeat from the September meeting." And then**
11 **at the bottom under "Shield Buildings," it's got an**
12 **issue and it says, again, in parens, "Repeat from**
13 **previous meetings."**
14 Do you see that?
15 MR. BATEMAN: I'm sorry, Brandon,
16 where are you?
17 MR. KEEL: B, i and j, i.
18 MR. BATEMAN: J, i.
19 THE WITNESS: J, i. And that was
20 our standard operation whenever we were looking
21 for specific information because we had an open
22 item that we were dealing with.
23 BY MR. KEEL:
24 **Q. So the standard operation in preparing these**
25 **monthly agenda meetings was, when you had an open**

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1 **item from a prior meeting, you left it on the agenda**
2 **and included in these -- in parenthesis to indicate**
3 **it was a repeat from the previous meeting, right?**
4 A. Our standard operation was, if we did not
5 get the answer to the question we asked previously,
6 then we would more than likely use that statement as
7 a repetitive statement, we would put it in there and
8 say, in the case of October 27th, that was the first
9 time we asked that question, and we were looking for
10 the top ten coming back.
11 So we're waiting. We don't need to put it
12 on the agenda again. It's an item they take down,
13 they follow that up to the end. And if they don't,
14 you know, we may come back and prompt them like we
15 did in the November 2015 meeting.
16 **Q. But you didn't get an answer to that**
17 **question in the October monthly meeting, right? You**
18 **didn't get the top ten from the Bechtel assessment,**
19 **right?**
20 A. We didn't expect to get it because they
21 didn't have any information. So that was the
22 beginning of the question.
23 **Q. So it remained an open item going forward,**
24 **right?**
25 A. It was an open item for commercial. They

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1 had the item. Whether it stays on our agenda or not,
2 they had the item. And it's their response. This is
3 the way history has been is their responsibility to
4 follow up on that item.

5 **Q. But rather than list it again for the**
6 **November meeting and say, this is a repeat, we're**
7 **still interested in this, you removed it from the**
8 **November agenda, right?**

9 A. Well, typically, to be quite honest with
10 you, what would have come back would have been the
11 answer to the question. That's what we normally got
12 the following month. Or a reason why. We got
13 nothing. So if you got nothing, then you have to
14 say, well, what happened to our ten, top ten
15 questions with the Bechtel report.

16 **Q. Fair enough. But my question is simply:**
17 **Rather than listing what are the top ten issues from**
18 **the Bechtel assessment in the November agenda and**
19 **indicating this is still an open item, we haven't**
20 **received an answer, you removed it from the agenda**
21 **for the November 2015 meeting, correct?**

22 A. It was gone. I don't know whether I removed
23 it or somebody else removed it. You know, this is a
24 shared agenda item, by the way. The company could
25 have removed it, as far as I know. In fact, you guys

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1 provide us the agenda.

2 **Q. But you mentioned earlier that you believed**
3 **you removed it from the agenda.**

4 A. I said I didn't know. I still don't know.
5 I don't know who took it out.

6 **Q. Well, if you wanted to add it to the**
7 **November 2015 agenda --**

8 A. I could have done that.

9 **Q. -- you could have done that?**

10 A. I could have done that, yeah. No doubt I
11 could have done that.

12 **Q. Could have said that this is a repeat, we**
13 **would still like to know the answer to this?**

14 A. But that would not be typical. Typical is
15 if we give them a question -- I mean this is a pretty
16 good point. If we gave -- didn't matter whether it
17 was commercial, scheduling. If we gave them a
18 question, they treated it as a formal question and
19 they provided an answer back. And it may have taken
20 a month to provide an answer back. But normally we
21 got an update, you know, while we're still working on
22 it. They always worked their way through that.

23 **Q. If that was the case, why is it also typical**
24 **practice to leave open items on the agenda and**
25 **indicate on there, this is a repeat from the prior**

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1 **meeting?**

2 A. Because some of them are changing but
3 they're not changing enough. I mean, we don't have a
4 procedure, but that's just the process that we
5 adopted over the years.

6 **Q. Let's turn that November 2015. You can set**
7 **that aside, sir.**

8 A. Back to this one?

9 **Q. No, you don't need that.**

10 **I think you mentioned earlier that the next**
11 **time you recall being present for any of the**
12 **discussions relating to Bechtel was in the next**
13 **monthly meeting, November 2015; is that right?**

14 A. Yeah. I think there was a -- I don't think
15 I brought that up in the meeting, but I think it came
16 up in the meeting. And it may have been Gary that
17 made mention of it.

18 **Q. Do you have a specific recollection of**
19 **Bechtel coming up in the November 2015 meeting?**

20 A. No. What date was that again, sir?

21 **Q. In the next --**

22 A. November, the November 2015 meeting, yes, I
23 do.

24 **Q. And what do you recall being discussed at**
25 **the November 2015 meeting about Bechtel?**

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1 A. I remember that we didn't know anything.
2 That came from the commercial people, we didn't know
3 anything. Which, you know, when it was developed in
4 the legal area for me, you can give me that response,
5 I would say that's probably true. Legal didn't say
6 anything. So we, you know, we asked can you find
7 out, and that's the way we left it open.

8 **Q. And who asked?**

9 A. Gary. I'm pretty sure Gary asked the
10 question.

11 **Q. And who did he ask that question to?**

12 A. It would either have been Skip or -- I am
13 not sure if Skip was there, that's why I can't say
14 that. Either Skip or Shirley.

15 **Q. And do you actually recall Gary Jones asking**
16 **Skip or Shirley, in November of 2015, to follow up**
17 **with information about the Bechtel assessment?**

18 A. I do recall him asking the question. I
19 can't tell you who he asked to follow up. And he may
20 not have stated a name.

21 **Q. Was there any further discussion during the**
22 **November 2015 meeting about Bechtel?**

23 A. Not that I remember.

24 **Q. What was the response that was given to Gary**
25 **Jones about -- from his question about following up**

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1 on the Bechtel assessment?
2 A. I think they just re-watched them write it
3 down. I don't think there was words provided back,
4 to be honest with you.
5 Q. And who did you watch write it down?
6 A. It probably would have been Shirley; she
7 took all the notes. Skip may have wrote it down. To
8 be honest with you, I don't know.
9 Q. After this November 2015 monthly meeting,
10 when was the next time you were present for any
11 discussion or communication about Bechtel?
12 A. You know, I don't remember a specific time
13 but I do remember Bechtel coming up in another one of
14 the meetings, and the conversation, I think, was Gary
15 and Alan Torres. And in that conversation, Gary was
16 asking Alan more details, I think, from the Bechtel
17 side or something. And Alan was trying to explain,
18 you know, he didn't think much about it.
19 And so I asked Alan a question, I said,
20 well, so what are you guys doing with it? He said,
21 well, it's not ours; it belongs to Santee Cooper.
22 And when he said that, I said, well, Jeesh, so much
23 for that report, we're not going to get that, we have
24 no control over Santee Cooper. After that, there was
25 no more Bechtel thoughts in my brain.

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1 Q. Do you recall roughly when this conversation
2 occurred with Alan Torres and Gary Jones?
3 A. I think it was after the November meeting.
4 Whether it was -- the December meeting went real
5 short after that, so it was sometime in the near
6 term, distant future, if you will, because it was
7 after November and we went into Christmas. So I do
8 not remember that. It may have even been on the bus
9 the next time we were riding down to do the
10 discussion.
11 Q. And who was present for this conversation
12 involving Gary Jones and Alan Torres about Bechtel
13 sometime after November 2015?
14 A. I am going to suppose that Allyn was there,
15 but I don't really know, Allyn Powell. Of course
16 Torres was there because he was talking to Torres.
17 Q. Was anybody present that you recall?
18 A. I don't -- if it was during a meeting, it
19 would have been the cadre of people we normally had
20 there, so I don't know.
21 Q. Do you recall whether this was part of a
22 regular meeting?
23 A. I think it was probably part of the monthly
24 meeting that we were doing. But where it was
25 located -- we met in several different places doing

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1 different things, so it's hard to tell.
2 Q. And what exactly do you recall Gary asking
3 Alan Torres during that meeting?
4 A. I don't know. Let's see. I think he just
5 asked him about the status, to be honest with you. I
6 don't remember any key things that he was driving
7 for. You know, Gary probably could answer that
8 question better than me.
9 Q. And what do you recall Mr. Torres saying
10 about Bechtel?
11 A. Well, as I said earlier, sir, Gary and Alan
12 was having a conversation. I'm over here doing my
13 own thing. And when Alan spoke up that it wasn't
14 his -- he didn't say who it was, it perked me, wait a
15 minute, it's not yours, then, you know, whose is it?
16 And I believe I asked Alan that question, I'm certain
17 I did, and Alan said, you know, it's not ours, it's
18 Santee Cooper's.
19 So again, I go back to my point, you know,
20 we do not regulate Santee Cooper, and we don't really
21 talk to Santee Cooper; so if it's their report, we're
22 not going to get it. That's really where I was at.
23 Q. Did you ask Mr. Torres what the findings of
24 the report were?
25 A. I did not.

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1 Q. Did Mr. Jones ask Mr. Torres what the
2 findings of the report were?
3 A. I can't remember what Gary was asking him
4 specifically. That's why I just said, I don't know
5 what those things were. I know he was probably
6 trying to go further down the road of what's coming
7 out of it. I don't know.
8 Q. Do you recall any further discussion about
9 Bechtel from this meeting with Mr. Jones and
10 Mr. Torres?
11 A. After that time?
12 Q. At that initial -- at that meeting.
13 A. No.
14 Q. Do you recall any further discussion that
15 you were present for or involved with Bechtel prior
16 to abandonment of project?
17 A. Not that I remember.
18 Q. And you -- as we already discussed, you knew
19 that in 2016, SCE&G submitted a new petition to the
20 PSC requesting approval for revised cost and updated
21 schedule, right?
22 A. Yes, sir.
23 Q. And you never informed the PSC that you
24 believed Bechtel had conducted an independent
25 assessment of the project, right?

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1 A. I mean, I wouldn't have known that. All I
2 know is that, you know, that they did something. We
3 never saw anything. I mean, what do you tell people
4 if you don't know anything.

5 **Q. As of October 2015, you had an indication**
6 **that Bechtel had conducted an assessment on the**
7 **project, right?**

8 A. I had an indication they were on site, sir.

9 **Q. Well, we just went through the Interrogatory**
10 **response that says the comments you were present for**
11 **indicated to you that Bechtel had conducted an**
12 **assessment of the project.**

13 A. And I used the word "assessment" as being
14 they were on site, they were looking at something. I
15 don't know what the assessment was, never saw
16 anything about it. So what I'm trying to say to you
17 is, that's all I know.

18 And I would never have gone forward to --
19 you know, I went to my superiors. That's all my
20 responsibility is. You know, you could -- maybe
21 somebody else was supposed to pick it up beyond that,
22 but I didn't know any more than that.

23 **Q. But you knew that, from what you have**
24 **already testified to, during this meeting in October,**
25 **the guy with the Bechtel hat stands up and he makes**

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1 comments about productivity on the project and work
2 papers on the project and engineering on the project,
3 right?

4 A. Yeah. It was productivity -- I never got to
5 that fourth one yet, I'm still trying to get it back
6 in my brain matter. It was about thanking them, it
7 was about putting things up and down, and, yeah, one
8 more thing I can't remember off the top of my head
9 though.

10 **Q. And --**

11 A. I don't know why I can't get it back out. I
12 apologize.

13 **Q. All right. So you had those comments you**
14 **were present for --**

15 A. I did.

16 **Q. -- the Bechtel guy about productivity on the**
17 **project. You had an indication as of October 2015,**
18 **at least by October 2015, that Bechtel had conducted**
19 **some sort of assessment on the project; is that fair?**

20 A. They had been on site. That's as much as I
21 really knew.

22 **Q. And were making some comments about**
23 **productivity of the project, right?**

24 A. They did.

25 **Q. And you never went to the PSC and you said,**

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1 hold on, we believe Bechtel conducted some sort of
2 assessment on this project, and we need to find out
3 what it was?

4 A. Can I --

5 **Q. Just answer that question first.**

6 A. Okay. No.

7 **Q. Okay.**

8 A. No, I did not.

9 **Q. And you never went to your supervisors at**
10 **ORS and said, we have to find out what the Bechtel**
11 **assessment was before we sign this settlement**
12 **agreement in 2016 supporting approval of the revised**
13 **schedule and revised cost, right?**

14 A. No, I didn't do that.

15 **Q. And you did not believe that you needed to**
16 **know what the Bechtel assessment was?**

17 A. I don't agree to that.

18 **Q. Hold on. Let me just finish my question.**

19 A. Oh, sorry.

20 **Q. As of that time, you didn't believe you**
21 **needed to know that information prior to supporting**
22 **the settlement for the 2016 petition, right?**

23 A. From a Gene Soult perspective, that was not
24 material stuff that I could evaluate. I had it, I
25 didn't have it, so I have no idea.

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1 **Q. And if you wanted to demand a copy of the**
2 **report, you knew how to submit a request for**
3 **information to ask SCE&G for that, right?**

4 A. Well, yes, I did know how to do that.

5 **Q. And we've gone through you regularly**
6 **submitted requests in 2015 and 2016 to give me this**
7 **information and that information so I could evaluate**
8 **the petition, right?**

9 A. And when the general manager of construction
10 said it was not their report, there's no way I would
11 demand a report from somebody that doesn't -- that we
12 don't manage, that we don't -- well, not manage, not
13 the right term, but we did not interface with. If it
14 belonged to somebody else, how would I get the
15 report?

16 **Q. But you knew that SCE&G was the 55 percent**
17 **owner of the project, right?**

18 A. I did.

19 **Q. And Santee Cooper was its partner,**
20 **45 percent partner in the project, right?**

21 A. I did.

22 **Q. If you wanted to submit a request to SCE&G**
23 **demanding a copy of the Bechtel assessment or**
24 **whatever report may have existed, you knew how to do**
25 **that, right?**

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1 A. From an SCE&G perspective?

2 Q. Yes.

3 A. Yes, we did know.

4 Q. And you never did submit a request to SCE&G

5 saying, provide us a copy of whatever report or

6 assessment Bechtel provided, correct?

7 A. Correct. However, could I add to that?

8 Because I had explained to you earlier, process, how

9 we do business. We take -- we monitor and report out

10 of your quarterly report. And so unless that

11 information is in your quarterly report, we do not

12 normally capitalize on that and move it to something

13 else. You know, we don't have the information.

14 So if you would have had the Bechtel in the

15 quarterly reports, let's say the 2016 quarterly

16 report, first quarterly report, we have been asking

17 for the report, we would have been detailing what was

18 in that report, and we would have provided that, if

19 it fit, to the Public Service Commission, or we would

20 have demanded it, but we didn't have that. So that

21 was our process. I mean, you could do a lot of

22 things, but when you have a process you follow,

23 that's what you do.

24 Q. But you understood, under the BLRA, that the

25 ORS's responsibilities were not limited to auditing

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1 the quarterly reports, right?

2 A. In general, what we did --

3 Q. Just answer that question first. Under the

4 BLRA, the ORS had responsibility for monitoring and

5 auditing the quarterly reports on the project, right?

6 MR. BATEMAN: Object to the form.

7 THE WITNESS: We did. Sorry.

8 BY MR. KEEL:

9 Q. And the ORS was also authorized to demand

10 information from SCE&G regarding the project under

11 the BLRA, right? Separate from the quarterly

12 reports.

13 A. We could ask for information.

14 Q. And that's what --

15 A. Regardless of the quarterly report.

16 Q. Correct. And that's what you did. We

17 already went through 2015. You talked about 2016

18 when they submitted those petitions, you asked for

19 information, not from the quarterly report but

20 otherwise about the project, right?

21 A. And following up on that process, as you

22 have just described it, if it was information coming

23 from the site, it would have come in on our agenda as

24 we put it, asked for the information, asked for the

25 report, and we would have received that, and we would

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1 have then processed that. But the process from the

2 time that it was identified and we asked the

3 question, it was derailed, to be honest with you.

4 When it becomes somebody else's report, you know, the

5 ownership is an important piece.

6 Q. Okay. In October 2015 -- go ahead, you can

7 finish.

8 A. From Gene Soult's perspective, that's the

9 way the brain thought.

10 Q. In October 2015, you put a question on the

11 agenda for the monthly meeting, what were the top ten

12 findings from the Bechtel assessment, right?

13 A. Correct.

14 Q. You never received those top ten findings

15 from the Bechtel assessment, right?

16 A. We did not. Not that I know of, anyway.

17 Q. You removed that item from the agenda for

18 the November 2015 meeting, right?

19 MR. BATEMAN: Object to the form.

20 THE WITNESS: It was removed. I

21 can't say I removed it.

22 BY MR. KEEL:

23 Q. It was removed from the agenda for the

24 November 2015 meeting, right?

25 A. It wasn't on there, yes, sir.

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1 Q. And you never submitted another request to

2 SCE&G asking for the Bechtel assessment or the

3 findings from the Bechtel assessment or any reports

4 generated by Bechtel?

5 A. As we have stated earlier, we had verbal

6 conversations about it after that, follow-up on it.

7 As far as I think we're concerned, the verbal is just

8 as good as writing it down.

9 Q. But when you're evaluating the 2015 petition

10 and the 2016 petition filed or updated schedules and

11 costs, you didn't rely just on verbal requests for

12 information, did you?

13 A. I'm sorry, repeat that?

14 Q. Yeah. When you were trying to evaluate

15 SCE&G's 2015 petition for updated costs and

16 schedules, and SCE&G's 2016 petition for updated

17 costs and schedules, you didn't just rely on oral

18 requests for information; you submitted written

19 requests for specific pieces of information that you

20 deemed relevant, right?

21 A. We did, if we didn't have enough orally

22 that -- you know, there was a lot of stuff that was

23 communicated that we had and we were confident we had

24 it and we would go forward with it.

25 Q. And you were confident in 2016 that you had

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1 enough information to support the ORS entering into a
2 settlement agreement recommending that the PSC
3 approve the revised schedule and updated cost, right?
4 A. Gene Soult was.
5 Q. Yes.
6 A. Yes. We had what we -- we had what we had
7 to make the settlement.
8 Q. You believed --
9 A. And that was --
10 Q. -- that you had sufficient information to
11 make a determination as to whether to enter into that
12 settlement?
13 A. I think we -- well, Gene Soult believed we
14 had what the company gave us, and we reviewed what
15 the company gave us, and it was all that we had. I
16 mean, you can't review something you didn't get.
17 Q. Sure. But my question is a little
18 different.
19 A. Okay.
20 Q. You believed that you had sufficient
21 information to make a determination as to whether ORS
22 should recommend to the PSC to approve the 2016
23 request for updated schedule and cost, correct?
24 A. Based on the information we had, correct.
25 MR. KEEL: Take a short break and

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1 then I will wrap up.
2 THE VIDEOGRAPHER: Off the record
3 at 12:07 p.m.
4 (A recess was taken.)
5 THE VIDEOGRAPHER: On the record
6 at 12:24 p.m.
7 BY MR. KEEL:
8 Q. Mr. Soult, I just have a handful of more
9 questions for you and then we'll wrap up.
10 A. Sir, could I back us up to my four comments
11 that I couldn't get to?
12 Q. Oh, sure.
13 A. I borrowed a piece of paper because I
14 remember by how I write things down normally.
15 So the first one was a thank-you, and I
16 think I mentioned that one. The other one was a half
17 percent, the 2 percent productivity and production,
18 basically. And then the one I couldn't remember was
19 modules, supposed to be -- supposed to make it
20 simpler or more complex. That was the question I
21 could not remember.
22 Q. Okay. And can we mark this as Exhibit 8?
23 A. If you can read my -- and then feel sorry I
24 had already talked to you about that one. I feel
25 sorry to take it up, put it down, take it up, put it

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1 down. Those were the four comments that I --
2 MR. BATEMAN: Can I see those real
3 quick, Gene?
4 THE WITNESS: Sure.
5 (Exhibit No. 8 was marked for
6 identification.)
7 BY MR. KEEL:
8 Q. So Exhibit 8 to your deposition, Mr. Soult,
9 just to summarize, these are what you recall the four
10 comments that were made by the individual who stood
11 up in the October 2015 plan-of-the-day meeting that
12 then put on a Bechtel hat; is that correct?
13 A. That is correct, sir.
14 Q. Okay. And one of them was thank you, one of
15 them was a comment about productivity from .5 percent
16 to 2 percent; is that right?
17 A. He said half percent is what I remember, but
18 that's the same thing.
19 Q. Okay. One of them was that modules were
20 supposed to be -- make it easier but turned out to be
21 more complex; is that right?
22 A. Correct.
23 Q. And then the final one was something about
24 feeling sorry for taking it up and taking it down?
25 A. Yeah, and that was responding to what they

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1 were doing out in the plant that he saw; they were
2 putting something up and they were taking it back
3 down. And, you know, there is another productivity
4 issue; you put it up once, you know, hopefully don't
5 have to take it down.
6 Q. He was referring to some specific issue that
7 was happening on the plant at the time where they had
8 to -- they had put something up and they had to take
9 it back down; is that right?
10 A. I assume that. I don't know that.
11 Q. And was there anything that you recall that
12 this man said in the October 15, 2015 plan-of-the-day
13 meeting other than those four comments?
14 A. There was none. Thank you for letting me go
15 back and correct it.
16 Q. Of course.
17 Had you ever seen anybody with a Bechtel hat
18 on the site prior to October 2015?
19 A. Not to my recollection. There could have
20 been, for sure.
21 Q. Are you now aware that there were, at some
22 point in time in 2015, there were upwards of 10
23 Bechtel representatives on site?
24 A. I knew there were more later, yeah.
25 Q. And you're aware that they shared office

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1 space in the same area as the ORS?
2 MR. BATEMAN: Object to the form
3 of the question.
4 THE WITNESS: Restate that. They
5 did what?
6 BY MR. KEEL:
7 Q. Sure. The same -- are you aware that the
8 Bechtel representatives who were on site in 2015, are
9 you aware of whether they were operating out of the
10 same sites as the ORS individuals?
11 A. They were not when I was there. I mean,
12 they could have been there when I wasn't, but there
13 were no Bechtel people in that trailer when I was
14 there.
15 Q. Okay.
16 A. And you said '15, right?
17 Q. Yes.
18 A. Because in '14, you know, I wasn't always
19 out there, so they could have been there in '14, but
20 I wasn't.
21 Q. In '15 you were there how often?
22 A. A couple days a week.
23 Q. When was the first time that you saw any
24 version of the Bechtel report or the Bechtel
25 assessment?

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1 A. It was sometime after the governor released
2 the Bechtel report.
3 Q. Had you become aware of any findings in the
4 Bechtel assessment prior to abandonment of the
5 project?
6 MR. BATEMAN: Object to the form
7 of the question.
8 THE WITNESS: State it one more
9 time?
10 BY MR. KEEL:
11 Q. Had you become aware of any findings from
12 the Bechtel assessment prior to abandonment of the
13 project?
14 A. Probably. I know they did some -- they were
15 making improvements, and after I looked at the
16 Bechtel report, looked like some of the improvements
17 that were being made on site were commented on in the
18 Bechtel report. So I think I saw that. I wouldn't
19 have known it until I, you know, reviewed the Bechtel
20 report.
21 Q. So what you're saying is, at the time, prior
22 to abandonment, you were aware of different changes
23 that were being made on the project that you now
24 think may have been related to the Bechtel report; is
25 that right?

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1 A. That's a good summary, yes, sir.
2 Q. But at the time of the project, you had no
3 understanding whether Bechtel's assessment was what
4 prompted any of those changes; is that fair?
5 MR. BATEMAN: Object to the form.
6 THE WITNESS: What I understood --
7 what I viewed that was happening at the time was,
8 because it was the time Fluor came in and the
9 time they were doing their functional analysis
10 that it was them making those changes and the
11 company making those changes that was driving
12 them. I had no idea anything else would be
13 driving it.
14 BY MR. KEEL:
15 Q. And you didn't have any -- you didn't have
16 any -- you didn't believe that Fluor was relying on
17 the Bechtel report to make its decisions about what
18 to do on the project?
19 MR. BATEMAN: Object to the form.
20 THE WITNESS: I had no idea. I'm
21 sorry. I had no idea. I guess I couldn't put
22 two and two together and get four.
23 BY MR. KEEL:
24 Q. That wasn't your understanding at the time?
25 A. That was not my understanding.

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1 Q. You were also involved in certain visits
2 that ORS made to manufacturing facilities for the
3 project, right?
4 A. Yes, sir.
5 Q. And which sites did you visit?
6 A. I may not get them all. But in general, I
7 went to Newport News facility, I went to SMI, I think
8 it was called SMI in Florida, I went to the Laurens
9 facility which was a CB&I facility. And I never went
10 to Lake Charles, so -- and they wouldn't send us
11 overseas, so I never got to any of those either. I
12 think that was it.
13 Q. And the purpose of visiting those sites was
14 part of performing ORS's monitoring activities; is
15 that fair?
16 A. Yes, sir.
17 Q. So you would go to the sites to evaluate
18 what they were doing with respect to manufacturing
19 materials for the plant?
20 MR. BATEMAN: Object to the form
21 of the question.
22 THE WITNESS: We would go to the
23 site normally for a tour to find out it did
24 exist. They would point out what material
25 belonged, because there's lots of material there,

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1 what belonged to SCE&G versus what belonged to
2 Vogtle, as an example, and we would talk about
3 their process.
4 BY MR. KEEL:
5 **Q. So you wouldn't just take somebody's word**
6 **for it that NNI exists; you wanted to go see the**
7 **facility?**
8 A. Yes, sir.
9 **Q. We also talked earlier about various reports**
10 **that were made available to the ORS monthly, weekly,**
11 **and things of that nature, right?**
12 A. We did.
13 **Q. And we talked about certain information that**
14 **was made available in those reports.**
15 Do you also recall that the indirect and
16 direct craft ratios for the project were part of the
17 information that was provided in the reports made
18 available to the ORS?
19 A. It was, and after Fluor came on, more than
20 anywhere else, Fluor's reports had that provided on
21 the graphs and tables that were in their reports.
22 **Q. Do you have a specific recollection one way**
23 **or the other whether that information was also**
24 **included in what was provided to the ORS before Fluor**
25 **was involved?**

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1 A. I think some was, but I think it was very
2 sporadic.
3 **Q. The information made available to ORS about**
4 **the project also reflected the non-field manual and**
5 **direct craft ratios?**
6 A. Again, under the Fluor environment, it was
7 pretty relevant -- prevalent, I should say. Under
8 CB&I and Shaw, not so much.
9 **Q. But you're not saying that information was**
10 **not available under that?**
11 A. It wasn't as much.
12 **Q. Wasn't as much?**
13 A. Wasn't as much and wasn't readily available
14 to find.
15 **Q. But do you -- you do recall that those**
16 **ratios -- indirect, direct, craft and non-field**
17 **manual direct -- were at least part of the**
18 **information made available prior to Fluor's**
19 **involvement, some point in the project?**
20 A. Yes, sir, I would agree with that.
21 **Q. The information that was made available to**
22 **the ORS on a regular basis also reflected how the**
23 **current status of the project compared to the**
24 **projected BLRA milestones, right?**
25 A. The current status and the BLRA milestones

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1 are not exactly matched up. So the answer to your
2 question is, you can't get there from here by just
3 looking at those two and comparing.
4 **Q. But do you recall a report being made**
5 **available to the ORS that reflected where the current**
6 **status of the report -- where the project was with**
7 **respect to those future milestones?**
8 A. I'm hesitant to answer that question because
9 I don't really know exactly what report you're
10 referring to.
11 **Q. So there was a report that listed the 146**
12 **BLRA milestones that was regularly reported.**
13 A. I am familiar with that, sir.
14 **Q. And then on a monthly basis, that report was**
15 **made available and reflected whether the current**
16 **status of the project was plus or minus so many**
17 **months from those particular milestones, correct?**
18 A. And they called them data, I believe a data
19 file, a two-page data file they provided.
20 **Q. Yeah.**
21 A. And some times. Those were certainly
22 supplied in the '14 time frame. And they dropped
23 off, from my recollection, and then they came back in
24 sometime late '15. So you had to look for it to find
25 that, but it wasn't like every month we had that.

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1 **Q. It dropped off during the period when the**
2 **schedule was being changed?**
3 A. Probably, probably.
4 **Q. But otherwise, from what you recall, those**
5 **reports were made available to ORS?**
6 A. Yes, sir.
7 (Exhibit No. 9 was marked for
8 identification.)
9 **Q. Mr. Soult, you have just been handed what is**
10 **being marked Exhibit Number 9 to your deposition. Do**
11 **you recognize this?**
12 A. I have seen it, at least a portion of it
13 before. I was not in attendance when this was
14 presented. So I may have provided some information
15 in it, but I have not really studied it.
16 **Q. And this is a -- this is -- the cover is an**
17 **e-mail from Allyn Powell to Anthony James copying you**
18 **and Gary Jones; is that right?**
19 A. Yes.
20 **Q. And it attaches a presentation to the**
21 **Electric Cooperatives of South Carolina that is dated**
22 **March 3rd, 2016. Do you see that?**
23 A. Which I did not attend, yes.
24 **Q. You did not attend this meeting, but did you**
25 **provide input for preparation of this presentation?**

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1 A. I could have.

2 MR. BATEMAN: Object to the form

3 of the question.

4 THE WITNESS: I could have. You

5 know, I would have to look at the specific

6 information to tell you that I did that.

7 BY MR. KEEL:

8 Q. Well, let's look through a couple of slides

9 here. If you turn to the second slide in the

10 presentation --

11 A. Uh-huh.

12 Q. -- it's titled "A Very Good Idea in 2008."

13 And it says, "Why," below that, and lists various

14 bullet points. Do you see that?

15 A. That's Gary's.

16 Q. Would you agree with these bullet points?

17 A. I would.

18 Q. And then the next slide, Slide Three and

19 continuing on through Slide Six titled "Experience

20 Since 2008," and goes through various issues related

21 to the project. And same question there: Would you

22 agree that these reflect --

23 A. Slide Eight, is that for me or different

24 for --

25 Q. I apologize. It ends at Slide Six.

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1 A. Oh, are you talking about the presentation?

2 Q. Let me start over. Starting in Slide

3 Three --

4 A. Okay. Are we dealing with the numbers down

5 here on the bottom, make sure I have got the same

6 numbers?

7 Q. Yes.

8 A. Okay. And I have got number three right

9 here.

10 Q. Beginning with Slide Three and continuing

11 through to Slide Six.

12 A. Okay.

13 Q. There is a list of various things that

14 reflect the experience since 2008 related to the

15 project.

16 A. Yeah, I have got it.

17 Q. And if you could just look through those and

18 let me know if you agree with that reflection of

19 things that contributed to issues on the project

20 since 2008.

21 MR. BATEMAN: Object to the form

22 of the question.

23 THE WITNESS: Okay. Through six,

24 I would agree with that, pretty much.

25

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1 BY MR. KEEL:

2 Q. And then if you turn to the Slide 20, it's

3 labeled "Conclusions."

4 A. Yes, sir, got it.

5 Q. And as of the date of this presentation,

6 March 2016, would you agree with the conclusions that

7 are reflected in Slide 20?

8 MR. BATEMAN: Object to the form

9 of the question.

10 THE WITNESS: Yes.

11 BY MR. KEEL:

12 Q. Do you have any plans to travel anywhere in

13 November of this year, Mr. Soult?

14 A. Some. My wife hadn't told me where all

15 we're going. Sorry about that.

16 Q. No problem. So you have plans for

17 Thanksgiving, I assume?

18 A. I do.

19 Q. Aside from the week of Thanksgiving, do you

20 plan to be in South Carolina during the month of

21 November?

22 A. I think so. Unless something happens.

23 MR. KEEL: I have no further

24 questions at this time. This gentleman is going

25 to ask you some questions. Thank you very much

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1 for your time, Mr. Soult.

2 THE WITNESS: Thank you, sir.

3 EXAMINATION

4 BY MR. BATEMAN:

5 Q. I have got a question, Gene.

6 Do you believe that SCE&G was honest and

7 forthcoming with you and the ORS?

8 MR. KEEL: Object to the form.

9 THE WITNESS: Is there a time

10 frame associated with that question?

11 BY MR. BATEMAN:

12 Q. On the project.

13 A. The whole project?

14 MR. KEEL: Same.

15 THE WITNESS: I would say that,

16 from my years of experience in working with

17 SCE&G, that up until really we ran into the

18 Bechtel issue, that they were kind of open and

19 honest to us. But, unfortunately, you know, you

20 only can measure what you have. You don't have a

21 -- and you don't know it. So Ronald Rumsfeld

22 said, you don't know what you don't know.

23 So once we found out that -- and

24 again, I had no idea that they weren't being

25 forthright until the issue with the Bechtel

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1 report came out.

2 BY MR. BATEMAN:

3 **Q. So you don't believe that they were**

4 **forthright?**

5 MR. KEEL: Same.

6 THE WITNESS: I don't believe they

7 were forthright. In looking back on it now, I

8 think there was other information we found out of

9 all this flurry of information that came out

10 after the abandonment that we should have known.

11 We would have -- we would have had a chance to

12 make a different decision, support a different

13 process or a different outcome. And that's

14 unfortunate, as far as I have got 25 years in the

15 company before I retired, worked side-by-side by

16 a lot of people that I trusted.

17 MR. BATEMAN: That is the only

18 question that I'll ask.

19 MR. KEEL: I'll ask a follow-up.

20 THE WITNESS: Sure.

21 EXAMINATION

22 BY MR. KEEL:

23 **Q. Mr. Soult, other than the Bechtel**

24 **assessment, what is it that you are stating now you**

25 **believe was withheld from ORS and should have been**

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1 **provided to ORS about the project?**

2 A. I'm going to go from my personal opinion. I

3 think the company knew a lot more about the schedule

4 than ORS ever found out. I say that from years of

5 experience of managing big projects. That's my

6 personal opinion. It's why we asked a lot of

7 questions and we got little answers.

8 You know, you don't need -- I had an old

9 friend that I worked with at SCE&G, and he used to

10 say, we don't need three views of a bowling bowl to

11 know that it's round. And you could look at the

12 numbers, and you wonder why it still says a schedule

13 completion date here, and you can't add all the

14 numbers.

15 But our job was to monitor and report based

16 on information that the company provided through the

17 consortium, in most cases. And without that

18 information, you know, we had nothing else to stand

19 on. We don't generate schedules. You know, could

20 we? We could. It would take a lot of money and a

21 lot of time. That's not our -- certainly not my job

22 that was working there. And certainly wasn't Gary

23 Jones' job. There was nobody else capable that

24 worked for ORS that could do that kind of stuff or

25 even understand a lot of it.

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1 So, you know, I was always disheartened

2 about the schedule issue, to be honest with you. I

3 would -- my 25 years of doing business with SCE&G as

4 a general manager and running plants, I wouldn't have

5 accepted it. So that's my opinion.

6 **Q. So other than the Bechtel assessment, and**

7 **you believe that SCE&G knew more about the schedule**

8 **than they disclosed to you, is there anything else**

9 **that you believe the company withheld from ORS and**

10 **should have disclosed to ORS about the project?**

11 A. Probably some smaller things. I think those

12 two are significant enough.

13 **Q. Is there anything, sitting here today,**

14 **anything significant you can identify, other than**

15 **those two things?**

16 A. Not off the top of my head.

17 **Q. Let's talk about the schedule a little bit.**

18 **ORS had access to the schedule?**

19 A. No.

20 MR. BATEMAN: Object to the form.

21 THE WITNESS: No. ORS had access

22 to what information was posted, and the schedule

23 was not posted.

24 BY MR. KEEL:

25 **Q. When ORS wanted to talk to Westinghouse**

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1 **about the schedule, you could put it on the**

2 **schedule -- you could put it on your agenda and you**

3 **could go to Westinghouse and you could talk to Terry**

4 **Elam and you could ask him whatever questions you**

5 **wanted about the schedule?**

6 A. That's not access to the schedule.

7 MR. BATEMAN: Object to the form.

8 THE WITNESS: I'm sorry. That's

9 not access to the schedule. I cannot determine

10 from what somebody says, the links in the

11 schedule. I can't do my form work, if I wanted

12 to do it, not that I would.

13 But when you say "access to the

14 schedule," that means, like, I can get the

15 schedule and I can determine from what I see in

16 the schedule and make some assessment. We got

17 what they gave us.

18 BY MR. KEEL:

19 **Q. You understand that the schedule was created**

20 **by Westinghouse, correct?**

21 A. I do.

22 **Q. You understand that that schedule reflected**

23 **over 300,000 different activities for the project?**

24 A. I do.

25 **Q. You understand that that schedule was put**

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1 together in a Primavera database that was done by
2 Westinghouse, right?
3 A. V6, I do.
4 Q. And what is it about that schedule that you
5 claim was not made available to ORS?
6 A. So where do you want to start?
7 Q. I want to know everything you think you
8 should have known that wasn't told to you.
9 A. The restraints in the schedule, constraining
10 the schedule. We would ask how many constraints do
11 you have in the schedule. They couldn't answer that
12 question up front. They would have to go off and
13 figure it out. And we would work our way through
14 maybe 20, maybe 30.
15 The schedule was not presented in a format
16 where you could really dive in if you wanted to ask
17 material questions, because we didn't have that. The
18 best of the schedule we saw was a three-week
19 lookahead which had hundreds and hundreds of items on
20 it. You can't diagnose a schedule from that. I
21 mean, it's a schedule, but it's not a schedule that
22 you can make those kind of decisions on.
23 Q. And these were concerns that you had at the
24 time of the project, right?
25 A. And these were things we worked with.

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1 Q. You never went to the PSC and said, don't
2 approve this petition for updated schedules and costs
3 because we do not have enough information to evaluate
4 the projected schedule, correct?
5 A. I -- Gene Soult --
6 Q. Yes.
7 A. -- did not do that, that's correct.
8 Q. You never went to your supervisors and said,
9 do not sign the settlement agreement for the 2015 or
10 the 2016 petition for updated costs and schedules
11 because we do not have enough information about this
12 schedule?
13 A. I think the --
14 MR. BATEMAN: Object to the form
15 of the question.
16 THE WITNESS: I'm sorry. I think
17 the words were stated that we didn't have enough
18 information but we were relying on the company.
19 BY MR. KEEL:
20 Q. You were relying on the consortium who put
21 that schedule together?
22 MR. BATEMAN: Object.
23 THE WITNESS: We were relying on
24 the company. We had no ties to the consortium,
25 none. We had no controls over the consortium.

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1 Our interface and/or responsibilities, as I read
2 them and understand them in the BLRA, is from ORS
3 to SCE&G. If we needed something, if we needed
4 the Bechtel report, SCE&G's responsibility to us
5 was to give us the Bechtel report.
6 So, no, we wouldn't go to
7 Westinghouse or WEC or CB&I to seek information.
8 We had no -- we had no ability to do that.
9 BY MR. KEEL:
10 Q. So you made a comment that if you were
11 running and working at SCE&G, you wouldn't have
12 accepted this schedule; is that right?
13 MR. BATEMAN: Object to the form.
14 THE WITNESS: I did say that.
15 BY MR. KEEL:
16 Q. But you accepted it in your role as ORS,
17 right?
18 A. I didn't accept it. No, I said it --
19 there's -- your people would tell you I said it.
20 Q. You supported ORS's agreement to settle the
21 2015 PSC petition, and the 2016 PSC petition, and you
22 have already testified that you believed, as in
23 everything that you knew at that time, that approving
24 those requests was in the best interest of the
25 ratepayers, correct?

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1 MR. BATEMAN: Object to the form
2 of the question.
3 THE WITNESS: I do remember that.
4 BY MR. KEEL:
5 Q. Okay.
6 A. And I will say we had the best with what we
7 had. It was a settlement agreement that you agreed
8 to, as you being the company, as well as other
9 parties that were in there. We had no better
10 information.
11 Q. But if you wanted to say we -- you had the
12 opportunity to say, we won't sign this settlement
13 agreement because we don't have enough information
14 about the schedule, correct?
15 MR. BATEMAN: Object to the form
16 of the question.
17 THE WITNESS: I suppose at some
18 point in time, you could do that.
19 BY MR. KEEL:
20 Q. And you never did it?
21 A. The reason we didn't is because we were
22 waiting on the schedule. You know, the process that
23 took place from 2014 to 2017 was wait on the
24 schedule, wait on the schedule. So we, anticipating,
25 that's what we did, we anticipated the schedule.

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1 Q. So is it your testimony today that ORS never
2 had access to the schedule that Westinghouse put
3 together for the project?
4 A. My testimony today is that we didn't have
5 full access to it. We didn't have the ability to
6 dive into it, understand it better, know what all the
7 constraints were. There's probably a bunch of things
8 if we wanted to, you know, get into the details of
9 the P6 schedule.
10 Q. Did you have access to P6 software?
11 A. No, we didn't have access.
12 Q. Were you provided a read-only copy of the
13 schedule?
14 A. We only had paper in the schedule, for the
15 most part. It was showed up on the E-drive. You
16 could not manipulate. All you could do is look at
17 the points in it.
18 Q. You could look at it; you wouldn't
19 manipulate it, right?
20 A. We could look at what was there.
21 Q. Do you have any understanding as to whether
22 SCE&G was provided something different from what the
23 ORS was provided from Westinghouse?
24 A. I don't know.
25 MR. BATEMAN: Object to the form

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1 of the question.
2 THE WITNESS: Yeah, I'm sorry. I
3 don't know. I'm sorry we're not wrapping this
4 up. I guess I've got to stay on the wrong path.
5 (Exhibit No. 10 was marked for
6 identification.)
7 BY MR. KEEL:
8 Q. Mr. Soult, I have just handed you what's
9 been marked as Exhibit 10 to your deposition. Do you
10 recognize this?
11 A. I have seen this.
12 Q. And this is a letter from Dukes Scott to
13 Kenneth Jackson dated May 13, 2016. Do you see that?
14 A. Uh-huh.
15 Q. And in the first paragraph, Mr. Scott
16 writes, "The following provides the ORS' comments and
17 recommendations resulting from the site tour,
18 meetings with senior site personnel, and document
19 reviews performed at the V.C. Summer Units 2 and 3
20 construction site."
21 Do you see that?
22 A. I have got it.
23 Q. Were you involved in those reviews in around
24 May 2016?
25 A. I was active in it, yeah.

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1 Q. And in the first bullet point that reads,
2 "The ORS met with lead Westinghouse Electric Company
3 project's scheduling staff for the first time since
4 Fluor became involved in the project. This meeting
5 allowed ORS to review the current revised integrated
6 project schedule in more detail. The ORS now has a
7 better understanding of the assumptions and bases of
8 the schedule and the process of its development over
9 the past few months."
10 Do you see that?
11 A. I see that.
12 Q. And so at least as of May of 2016, the ORS
13 had access to the revised integrated project schedule
14 after Fluor came on board, right?
15 MR. BATEMAN: Object to the form
16 of the question.
17 THE WITNESS: It was not there,
18 and that's not the revised schedule. The revised
19 schedule was still being waited on.
20 BY MR. KEEL:
21 Q. So this statement, "This meeting allowed the
22 ORS to review the current revised integrated project
23 schedule in more detail," you're saying that's not
24 true?
25 A. What I'm saying is that, from the Fluor

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1 perspective, who was working on the integrated
2 schedule form, had not completed their review. So
3 the schedule that we saw was a schedule that had
4 previously -- this is May the 6th letter, right,
5 May 13 letter -- that didn't happen until later in
6 the month -- later in the year.
7 Fluor was supposed to provide that report on
8 April the 14th. They did not. We had -- we
9 requested it. They did not reply. They did not
10 provide it. We were told it wasn't ready yet, and it
11 actually never got ready until October.
12 So at this time, we reviewed just what you
13 had. It wasn't the fully integrated construction
14 schedule.
15 Q. It was -- do you have any reason to dispute
16 Mr. Scott's statement that this meeting allowed ORS
17 to review the current revised integrated project
18 schedule in more detail?
19 A. I don't dispute that. I dispute what we're
20 talking about reviewing. What we reviewed at the
21 site, this is -- he is reporting what we reviewed at
22 the site.
23 Q. From a meeting with Westinghouse?
24 A. It was with Westinghouse and with your
25 company. Both parties were there -- all three

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1 parties were there.

2 Q. And the ORS was able to review the current

3 revised integrated project schedule in more detail,

4 correct?

5 A. In more detail, we did, yes, sir.

6 Q. We go into the next sentence. It says, "We

7 learned that the initial schedule presented by WEC in

8 August 2015 had arbitrarily held constraints that

9 resulted in unreliable and unrealistic depiction of

10 the schedule for the remaining work."

11 Do you see that?

12 A. I see that.

13 Q. And is that consistent with your

14 understanding of ORS knew as of May 2016?

15 MR. BATEMAN: Object to the form

16 of the question.

17 THE WITNESS: I do.

18 BY MR. KEEL:

19 Q. Yes?

20 A. Yes. I'm sorry.

21 Q. And then the next two sentences read, "SCE&G

22 and the on-site WEC/TEC project schedulers have

23 worked to refine and accurately represent the

24 remaining work and the logical ties among the work

25 activities, as well as to reduce the number of

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1 arbitrary constraints. The ORS also obtained a

2 better understanding of the documentation available

3 to help us understand the schedule, including a more

4 detailed project plan-of-the-day package. However,

5 the ORS remains concerned that the schedule still

6 needs refinement and has not yet completed a detailed

7 review and revision by Fluor that includes the

8 resources needed to complete for each task."

9 A. Which is what I was referring to.

10 Q. So you had access -- the ORS had access to

11 the schedule, more information that Mr. Dukes reports

12 helped you understand the schedule, but were

13 concerned that it did not include all the resources

14 for a need to complete the task; is that fair?

15 MR. BATEMAN: Object to the form

16 of the question.

17 THE WITNESS: That is correct.

18 BY MR. KEEL:

19 Q. Then the last sentence in this one says --

20 last two sentences says, "This review will not be

21 completed until the third quarter this year. By that

22 time, the ORS is concerned that additional delays may

23 be identified in the project completion dates,

24 especially on Unit 3."

25 Do you see that?

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1 A. I did. Yeah. Which was reason for my

2 earlier statement.

3 Q. And so this is a reference to Fluor still

4 needing to provide the resource loaded schedule,

5 correct?

6 A. Correct.

7 Q. Not SCE&G withholding that from you?

8 MR. BATEMAN: Object to the form

9 of the question.

10 THE WITNESS: You know, I --

11 BY MR. KEEL:

12 Q. You don't believe SCE&G had a fully

13 resourced schedule from Fluor that they were not

14 providing to you, do you?

15 A. Not at that time. I don't know that they

16 did. Let me rephrase that.

17 Q. I'm only asking what you know.

18 A. Yeah, okay. I don't know. See, we were

19 told -- I have to go on what we were told. We were

20 told we would have it in April, in which we didn't.

21 When it came in, we never really saw the final

22 product.

23 Q. And this is in May of 2016, this letter we

24 just looked at, right?

25 A. Yes.

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1 Q. And you know that the ORS signed the

2 settlement agreement to have the PSC approve the 2016

3 petition months later in September 2016, right?

4 A. Correct.

5 Q. And that was the decision that you supported

6 based on everything you knew at that time?

7 A. Correct.

8 Q. And despite all the concerns you may have

9 had about the schedule that you had expressed, you

10 believed the right thing to do as of September 2016

11 was to have the PSC approve that petition, right?

12 MR. BATEMAN: Object to the form

13 of the question.

14 THE WITNESS: Listen, I believe it

15 was based primarily on the fixed price contract

16 that we were willing to agree to it, and also

17 that the company was going to back-stand. So

18 there is more than just the schedule that was

19 tied to that agreement.

20 BY MR. KEEL:

21 Q. Certainly. The fixed price option was

22 something that the company negotiated that you

23 believed was in the best interest of the ratepayers?

24 A. Correct.

25 Q. Okay.

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1 (Exhibit No. 11 was marked for
2 identification.)
3 Q. Mr. Soult, you have just been handed what
4 has been marked as Exhibit 11 to your deposition. Do
5 you recognize this document?
6 A. I'm familiar with it, sir.
7 Q. And this is a June 30th, 2016 letter --
8 A. Right.
9 Q. -- from Dukes Scott to Byron Hinson at
10 SCANA. Do you see that?
11 A. Yes, sir.
12 Q. And the letter begins, "The ORS is currently
13 in a heightened state of concern regarding the
14 construction cost overruns and schedule delays for
15 V.C. Summer Units 2 and 3."
16 Do you see that?
17 A. Yes, sir.
18 Q. And the first paragraph goes on to explain
19 that, "While a slight improvement was shown during
20 the first three months of Fluor on site, the most
21 recent two months have trended negatively with a
22 performance factor now hovering around 2.0. This
23 score indicates that only about half of the work
24 planned is being done for the labor hours expended.
25 Furthermore, the project has not attained the

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1 improved productivity factor of 1.15 that formed the
2 basis for the approved schedule and budget in Order
3 Number 2015-661."
4 Do you see that?
5 A. Yes, sir.
6 Q. And so as of June 2016, June 30th, 2016, the
7 ORS had access to this information showing how the
8 productivity of the project to date compared with
9 those assumptions underlying the project?
10 A. We did.
11 MR. BATEMAN: Object to the form
12 of the question.
13 BY MR. KEEL:
14 Q. And then turn to the last page.
15 A. That would be four?
16 Q. That's, yes, four of four.
17 A. Uh-huh.
18 Q. And then the last two paragraphs reads, "In
19 the case of Unit 2, ORS believes that while the date
20 in the filing of August 31th, 2019 is unlikely to be
21 met, it is possible that Unit 2 may still be able to
22 qualify for the federal production tax credits that
23 expire on December 31th, 2020. However, completing
24 Unit 2 in time to receive the federal production tax
25 credits will require improvements to the current

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1 construction methodology.
2 "For Unit 3, ORS has a much lower confidence
3 level that this unit can be completed within the
4 18-month window. ORS has no confidence that Unit 3
5 can meet the current federal production tax credit
6 deadline of December 31st, 2020."
7 Do you see that?
8 A. Yes, sir.
9 Q. Is that consistent with your understanding
10 as of June 30th, 2016, about ORS's position with
11 respect to the projected schedule?
12 A. I believe it is.
13 Q. And so despite knowledge of this information
14 and these concerns, the ORS determined it's in the
15 best interest to have the PSC approve the 2016
16 petition with the terms included in the settlement
17 agreement, right?
18 MR. BATEMAN: Object to the form
19 of the question.
20 THE WITNESS: I think, yes.
21 BY MR. KEEL:
22 Q. And that petition included projected
23 substantial completion dates for Unit 2 and Unit 3,
24 correct?
25 A. And was based on the information that we

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1 had, yes.
2 Q. And the ORS is saying, in that settlement
3 agreement, we support the PSC approving these new
4 guaranteed substantial completion dates as the new
5 approved schedule for the project, right?
6 MR. BATEMAN: Object to the form
7 of the question.
8 THE WITNESS: Correct.
9 MR. KEEL: I don't have any
10 further questions. Thank you, Mr. Soult.
11 THE WITNESS: Thank you.
12 THE VIDEOGRAPHER: This concludes
13 today's deposition of Mr. Gene Soult. We're off
14 the record at 1:05 p.m.
15 (The deposition concluded at 1:05 p.m.)
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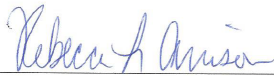
1 STATE OF SOUTH CAROLINA
2 COUNTY OF GREENVILLE

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 25th 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 4th day of November, 2018.

20
21 

22 _____
23 Rebecca L. Arrison, Notary Public
24 My Commission Expires: 3/28/2027
25

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1 A-T-T-E-S-T-A-T-I-O-N

2 In Re: Lightsey, et al. v. SCE&G, et al.
3 Deposition of: Gene Soult
4 Date Taken: October 25, 2018
5 Taken Before: Rebecca Arrison
6

7 Having read my statement, no changes are necessary.

8 Signed: _____

9 Having read my statement, I make these corrections.

10 Page ___ Line ___ Correction _____

11 Page ___ Line ___ Correction _____

12 Page ___ Line ___ Correction _____

13 Page ___ Line ___ Correction _____

14 Page ___ Line ___ Correction _____

15 Page ___ Line ___ Correction _____

16 Page ___ Line ___ Correction _____

17 Page ___ Line ___ Correction _____

18 Page ___ Line ___ Correction _____

19 Page ___ Line ___ Correction _____

20 Page ___ Line ___ Correction _____

21 Page ___ Line ___ Correction _____

22 Sworn to and subscribed before me this ___ day of

23 _____, _____ County, South

24 Carolina. My commission expires _____.

25

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