

**From:** James Dumont <[dumont@gmavt.net](mailto:dumont@gmavt.net)>

**Sent:** Monday, October 4, 2021 4:40 PM

**To:** Owen J. McClain

**Cc:** Randy Miller; eric guzman; Andrew Raubvogel; [msciarrotta@velco.com](mailto:msciarrotta@velco.com); Debra Bouffard; james porter; zsajor

**Subject:** Re: Corrected Liebert PFT

Owen:

I am trying to minimize the details in order to protect personal privacy, but when this was being drafted Mr. Liebert was not able to meet with me in person, he got started while still in Vermont and then had to leave the state suddenly for important family reasons, and he had to complete the testimony while dealing with very important, difficult family matters in a distant state with very little time.

In preparing to answer discovery, once back in Vermont, he reexamined the file and realized that his PFT was wrong in stating that the .50 Design Factor was required by the CFR, and he let me know immediately, this past Friday. I let you know immediately that a correction would be made. He worked over the weekend to review all that he had done before on this. He learned that it is ASME B.31.8 that requires a Design Factor of .5, and he wanted to make that correction. He also found that when re-calculating the load bearing, it made no difference what the bedding degree was or the soil E was, so he took those issues out of his testimony, and he also realized that Mott MacDonald was correct in using only one half the axle weight, so he took that out as well. His goal was to provide testimony that is as truthful as possible so he made these changes.

Aggravating matters, his time over the weekend and today was unexpectedly cut short because of another, unrelated, critical personal matter.

I can file a motion for extra time if you would like.

Sincerely,

*Jim*

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**Sent:** Monday, October 4, 2021 3:01:12 PM  
**Subject:** Re: Corrected Liebert PFT

Hi Jim,

Could you please explain what procedure you are relying upon for filing this "corrected" testimony? The procedural schedule required your client to file testimony on September 10, 2021. I would understand if you needed to file a "corrected" version to fix a typo or something, but this is completely new testimony. Entire sections have been deleted without any explanation of why. The calculations you attached were performed yesterday, October 3, 2021. This is "new" testimony--not "corrected" testimony. I would appreciate additional explanation regarding the basis for this filing.

Thanks,

Owen

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