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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

920260-TL

DOCKET NO. 910163-TL

FILED: June 11, 1993

In re: Petition on behalf of CITIZENS )  
OF THE STATE OF FLORIDA to initiate )  
investigation into integrity of SOUTHERN )  
BELL TELEPHONE & TELEGRAPH COMPANY'S )  
repair service activities and reports. )

**CERTIFIED COPY**  
*Williams & Hahn*

Pompano Beach, Florida

June 22, 1993

1:30 p.m. o'clock

\* \* \*

DEPOSITION

OF

MARGUERITE WINTER

\* \* \*

DOCUMENT NUMBER-DATE

09495 SEP-28

11:55 RECORDS/REPORTING

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WAYNE TUBAUGH  
Appearing on behalf of SOUTHERN BELL

HITCHCOCK & CUNNINGHAM  
BY: GERALD CUNNINGHAM, ESQUIRE,  
Appearing on behalf of MARGUERITE WINTER.

LAWYER'S NOTES

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I N D E X

WITNESS  
MARGUERITE WINTER

DIRECT  
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1                   Deposition of MARGUERITE WINTER, a witness of  
2 lawful age, taken by the OFFICE OF THE PUBLIC COUNSEL, for  
3 the purpose of discovery and for use as evidence in the  
4 above-entitled matter, In re: Petition on behalf of  
5 CITIZENS OF THE STATE OF FLORIDA to initiate investigation  
6 into integrity of SOUTHERN BELL TELEPHONE & TELEGRAPH  
7 COMPANY'S repair service activities and reports, pending  
8 before the FLORIDA PUBLIC SERVICE COMMISSION in and for  
9 the State of Florida, pursuant to notice heretofore filed,  
10 before CHRISTINE A. AMAN CANNON, a Notary Public in and  
11 for the State of Florida at Large, Southern Bell Telephone  
12 & Telegraph Company, 1230 North Federal Highway, in the  
13 City of Pompano Beach, County of Broward, State of  
14 Florida, on the 22nd day of June, 1993, commencing at 1:30  
15 o'clock p.m.

16   \* \* \*

17 Thereupon:

18   MARGUERITE WINTER

19 a witness of lawful age, being called as a witness by the  
20 Florida Public Service Commission, having been first duly  
21 sworn, testified under oath as follows:

22   DIRECT EXAMINATION

23 BY MS. RICHARDSON:

24           Q.    Ms. Winter, I'm going to ask you to state your  
25 name and spell it for the court reporter.

1 A. Marguerite, M-A-R-G-U-E-R-I-T-E Winter,  
2 W-I-N-T-E-R.

3 Q. And your address?

4 A. 1230 North Federal Highway.

5 Q. Is that Pompano?

6 A. Yes, it is.

7 Q. And the zip code?

8 A. I don't know. I don't know the zip code here.

9 Q. Is that a business address?

10 A. Yes.

11 Q. And the phone number?

12 A. Area code 305-784-2163.

13 Q. Are you represented by an attorney here today?

14 A. Yes, I am.

15 Q. I'll ask him to put his appearance on the record.

16 MR. CUNNINGHAM: Yes. Good afternoon. My name  
17 is Gerald Cunningham. I'm with the law firm of  
18 Hitchcock and Cunningham. I'm here on behalf  
19 of Ms. Winter.

20 Q. Ms. Winter, have you discussed this deposition  
21 here today with anyone other than your attorney or  
22 attorneys for Southern Bell?

23 A. No.

24 Q. Has anyone advised you that you would not be  
25 disciplined based upon the answers you give us here today?

1 A. I heard that we would not be disciplined.

2 Q. Has anyone advised you of the possible criminal  
3 penalties that could apply if you perjured your testimony  
4 here today?

5 A. Yes.

6 Q. Have you given a statement to the company in the  
7 past?

8 A. No. What kind of statement are you talking  
9 about?

10 Q. Did an attorney for the company come and  
11 interview you regarding activities --

12 A. Oh, yes.

13 MR. BEATTY: Just a minute. I'm going to  
14 object to the form of the question to the extent that  
15 you have incorporated in your question the substance  
16 of the statements that may or may not have been given.

17 I'm going to object to because the answer whether  
18 it's affirmative or not would disclose the substance  
19 of that interview which is privileged and  
20 confidential.

21 Q. Do you remember when you made that statement?

22 A. About a year or so ago. I don't remember.  
23 Somewhere in there.

24 Q. If you could speak up a little because we have  
25 people down at the end of the table that are trying to



1 hear you.

2 A. I'm sorry. I'm used to talking on the phone.

3 Q. Do you know who was in the room with you when you  
4 made that statement?

5 A. An attorney. I don't know who he was and I never  
6 saw him again.

7 Q. You only gave a statement one time?

8 A. I don't know. Asking questions is not giving a  
9 statement. They asked me questions but I didn't see them  
10 writing. I don't think they wrote anything down. There  
11 was nothing on paper.

12 Q. Was anyone else in the room besides the attorney?

13 A. Some man from North Carolina or one of the states  
14 around here. I don't know who he was. I don't even know  
15 what he was doing here.

16 Q. Was there anyone from the union?

17 A. No.

18 Q. Were any of your supervisors present?

19 A. No.

20 Q. Did you discuss that statement with anybody?

21 A. No.

22 Q. What's your present position Ms. Winter?

23 A. Maintenance administrator.

24 Q. How long have you held that position?

25 A. A long time. I'd say at least eleven years at

1 lease.

2 Q. Has all of that time been here in Pompano?

3 A. No.

4 Q. How long have you been here in Pompano?

5 A. Since 1984.

6 Q. Where were you before Pompano?

7 A. West Palm Beach.

8 Q. Were you a maintenance administrator anywhere

9 else besides West Palm and Pompano?

10 A. Briefly in Hollywood, very briefly.

11 Q. Was that before West Palm?

12 A. No. I went to -- I was in West Palm and I got  
13 transferred to Pompano. And then I got transferred to  
14 Hollywood for three weeks, and then sent back to Pompano.

15 Q. Who is your present first level supervisor?

16 A. Siri Rossman, S-I-R-I R-O-S-S-M-A-N.

17 Q. How long has Siri Rossman been your supervisor?

18 A. About a month.

19 Q. Who was it before that?

20 A. Cathy Ansoategui, and I'm not capable of spelling  
21 her last name.

22 Q. Ansoategui?

23 A. Ansoategui.

24 Q. How long was she your supervisor?

25 A. About eight months.

1 Q. If you could go back for me and recall any other  
2 first level supervisors you had here in Pompano, I would  
3 appreciate it.

4 A. I had all of them.

5 Q. Can you name them for me.

6 A. Do you really need them?

7 Q. Yes.

8 A. Roger Anderson, Carol Schmoll, S-C-H-M-O-L-L.

9 Q. Did you say Carol?

10 A. I'm sorry that was Carol. I'm drawing a blank.  
11 I really am. I can't think of who they all were. I had  
12 so many.

13 Q. Just do the best you can. Any others that you  
14 can recall?

15 A. Carla Lockerd.

16 Q. Carla Lockerd?

17 A. Carla L-O-C-K-E-R-D, I think. That's about it.

18 Q. I'm going to ask you to do the same thing with  
19 your second levels. How many second levels can you recall  
20 starting with your present one?

21 A. Just Dennis Slattery.

22 Q. Do you recall any first level managers from West  
23 Palm Beach?

24 A. One, Louberton, L-O-U-B-E-R-T-O-N.

25 Q. Do you recall any second level managers from West

1 Palm Beach?

2 A. No, not really because the man who was in charge  
3 of my department was a step and a half which is not second  
4 level.

5 Q. Who was that?

6 A. Lee, L-E-E Carhart, C-A-R-H-A-R-T.

7 Q. Do you recall any first levels from Hollywood,  
8 the three weeks that you were there?

9 A. Marcia Hill, H-I-L-L. I was only there like  
10 three weeks long enough to get a name and get out.

11 Q. You're doing very well to remember that. What  
12 about a second level in Hollywood?

13 A. Gary Wilson. These are people I don't even know.

14 Q. Are you a member of the union?

15 A. Yes.

16 Q. Who is your present shop steward?

17 A. Miegler, M-I-E-G-L. I think.

18 Q. Can you tell me what you do as a maintenance  
19 administrator, your duties.

20 A. Test lines, explain features to customers, work  
21 with the installers, putting people in service.

22 Q. Does that require you to work with trouble  
23 reports?

24 A. Yes.

25 Q. Do you also clear and close trouble reports?

1 A. Basically ones that I'm working with, yes.

2 Q. Do the outside service technicians clear and  
3 close their own reports?

4 A. Yes.

5 Q. They do that with a CAT terminal?

6 A. Yes.

7 Q. Before they were using the CAT terminal, did you  
8 clear and close reports for the outside people?

9 A. Yes, uh-huh.

10 Q. Have you ever heard the phrase "backing up the  
11 time"?

12 A. Yes.

13 Q. What does that mean to you?

14 A. Well, I was on heavy dispatch lines and backing  
15 up the time to me was a clear time and a close time when a  
16 customer's in service and when they actually close the  
17 report because he has routine I think.

18 Q. Have you ever heard it used in another context  
19 than that?

20 A. Yes.

21 Q. What's the other context?

22 A. Commitment.

23 Q. What is a commitment time?

24 A. What is the commitment time?

25 Q. Yes.

1 A. When the customer was told it would be cleared.

2 Q. And that's the commitment the company gives the  
3 customer where we'll be out there and have it fixed by  
4 noon or five o'clock?

5 A. Uh-huh.

6 Q. How have you heard of backing up the time in  
7 relation to the commitment time?

8 A. I don't know. It's been so long ago. I don't  
9 remember a lot of it. I don't. I'm not being facetious  
10 or anything. I don't remember. It's been a long time. I  
11 don't remember the context.

12 Q. Do you know of anyone who has backed up a  
13 commitment time -- Let me rephrase. Do you know of anyone  
14 who has backed up the time on a report just to meet the  
15 commitment time when that was not the real time?

16 A. Yes.

17 Q. Can you tell me about that.

18 A. No. I don't remember. I just remember it  
19 vaguely.

20 Q. That it happened?

21 A. Yes. We go through a lot of changes, a lot.

22 Q. Are you aware of the company requirement that  
23 out-of-service reports be repaired within twenty-four  
24 hours?

25 A. I did not know that. I never knew anything about

1 that.

2 Q. Do you know it now?

3 A. Yes. Now I do, yes.

4 Q. How did you find out about it?

5 A. Just from these hearings.

6 Q. From what you do recall about backing up  
7 commitment times and thinking about that, do you know  
8 whether or not commitment times were backed up in order to  
9 meet that twenty-four hour clock requirement?

10 A. No. I don't remember that, no. Just the  
11 commitment time.

12 Q. Do you know if anyone recorded a clearing time or  
13 service restored time when the service had not been  
14 restored at that period and time?

15 A. I imagine, yes. I don't remember exactly but  
16 yes, vaguely.

17 Q. Your memory of that, would that be related to  
18 Pompano or another IMC?

19 A. Pompano.

20 Q. Pompano?

21 A. Yes.

22 Q. Can you relate that to any of the managers that  
23 you've had or any STs?

24 A. None of them that come to mind, no.

25 Q. Did you yourself at any time roll back a clearing

1 time?

2 A. Yes. I did clear and close time like I said.

3 Q. Did you ever roll them back beyond a point before  
4 service was restored?

5 A. I don't think so. I don't ever close anything  
6 that's not working. You have to be working before I close  
7 you out. I have kicked back reports. And people calling  
8 in wanting a close and I didn't get a good test. So they  
9 went to a supervisor. They would tell me it looks like  
10 it's working. And I would say it doesn't look like it to  
11 me so they did not get closed.

12 Q. Was this before the CAT terminals?

13 A. Before and during.

14 Q. Before and during?

15 A. Yeah, when they were fairly new.

16 Q. When the CAT terminals were fairly new?

17 A. Yes.

18 Q. And what happened; did the ST go to the  
19 supervisor and say, I want to close out but Ms. Winter  
20 won't let me?

21 A. Right. They would have to get a supervisor's  
22 okay. Sometimes maybe the testing wasn't accurate on my  
23 end. Sometimes maybe the testing port was not working  
24 properly, you know, maybe. I don't know.

25 Q. To your knowledge were any of those closed out



1 when you thought they should not have been?

2 A. Never. No. No.

3 Q. Have any of your supervisors ever overridden your  
4 decision?

5 A. I'm sure, you know, at times. Yes.

6 Q. When these occasions would happen that the ST  
7 would go beyond you to a supervisor to get close out  
8 permission, would the supervisor just close it out or  
9 bring it back to you to finish or do something else?

10 A. I really don't remember what the procedure was.  
11 I don't remember if I got them back or not. Probably at  
12 times, yeah. Yeah.

13 Q. Do you remember ever getting one back that you  
14 said, it's just not fixed; you shouldn't close this out?

15 A. To who.

16 Q. To the supervisor.

17 A. No.

18 Q. Do you ever remember a time when a supervisor  
19 told you to close it out when you thought it should not  
20 have been because you tested it again and it did not show  
21 that it was okay?

22 A. No. Usually it would be something more of a  
23 scenario where they knew something about it that I didn't  
24 know. And they had the information where I didn't have it  
25 maybe. And you know, there might have been a problem

1 previous to that and maybe my testing was down. And if I  
2 go to another test, probably it would have gotten a good  
3 test. So they knew enough what the tech was telling them  
4 that -- I don't know how to explain it.

5 Q. You do what an MLT test?

6 A. MLT test.

7 Q. And sometimes you'll get back, what a 0 if it's  
8 busy, test equipment busy?

9 A. Six.

10 Q. Six.

11 A. Yeah.

12 Q. So are you talking about those kinds of MLT tests  
13 that will come back like a six?

14 A. Yeah.

15 Q. And then would the supervisor also then have  
16 access to test it himself?

17 A. Yes. And he probably was a little more  
18 knowledgeable if it was something like fiber optic cable  
19 that I'm not as good with. They do more with that than I  
20 do.

21 Q. When you close out reports, do you put in certain  
22 disposition and cause codes on those reports?

23 A. Yes.

24 Q. Can you briefly tell me what a disposition code  
25 is.

1 A. Is what the line tested. Yeah. What the line  
2 tested. That's the disposition and the cause is what  
3 brought it about.

4 Q. Can you give me an example of a cause code.

5 A. A cause code?

6 Q. Yes.

7 A. Okay. Three hundred when it's defective.

8 Q. Are there certain cause codes for weather like  
9 lightning or moisture or rain?

10 A. Not that I would be closing. I'm an inside  
11 person.

12 Q. When the STs were calling you on close out, would  
13 they give you cause codes for weather?

14 A. Yes. When it was heavy rains, yes.

15 Q. Can you give me an example of a disposition code.

16 A. What a repairman would use you mean?

17 Q. Yes.

18 A. I think a repairman should answer that.

19 Q. What about a disposition code that you might use.

20 A. Six hundred, cause unknown.

21 Q. If the trouble is inside the frame or inside the  
22 center office, were you ever responsible as an MA for  
23 closing those type of reports?

24 A. Yes.

25 Q. Did those kind of reports have a separate and

1 distinct disposition code?

2 A. Yes.

3 Q. Are you familiar with any disposition codes for  
4 problems that are on inside wiring, inside a customer's  
5 house?

6 A. Am I familiar with that?

7 Q. Yes.

8 A. I don't know how to answer that. I'm not an  
9 outside person. I don't know what you want me to answer  
10 that.

11 Q. Do you know if there are certain disposition and  
12 cause codes that would take an out-of-service report and  
13 keep it from being counted as a miss against the company  
14 in that twenty-four hour requirement?

15 A. Yeah, uh-huh.

16 Q. Do you know of anyone who has coded any customer  
17 reports with those particular exempt cause codes or  
18 disposition codes just to keep them from being counted  
19 against the company on that twenty-four hour requirement?

20 A. Yes.

21 Q. Can you tell me about that.

22 A. Just vaguely, just a way of doing it sometimes.

23 Q. Was that in Pompano or West Palm or Hollywood?

24 A. I think it was Pompano.

25 Q. Can you recall any of the codes that might have

1 been used?

2 A. It's been so long ago since I've worked on stuff  
3 like this. Just one code -- I don't how to describe it, I  
4 guess.

5 Q. Would that have been statusing out-of-service at  
6 close out? Yes, it was out-of-service. No, it was not  
7 out-of-service.

8 MR. BEATTY: Objection to the form of the  
9 question. It is incredibly leading.

10 A. I don't know what to tell you. I don't know what  
11 you want me to say.

12 Q. Do you know of anyone else who was using these  
13 codes at the same time you were?

14 A. I was on heavy dispatch load. I didn't bother  
15 with anybody around me.

16 Q. Can you explain what a heavy dispatch line is to  
17 me.

18 A. Heavy dispatch load.

19 Q. Load, I'm sorry.

20 A. It means -- Just before the CAT terminals, we  
21 were extremely busy. We didn't have time to talk to  
22 anybody. We were on heavy calls all day long straight up  
23 to quitting time. And repairmen constantly calling me,  
24 closing them out, giving them their next job or two jobs  
25 whatever down the line. So I was very very busy like a

1 heavy switchboard. So I don't know what anyone else was  
2 doing around me.

3 Q. Do you know if a customer is due a rebate if  
4 they're out-of-service more than twenty-four hours?

5 A. I do now. I didn't know then.

6 Q. How did you find out about that?

7 A. Just from the hearings.

8 Q. Have you ever heard the phrase "building the  
9 base"?

10 A. You asked me that already.

11 Q. Do you know anyone who has taken a group of --  
12 Let me rephrase this. Do you know anyone who has created  
13 fictitious reports in order to build the base of  
14 out-of-service troubles?

15 A. No, I don't.

16 Q. Can you tell me the difference between an  
17 out-of-service trouble and effecting service trouble?

18 A. Including what it says.

19 Q. Can you give me an example of an out-of-service  
20 trouble?

21 A. No dial tone.

22 Q. Can you give me an example of an effecting  
23 service trouble?

24 A. Static.

25 Q. So if it's an effecting service, a customer still

1 has some use of the phone?

2 A. Yes.

3 Q. That's the difference?

4 A. Right.

5 Q. Do you know of anyone who has taken effecting  
6 service reports and closed them out as out-of-service when  
7 they were not out-of-service?

8 A. Didn't we go through this a little while ago?  
9 When you said was it an out-of-service code and I said yes  
10 and I answered it already.

11 Q. I don't believe we did. We talked about cause  
12 codes.

13 (Thereupon, an off the record discussion was  
14 held.)

15 Q. Let me see if I can get this cleared up. I  
16 thought we were talking about cause codes and disposition  
17 codes at that point.

18 A. I thought it was all related but go ahead.

19 Q. Now what I'm thinking of is just generally  
20 statusing in the result code area. Nine hundred or one  
21 hundred, nine hundred is the effecting service and the one  
22 hundred is out-of-service; is that correct?

23 A. Uh-huh.

24 Q. So what I'm working with now then is  
25 out-of-service statusing and if I'm mistaken, I maybe. I

1 thought that was different from cause codes.

2 A. No. That's correct.

3 Q. But I think I've miscommunicated because you seem  
4 to think I've already asked you that question and I didn't  
5 think I had.

6 A. Maybe I misunderstood. I'm sorry.

7 Q. Do you mind if I ask it one more time?

8 A. No. Go ahead.

9 Q. Do you know of anyone who has taken a series of  
10 effecting service reports and statused them as  
11 out-of-service on close out when they were not really  
12 out-of-service?

13 A. I've heard of it done, yes. I've heard of it.

14 Q. Have you ever heard of that in Pompano?

15 A. And West Palm, yes.

16 Q. In West Palm, too?

17 A. Uh-huh.

18 Q. Can you recall any other details about that?

19 A. No. No. I really can't.

20 Q. And this question may sound very similar to the  
21 same thing we're talking about but I'm going to try to  
22 phrase it just a little differently. Have you ever had a  
23 manager give you instructions not to status any  
24 out-of-services today?

25 A. Yes.



1 Q. Can you tell me about that.

2 A. No, just it happened. That's it.

3 Q. Can you tell me where it happened?

4 A. I don't know. Probably West Palm and Pompano.

5 Q. Do you remember any of the managers who gave you  
6 those instructions?

7 A. Unh-unh. No, I don't. Like I said, it's been a  
8 long time.

9 Q. Ms. Winter, I want to show you a document and I'm  
10 going to introduce it in the record and then I'll show it  
11 to you. This is Southern Bell's response to preliminary  
12 order number PSC-93-0263-PCO-TL entered on February 19,  
13 1993. And it was filed by Southern Bell with the  
14 commission on the rate case on April 1, 1993. Let me see  
15 if I can find -- All right, at page seventeen number six  
16 thirty-six there's a Marguerite Winter. Is that you?

17 A. Where is it?

18 Q. Number six three six.

19 A. Yes.

20 Q. Then there's a bunch of numbers after your name.

21 A. Uh-huh.

22 Q. I'd like to ask you about number seventeen. Have  
23 you seen this document?

24 A. Yes, vaguely. Yeah.

25 Q. I think number seventeen says something about

1 intimidation or pressure.

2 A. Uh-huh.

3 Q. And I'd like to know if you've ever felt  
4 intimidation or pressure when you were handling customer  
5 trouble reports?

6 A. No.

7 Q. Do you know of anyone else who has felt  
8 intimidated or pressured in the way they've handled or  
9 processed customer trouble reports?

10 A. No.

11 Q. Number twenty-one is by your name. Number  
12 twenty-one says something about wet and dry rules. I'm  
13 wondering if you know what a wet and dry rule is?

14 A. No.

15 Q. You've never heard of that either?

16 A. No.

17 Q. Have you heard of autoscreening?

18 A. Yeah, uh-huh.

19 Q. Can you tell me what autoscreening is?

20 A. Autoscreening. Let's see. We have automatic  
21 dispatch and automatic screener. Automatic screener is --  
22 I don't know if I have the terminology right. It  
23 automatically puts something into dispatch, you know,  
24 tests it, and puts it into dispatch computer wise.

25 Q. Computer wise.

1 A. Uh-huh.

2 Q. Would you get it then as an MA --

3 A. No.

4 Q. -- If autoscreener dispatched it?

5 A. No.

6 Q. Do you know if autoscreener would status it as an  
7 out-of-service or effecting service?

8 A. I don't really know that. I've seen briefly some  
9 codes on it but, you know, we don't get to see them. We  
10 don't get to see that.

11 Q. Are there any reports that come to you that kind  
12 of get rejected out of autoscreener?

13 A. That re-test okay, yes.

14 Q. Have you ever gotten reports that have rejected  
15 out of autoscreener that you knew should have been  
16 statused out-of-service up front?

17 A. Not that I know of, no.

18 Q. By your name is also number thirty on that list.  
19 And it says something about employee originated reports  
20 generally. What's an employee originated report?

21 A. Basically to me it means if a repairman is out on  
22 a cable and another customer comes up to him at the cross  
23 box whatever and says, I have no dial tone either. And  
24 would you please call it in for me. As a courtesy he  
25 would call it into us and we would make up a report for

1 him.

2 Q. I'm going to show you another document. This one  
3 is entitled Citizens Third Set of Interrogatories.  
4 Interrogatory is a question I've put down in writing and  
5 mailed to the company, and they've sent me a written  
6 response. It was dated June 6, 1991.

7 And essentially I asked for the names of  
8 employees who might have some information about customer  
9 reports that were reported as employee reports. The  
10 company sent back a list of names of people that might  
11 have some knowledge about employee originated reports for  
12 customers who called or were called concerning repeat  
13 problems.

14 What I'm going to do is go off the record and let  
15 you take a look at this. And if you want to talk to your  
16 attorney, you can do that before we get back on, and then  
17 I'll ask you some questions about that.

18 A. It's as clear as mud to me. Okay.

19 Q.

20

21 A.

22 Q. I'm wondering what information you can give me  
23 about customer reports impute as employee reports on  
24 repeat problems.

25 MR. BEATTY: Is that a question?

1 Q. Well, what information she might have that she  
2 can give me. Let me try one more time.

3 A. Okay. I'm dense.

4 Q. No. You're doing fine. You have a great memory  
5 for who you work with.

6  
7  
8  
9  
10  
11 MR. BEATTY: If any at all.

12 A. Just that if they had trouble again, they called  
13 back in and we made up a report.

14 Q. When you made the report up, did you make it up  
15 as an employee originated report?

16 MR. BEATTY: Objection to the form of the  
17 question. It's a leading question.

18 Q. He's just putting a legal objection on the  
19 record. You can answer.

20 A. I forgot what the question was. Can you repeat  
21 it.

22 Q. When the customer called in on a repeat report,  
23 was it an employee report or a customer direct report?

24 A. Sometimes it was a customer direct and sometimes  
25 it was an EO report.

1 Q. How did you distinguish between whether it was  
2 going to be a customer direct report or an EO report on  
3 repeat calls?

4 A. I don't remember. I don't remember. I don't  
5 remember the circumstances if it was made an EO or CD at  
6 that time, a CD customer direct. I don't remember.

7 Q. If a customer calls in a trouble, is that a  
8 customer direct report?

9 A. Yes.

10 Q. If a customer calls in on a trouble, is it proper  
11 to make it an employee report?

12 A. No. No. I'm trying to think of the  
13 circumstances why it would make it an EO. I don't know.  
14 I really am trying to remember. I don't remember exactly  
15 what -- A lot of this was so long ago that I can't  
16 remember. CDs were always called in by the customer.

17 EOs were if a repairman was out on the main  
18 telephone number and then followed by the additional line  
19 in the house. Maybe an EO was made up on that.

20 Q. Do you have any opinion as to whether those were  
21 proper EO reports or improper or should have been  
22 something else?

23 A. No.

24 Q. Did you ever have a manager tell you as an MA not  
25 to close out an out-of-service that was about to go over

1 twenty-four hours without getting his permission?

2 A. No. I never heard of that term. I never heard  
3 of that.

4 Q. Do you know of anyone who has used somebody elses  
5 employee code?

6 A. No.

7 Q. Do you know what a no access report is?

8 A. Yes.

9 Q. Briefly tell me what a no access report is.

10 A. Nobody's home.

11 Q. In other words, a service technician did go out  
12 to repair the problem but the customer wasn't home to let  
13 them in?

14 A. Right.

15 Q. Do you know of anyone who no accessed a report  
16 before it was dispatched?

17 A. No.

18 Q. Do you know of anyone who no accessed a report  
19 when the customer was really home?

20 A. No, never. Never heard of that in my life.

21 Q. Can you tell me what an exclude report is?

22 A. Information, a call back, miscellaneous.

23 Q. Wrong number reported, would that be an example?

24 A. Yes.

25 Q. What about denied for non-payment, would that be

1 an example?

2 A. Yes.

3 Q. Based on your experience and training is it  
4 proper to exclude out-of-service reports?

5 A. No, never.

6 Q. Have you ever heard of someone excluding  
7 out-of-service reports?

8 A. No, not that I can recall.

9 Q. Have you yourself ever excluded an out-of-service  
10 report?

11 A. No.

12 Q. Do you know of anyone who has taken an  
13 out-of-service report that was about to go out over  
14 twenty-four hours and closed it; and then reopened it as  
15 an employee originated report just to finish the job?

16 A. I have heard of that, yes.

17 Q. Can you tell me where you have heard of that  
18 being done?

19 A. No. I'm sure -- Here and West Palm, I guess.

20 Q. Let me ask it this way: Do you know for a fact  
21 that that was done?

22 A. I vaguely recall this as you're saying it. It's  
23 like trying to think back and remember this stuff, you  
24 know. It's like -- I don't know. I don't know how to  
25 explain it. I haven't heard this terminology, whatever or



1 even thought about this for such a long time. It's hard  
2 to remember back. It truly is.

3 Q. Do you know what the carried over no or the CON  
4 code is?

5 A. Again, vaguely. I'm vaguely remember. The CON?

6 Q. Yes. Do you have any vague memory of how it was  
7 used?

8 A. For a later date.

9 Q. Future date requested by the customer?

10 A. Yeah, uh-huh.

11 Q. Do you know if that CON code stops that  
12 twenty-four hour clock?

13 A. I don't know that.

14 Q. Do you know of anyone who misused the CON code?

15 A. No. Vaguely remember using it myself. I don't  
16 even remember what I used it for now.

17 Q. I think you mentioned that you closed test okay  
18 reports.

19 A. Yes.

20 Q. I think we already talked about that. I think we  
21 did talk about that. Do you know of anyone who has put  
22 false information on a customer's report?

23 A. No, not off hand that I can recall.

24 Q. Do you know of anyone who has improperly statused  
25 a customer record in order to help them with that

1 out-of-service over twenty-four hours?

2 A. Yes. I have heard that, yes.

3 Q. What have you heard about that?

4 A. I heard that it was used.

5 Q. In Pompano; have you ever heard of it being used  
6 in Pompano?

7 A. Yes.

8 Q. Have you heard it being used in West Palm?

9 A. I don't recall.

10 Q. Can you give me any more specifics or details  
11 about the use in Pompano?

12 A. No because again, I have to go back. I was on  
13 very heavy dispatch loads. So you have people over here  
14 that are screening and talking to customers. And then you  
15 have your dispatch that was over here that was strictly  
16 working with repairman. So my duty was mostly over here  
17 closing, closing, closing reports. So no, I don't  
18 remember. I don't remember.

19 Q. Do you know of any managers who have statused and  
20 coded customer reports directly themselves?

21 A. I have never seen them.

22 Q. Have you ever filed a grievance in relation to  
23 handling customer trouble reports?

24 A. I don't remember. I don't remember.

25 Q. Do you know if anyone else has?

1 A. Not that I can recall.

2 Q. Have you ever been disciplined, informally  
3 disciplined for your handling of customer trouble reports?

4 A. I truly don't remember, I don't.

5 Q. Have you ever been B-formed for your work in  
6 handling customer trouble reports?

7 A. You say B-formed. I don't know that terminology.

8 Q. A written discipline. Have you ever received a  
9 written form of discipline?

10 A. I'm sure I have at times but I don't know if it  
11 had anything to do with customer reports.

12 Q. Well, I'm not interested in attendance or those  
13 kinds of things. I'm interested in the handling of  
14 customer trouble reports themselves.

15 A. I don't remember. I don't remember.

16 Q. Has anybody ever asked you to help sell products  
17 or services for the company?

18 A. No. The only time I ever sold was against me  
19 wanting to because I didn't think I was in that department  
20 that sold. I was always very vocal about that.

21 And the only time I did it is if the customer  
22 asked me. Would you please put call waiting on my line.  
23 Yes. And then get a sales code and give it to the  
24 business office. And every time I gave it to the business  
25 office, please take it. Put whatever sale code you want

1 on it. My job is testing the lines. And I don't want  
2 anything to do with selling. I'm not a selling type  
3 person.

4 Q. Do you know of anyone who has recorded a sale of  
5 service or a product to a customer without that customer's  
6 authorization?

7 A. No. No. That I don't know at all. I don't know  
8 of anybody that has done that.

9 Q. Were you ever eligible for any prizes or awards  
10 based on the few sales that you did make?

11 A. Never. The only thing I could hope for maybe is  
12 a dish cloth.

13 Q. Ms. Winter. Let me just ask you one general  
14 question and close this thing out. Can you recall in your  
15 eleven years as an MA any improper activities other than  
16 what we've already discussed or may have discussed in  
17 relation to handling customer trouble reports?

18 A. The only thing I can say is if it was the service  
19 effecting or out-of-service is vaguely what I remember and  
20 that's going back a long time.

21 Q. I want to thank you for your time and coming  
22 today. I appreciate it. There maybe one or two questions  
23 from these people before you go.

24 MR. GREER: I think I have a couple. I believe  
25 you said that you had heard of the CON status code?

1 THE WITNESS: Vaguely, yes.

2 MR. GREER: And did you say you didn't remember  
3 what it meant?

4 THE WITNESS: I don't remember really. I know it  
5 had something to do with the time but I don't remember  
6 what we did with it.

7 MR. GREER: Do you know whether or not you still  
8 use that code?

9 THE WITNESS: No.

10 MR. GREER: Do you use any other code in place of  
11 CON?

12 THE WITNESS: No.

13 MR. GREER: That's all I have.

14 MR. VINSON: Ms. Winter, I may have misunderstood  
15 the question or your answer but I believe Ms.  
16 Richardson asked you something to the effect that,  
17 have you ever heard of a manager telling the MAs,  
18 let's not have any out-of-service statusing today?

19 THE WITNESS: Right.

20 MR. VINSON: Do you recall the form in which that  
21 message was conveyed?

22 THE WITNESS: Just verbal.

23 MR. VINSON: Verbal?

24 THE WITNESS: (Witness nodding in the  
25 affirmative.)

1 MR. VINSON: Do you recall a bulletin board or  
2 black board message ever being posted with that type  
3 of stuff?

4 THE WITNESS: I'm sure at that time maybe there  
5 was. I don't remember exactly. I don't remember how  
6 it was conveyed if it was always verbal or not.

7 MR. VINSON: Do you recall who the manager, your  
8 direct first level manager would have been at that  
9 time?

10 THE WITNESS: No. I've had so many, no.

11 MR. VINSON: Do you recall the approximate time  
12 frame this would have occurred?

13 THE WITNESS: No. I really don't know.

14 MR. VINSON: And was this at the Pompano work  
15 center?

16 THE WITNESS: Yes.

17 MR. VINSON: Was this at West Palm?

18 THE WITNESS: I don't recall. I don't remember.

19 MR. VINSON: That's all the questions I have.

20 Thank you.

21 MR. BEATTY: Ma'am, do you recall the reason why  
22 the instruction of no out-of-service today was given?

23 THE WITNESS: I can't remember.

24 MR. BEATTY: I have nothing else. Thank you.

25 (Whereupon, the deposition was concluded at 2:20

o'clock p.m.)

AND FURTHER DEPONENT SAITH NOT

STATE OF FLORIDA )  
  ) SS  
COUNTY OF BROWARD )

\_\_\_\_\_  
Witness

SWORN to and SUBSCRIBED before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 1993, in the  
City of Fort Lauderdale, County of  
Broward, State of Florida.

\_\_\_\_\_  
Notary Public,  
State of Florida at Large

My Commission Expires:

CERTIFICATE

STATE OF FLORIDA     )  
                                  )   SS  
COUNTY OF BROWARD    )

I, CHRISTINE A. AMAN CANNON, a Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that the foregoing deposition was taken before me at the time and place therein designated; that the deponent was by me duly sworn; that my shorthand notes were thereafter reduced to typewriting under my supervision; and the foregoing pages 1 through 39 inclusive, are a true and correct record of the testimony given by the witness.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

WITNESS MY HAND AND SEAL this 5th day of August, 1993, in the City of Fort Lauderdale, County of Broward, State of Florida.

*Christine A. Aman Cannon*  
CHRISTINE A. AMAN CANNON,  
Notary Public,  
State of Florida at Large

