

ORIGINAL  
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BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

920260  
DOCKET NO. 910163-TL  
FILED: June 16, 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.

DEPOSITION OF: KENNETH R. MATTHEWS

DATE: June 30, 1993

TIME: Commenced at: 2:05 p.m.  
Concluded at: 2:45 p.m.PLACE: Southern Bell Telephone and Telegraph Co.  
666 Northwest 79th Avenue, Room 674  
Miami, Florida 33126REPORTED BY: AMAR KREDI  
Registered Professional Reporter,  
Notary Public, State of Florida At Large  
Suite 1014, Ingraham Building  
25 Southeast 2nd Avenue  
Miami, Florida 33131TAKEN BY: The Citizens of Florida, by and through  
Janis Sue Richardson,  
Associate Public CounselPURSUANT TO: Florida Rule of Civil Procedure  
1.310 (b) (6)

DOCUMENT NUMBER - DATE

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FPSC-RECORDS/REPORTING

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I-N-D-E-X

WITNESS DIRECT CROSS REDIRECT RECROSS

Kenneth R. Matthews

(By Ms. Richardson)	4	29
(By Mr. Pierson)	27	

EXHIBITS

(None)

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1 THEREUPON:

2 KENNETH R. MATTHEWS,

3 having been first duly sworn, was

4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. RICHARDSON:

7 Q. Would you please state your name and spell it for the  
8 court reporter?

9 A. Kenneth R. Matthews, K-E-N-N-E-T-H, R. Matthews,  
10 M-A-T-T-H-E-W-S.

11 Q. Your address, Mr. Matthews?

12 A. 7325 Southwest 48th Street.

13 Q. Is that Miami?

14 A. Miami.

15 Q. Does it have a zip code?

16 A. I think it's 33156.

17 Q. Is that a business address?

18 A. Yeah.

19 Q. Your phone number?

20 A. 662-4300.

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

22 A. Yes, I am.

23 MS. RICHARDSON: I'll ask him to place his appearance  
24 on the record.

25 MR. SCOLA: Robert Scola on behalf of Kenneth

1 Matthews.

2 BY MS. RICHARDSON:

3 Q. Mr. Matthews, have you discussed this deposition here  
4 with anyone other than your attorney or the attorneys for  
5 Southern Bell?

6 A. No.

7 Q. Has anyone advised you that you would not be  
8 disciplined based upon whatever you told us here today?

9 A. Yes.

10 Q. Has anyone advised you of the possible criminal  
11 penalties that could apply if you perjure your testimony here  
12 today?

13 A. No.

14 Q. If at any point you don't understand a question or you  
15 need me to clarify it, I'll be glad to do that.

16 A. Okay.

17 Q. If at any point you need to go off the record and  
18 speak to your attorney, we'll be glad to do that, also.

19 Is that okay?

20 A. Okay.

21 Q. All right. Have you given a statement to the company  
22 in the past?

23 A. Yes.

24 Q. Do you remember when?

25 A. No, I don't remember the date.

1 Q. Was it a year ago, two or do you know approximately?

2 A. Could have been a year.

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

5 A. I don't know the people giving the deposition. I had  
6 a union rep in there with me.

7 Q. Oh, okay. And who was that?

8 A. Dave Perez.

9 Q. P-E-R-E-Z?

10 A. Z.

11 Q. Was there an attorney present?

12 A. No, not that I know of.

13 Q. Okay. There may have been but you're not sure?

14 A. Yeah, because I don't remember who the other people  
15 were that were involved.

16 Q. Okay. Did you discuss that statement with anybody?

17 A. No.

18 Q. Did you talk to Mr. Perez about your statement after  
19 you'd given it?

20 A. Not really, no.

21 Q. Okay. What is your title or what do you do here for  
22 the company?

23 A. Cable repair or FT, facility tech.

24 Q. And how long have you done that?

25 A. Probably about 21 years, 20 years or something like

1 that, because I was three years an ST.

2 Q. Is that a service technician?

3 A. Yeah.

4 Q. And where were those three years as an ST?

5 A. It's been so long ago I don't remember. I think  
6 Sunset.

7 Q. Can you give me an approximate time period for when  
8 you were doing the three years as an ST?

9 A. I guess it started in '70, so probably like '70 to '73  
10 or '72 or something like that.

11 Q. Okay. In which center at present are you now?

12 A. 7325 Southwest 48th Street.

13 Q. All right. Does it have a general name like Miami  
14 Metro or Central or North, South Dade?

15 A. I call it South Miami yard. That's what people  
16 commonly refer to it as South Miami yard.

17 Q. All right. Have you spent the entire 20, 21 years in  
18 the South Miami yard?

19 A. No, I don't think I've spent all of it. -Probably 18,  
20 19 years of it, though.

21 Q. And what area geographically do you work in in South  
22 Miami?

23 A. South Miami?

24 I work Red Road, sometimes West Miami, over this way  
25 and what they consider Canal, out west.

1 Q. Okay. Have you ever been called to do any work in the  
2 Keys?

3 A. No.

4 Q. What do you do as a cable repairman?

5 A. Repair troubles on the cable.

6 Q. Does that involve working with single line residents'  
7 problems?

8 A. Yes.

9 Q. Do you also work with single line business problems?

10 A. Yes.

11 Q. Do you work with cable failures?

12 A. Yes.

13 Q. Can you tell me do you have a CAT or craft access  
14 terminal?

15 A. Yes.

16 Q. And how long have you had one of those?

17 A. We just got the CATs, I would say, no longer than --  
18 it could have been a year, six months to a year as far as time.  
19 It hasn't been that long.

20 Q. Okay. Who's your first level foreman right now?

21 A. P. J. Oropeza, O-R-O-P-E-Z-A.

22 Q. Thank you.

23 A. Everybody asks to spell that.

24 Q. Okay. And how long has Mr. Oropeza been there?

25 A. Probably been my boss for a year, a year and a half.



- 1 Q. Who was your first level manager before Mr. Oroteza?
- 2 A. That's Peza.
- 3 Q. I'm sorry. Can you spell it one more time for me?
- 4 A. O-R-O-P-E-Z-A.
- 5 Q. I heard "T". I'm sorry. That's my hearing problem.
- 6 A. When I heard you say it --
- 7 Q. That's my problem.
- 8 A. Before Oropeza, let's see. I think it was Lubert, Ed
- 9 Lubert.
- 10 Q. L-U-B-E-R-T, Lubert?
- 11 A. Right.
- 12 Q. Going back to, say, around 1985, '86 time period, can
- 13 you recall any other first level managers that you've worked
- 14 with between around 1985 to present?
- 15 A. Dan Reed, Mike Polleschuk.
- 16 Q. Can you spell his name?
- 17 A. I think it's P-O-L-L-E-S-C-H-U-K.
- 18 Q. Much better than I would have done.
- 19 Can you recall any others?
- 20 A. Not really.
- 21 Q. Okay. Who is your second level manager?
- 22 A. Right now?
- 23 Q. Yes.
- 24 A. Al Sciuli.
- 25 Are you going to ask me to spell his name, too?

1 Q. Can you?

2 A. Well, it's S-U-C-I-U-L-I, something like that.

3 Q. That's good enough.

4 MR. SCOLA: S-C-I-U-L-I.

5 A. I always mess up on his name.

6 BY MS. RICHARDSON:

7 Q. Okay. And how long has Mr. Sciuli been your second  
8 level manager?

9 A. Two years.

10 Q. Do you remember who it was before Mr. Sciuli?

11 A. I believe it was Tom Langden.

12 Q. And can you go back and recall any other second level  
13 managers you may have had between about 1985 and the present?

14 A. John Hiegard, but I don't know if it was in that time  
15 period.

16 Q. Can you spell his name?

17 A. H-I-E-G-A-R-D.

18 Q. And would it be those three, then, Mr. Sciuli,  
19 Mr. Langden and Mr. Hiegard that you can recall?

20 A. I believe so, yes.

21 Q. Who's your operations manager right now?

22 A. Tad Ruben.

23 Q. Do you recall who your operations manager was before  
24 Mr. Ruben?

25 A. It was George, George -- I can't remember the last

1 name.

2 Q. Was it George Lewis?

3 A. George Lewis.

4 Q. Okay. And who is your shop steward union person?

5 A. Well, I am.

6 Q. You are?

7 A. Yeah.

8 Q. Okay. And how long have you held that position?

9 A. Too long. Probably, I would say, for the last eight  
10 to ten years.

11 Q. Were you present at any statements given by other  
12 employees --

13 A. No.

14 Q. -- to the company.

15 Can you briefly give me an idea of what you do in  
16 cable repair?

17 A. Well, we fix trouble reports on the cable, we fix bad  
18 sections of cable or pieces of cable, rehab plant if need be,  
19 just anything working with the cable as far as -- I mean, new  
20 cable, that's construction, but anything with existing cable.

21 Q. Okay. Do you also work with fiberoptic now cable?

22 A. I don't.

23 Q. Before you had the CAT terminal, how did you get a  
24 trouble report, how did one come to you?

25 A. We'd call in and get it.

1 Q. Call in to a maintenance administrator?

2 A. Right.

3 Q. Okay. And would they give you one report at a time or  
4 a batch of them?

5 A. No, they'd give you one report.

6 Q. And would you have to fix and close that one before  
7 you got your next assignment?

8 A. Yeah.

9 Q. Okay. When you got the report, did it come to you  
10 already statused as out of service or affecting service?

11 A. I don't remember if it was statused. I don't think it  
12 was statused out of service. Unless it was maybe a cable  
13 failure they'd give it to you as a failure.

14 Q. Okay. Did you ever have occasion to status a cable  
15 report yourself as either out of service or affecting service?

16 A. No.

17 Q. Was it possible when you closed out a report -- when  
18 you closed one out, did you have to call back in to close it?

19 A. Yeah.

20 Q. Was it possible for you to change the status on a  
21 report when you closed it out?

22 A. No.

23 Q. I'm going to ask you -- let me give you an example.

24 Okay. Did you ever receive a report that was service  
25 affecting, in other words, like they had a noise on the line,

1 they could call but they had trouble hearing, maybe, and when  
2 you got out there to work on the cable, you found out that they  
3 actually had no dial tone by that time and they were completely  
4 out of service? Has that ever happened in your experience?

5 A. I would say if there was a trouble that was can't  
6 hear, yeah, I might have gone out there and it was out of  
7 service, yeah.

8 Q. On those kind of reports that you've had, when you  
9 close that out with the maintenance administrator, did you ask  
10 her to change the status to out of service at that point?

11 A. No.

12 Q. Do you know if the maintenance administrator did  
13 change the out of service or change the status based on what  
14 you told her?

15 A. No. I don't know that it wasn't statused an out of  
16 service in the first place, though. It might have been  
17 statused an out of service when I got it.

18 Q. All right. When you receive the troubles from the  
19 maintenance administrator when you were still getting them that  
20 way, did the MAs ever tell you this is an out of service  
21 report, it needs to be closed in 24 hours?

22 A. No. They might have had it statused on the report as  
23 an out of service but not has to be closed within 24 hours.

24 Q. Okay. Would you see the status of a report, then,  
25 before you started working on it?

1 A. No, because they would just dispatch it to us.

2 Q. Okay. Do you work with cable failures that have come  
3 through the tracker program?

4 A. Yes. Now, yeah.

5 Q. All right. And when you work with cable failures, is  
6 there more than one trouble report on that particular failure?

7 A. Yes.

8 Q. And are they all attached to a lead ticket?

9 A. Yes.

10 Q. All right. Have you ever had occasion where the lead  
11 ticket was affecting service and there was some of out of  
12 service reports attached to it?

13 A. I don't understand.

14 Q. Okay. On some of the failures that you have worked,  
15 have you ever worked with a lead ticket that was stasured as  
16 service affecting; in other words, not out of service?

17 A. You're talking about on a cable failure?

18 Q. Where you have more than one report and you're working  
19 with a lead ticket.

20 A. Right. The lead ticket is for all the troubles in  
21 that failure.

22 Q. Right. Do you know if you've ever had a lead ticket  
23 that was not stasured out of service; in other words, it was a  
24 service affecting report?

25 MR. BEATTY: If you know.

1 BY MS. RICHARDSON:

2 Q. If you can think back, do you know if that's ever  
3 happened?

4 A. No. On a cable failure I think it would be an out of  
5 service drill, if that's what you're saying, if I'm  
6 understanding what you're saying. A cable failure is usually  
7 they're all out of service.

8 Q. Okay. Have you ever had occasion where maybe one or  
9 two on a cable failure were not out of service?

10 MR. BEATTY: I object to the form of the question.

11 He's just indicated with some difficulty that cable  
12 failures are out of service.

13 BY MS. RICHARDSON:

14 Q. Always?

15 A. That's what I -- yes.

16 Q. Object. Have you ever heard of an employee building a  
17 phony cable failure?

18 A. No.

19 Q. Have you ever heard of an employee adding phony  
20 reports to a cable failure?

21 A. No.

22 Q. When you close out a report, do you have to put in  
23 certain disposition and cause codes?

24 A. Yes.

25 Q. All right. Can you briefly describe for me a

1 disposition code?

2 A. Disposition is, is it in a cable, is it in a splice,  
3 is it in a terminal, and a cause code is what caused the  
4 trouble.

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

6 A. Moisture.

7 Q. Is there a cause code for cable failures that might  
8 involve, say, a Southern Bell employee creating the problem?

9 A. Yeah.

10 Q. Is there a cause code for any other individual maybe  
11 causing the problem?

12 A. Sure. Utility workers, people that put in fences and  
13 somebody might cut a cable.

14 Q. Okay. Do you know if there are any of these  
15 disposition or cause codes that you've used on reports that  
16 would keep an out of service report from counting against the  
17 company as a miss if it went out over 24 hours?

18 MR. BEATTY: Are you referring to "these" being the  
19 ones that you've just mentioned?

20 MS. RICHARDSON: Let me start over again. Strike that  
21 last question. I'm just going to start all over.

22 BY MS. RICHARDSON:

23 Q. Do you know if the company requires out of service  
24 reports to be cleared within 24 hours?

25 A. Requires?



1 Q. Yes.

2 A. I don't understand.

3 Q. Does the company have an objective to clear out of  
4 service reports within 24 hours?

5 A. I don't know that for a fact.

6 Q. Okay. Do you know if the Public Service Commission  
7 requires the company to clear at least 95 percent of its out of  
8 service reports within 24 hours?

9 A. I really don't know this, you know, as a fact. I  
10 mean, somebody that might be dealing with that might, but I  
11 don't really know that for a fact.

12 Q. Okay. Have you ever heard of that?

13 A. On circuits is the only thing that I know that we have  
14 to clear in a certain amount of time, hot circuits or, you  
15 know, stuff like that.

16 Q. Okay and how much time do you have for clear a hot  
17 circuit?

18 A. I don't know. Four hours, five hours, something like  
19 that.

20 Q. Okay. Has anybody ever given you a time limit for  
21 clearing an out of service report?

22 A. No.

23 Q. If a report that you've worked on, an out of service  
24 report that you've worked on has gone over 24 hours, has anyone  
25 ever come to you and asked you why it took so long to clear it?

- 1 A. They might have asked me what the trouble was, yeah.
- 2 Q. Okay. I want to go back to cause codes now.
- 3 Has anyone ever asked you to use a cause code on a
- 4 cable report when you felt the code did not apply?
- 5 A. No.
- 6 Q. Is moisture a cause code?
- 7 A. Yes.
- 8 Q. Okay. Have you ever had a cable problem that's been
- 9 caused by a ring cut?
- 10 A. A ring cut?
- 11 Q. Yes.
- 12 A. Yeah, maybe on a led cable.
- 13 Q. Do you still have led cable down here?
- 14 A. Not too much. Hardly any ring cable.
- 15 Q. Okay.
- 16 A. I don't think there's any ring cable left.
- 17 Q. All right. When you had them and you had reports on
- 18 them, what did you show as the cause of that cable problem?
- 19 A. It all depends on what the problem was.
- 20 Q. Okay. If it was a ring cut and some moisture had
- 21 gotten into the cable and made it wet --
- 22 A. I would put moisture.
- 23 Q. Okay. With led cable did you ever have problems with
- 24 squirrel bites?
- 25 A. Yes.

1 Q. And on those occasions would moisture also get into  
2 the cable on a squirrel bite?

3 A. I don't remember if we had a code that had rodents. I  
4 remember a long time ago it might have been rodents or  
5 something and you could show rodents for squirrel or it could  
6 be moisture, because actually the rodent might have chewed the  
7 cable but moisture is what made the cable fail.

8 Q. Okay. So you would show the moisture code, then, as  
9 the cause for that particular problem?

10 MR. BEATTY: Objection, objection. It's been asked  
11 and answered. He's indicated that twice.

12 MS. RICHARDSON: He's indicated what might have caused  
13 the problem, but he didn't indicate what he would actually  
14 code it to.

15 MR. BEATTY: He most certainly did. I think it's in  
16 the record.

17 BY MS. RICHARDSON:

18 Q. I'd like to ask you again, anyway, with the objection  
19 on the record.

20 Would you please tell me which cause code or what  
21 cause code you would close that particular problem on?

22 MR. BEATTY: And I also object on the grounds of  
23 speculation unless he's speaking from prior experience.

24 BY MS. RICHARDSON:

25 Q. Go ahead. We're talking about the squirrel --

1 MR. BEATTY: If you can respond.

2 BY MS. RICHARDSON:

3 Q. -- the squirrel bite and then moisture getting into  
4 it.

5 What cause code would you use for that particular  
6 problem?

7 A. If I was to close it now with the codes, I would put  
8 moisture because we don't have, I don't believe, a rodent code.

9 Q. Okay. Have you ever worked an out of service problem  
10 where a prior Bell workman had been out there to work on it and  
11 had not really closed it properly and moisture had seeped into  
12 the cable? Have you ever worked that kind of problem?

13 MR. BEATTY: Object to the form of the question. It  
14 is a compound question.

15 You may respond, if you can?

16 A. Would you repeat the question?

17 BY MS. RICHARDSON:

18 Q. I will.

19 Have you ever been called out to work on a problem  
20 where when you've gone out there you've noticed that the other  
21 Bell workman that had been out there to work on it had not  
22 really closed it properly and the moisture had seeped into the  
23 cable?

24 MR. BEATTY: I also object to the form of the  
25 question. It's ambiguous.

1           A.    Sometimes you can't tell if it's something somebody  
2           else did.

3 BY MS. RICHARDSON:

4           Q.    Has there ever been an occasion where you have seen  
5           this type of scenario that I'm explaining to you?

6                   MR. BEATTY: He's just answered that question. I  
7           would object. It's repetitious.

8           A.    I'd say no.

9 BY MS. RICHARDSON:

10          Q.    Okay. Mr. Matthews, I'm going to show you a document.  
11          This is called Citizens Third Set of Interrogatories.

12                   An interrogatory is a question that I've put down in  
13          writing and I mailed it off to the company, and the company put  
14          an answer down in writing and sent it back to me. And this is  
15          dated June 6th, 1991.

16                   And I asked the company to give me the names of any  
17          employees who had knowledge about the use of recording improper  
18          exclusion codes on repair service reports.

19  
20  
21  
22                   All right. At this point what I'm going to do is go  
23          off the record and let you read this and discuss it with  
24          Mr. Scola, if you want to, and when you're ready, we'll go back  
25          on the record and I'll ask you some questions about it. Okay?

1 A. Okay.

2 (Discussion off the record, with the agreement of the  
3 witness and all parties present)

4 BY MS. RICHARDSON:

5  
6  
7 Q. Okay. What information do you have about instructions  
8 to use exclude codes improperly?

9 MR. BEATTY: Object to the form of the question. It's  
10 ambiguous.

11 MR. SCOLA: You can answer it if you understand it.

12 A. What was that again?

13 BY MS. RICHARDSON:

14 Q. Okay. That's all right.

15 What information do you have about instructions to use  
16 exclude codes improperly?

17 A. I don't have of any information.

18 Q. Okay. Do you know if there's a cause code for tornado  
19 damage?

20 A. Tornadoes?

21 Q. Yes.

22 A. Not to my knowledge.

23 Q. Okay. Have you ever worked on troubles that were  
24 caused by tornadoes down here in this area?

25 A. Have I?

1           No, I don't think so.

2           Q.    Do you know what an exclude code is?

3           A.    An exclude code?

4           Q.    Yes.

5           A.    No.

6           Q.    Okay.  When you close out a report, besides the  
7 disposition and cause codes, what other information do you put  
8 on it?

9           A.    What you did, what you found.

10          Q.    Okay.

11          A.    Let's see.  D and C and something else.  I forget what  
12 it is.

13          Q.    Do you have to put the time in that you completed your  
14 work?

15          A.    Yeah.

16          Q.    And what does the time show that you load?  Well, let  
17 me ask it differently, then.

18                   Do you put a clearing time in?

19          A.    Yeah, you can put a clearing time and a finish time.

20          Q.    Okay.  And is there a difference between the two?

21          A.    A lot of times there is, yeah.

22          Q.    Can you tell me why?

23          A.    Well, you might be on a failure or you might be on a  
24 trouble that you might have cleared the trouble but then had to  
25 finish the job, like close up a splice or whatever you had to

1 do but the trouble was actually cleared. And it could take,  
2 you know, it could take hours to finish up a job that's already  
3 back in service.

4 Q. All right. What would the clearing time show, then?

5 A. The clearing time should really show the time it was  
6 back in service.

7 Q. Do you know of anyone who has backed up that clearing  
8 time to a point before it was actually back in service?

9 A. Do I know?

10 No.

11 Q. Have you heard of that being done?

12 A. No, not really.

13 Q. Has any manager ever given you an instruction to be  
14 sure that you show a report closed within 24 hours?

15 A. No.

16 Q. Have you ever been told to meet the commitment?

17 A. I've heard that we've got a commitment that we should  
18 meet.

19 Q. Do you know of anyone who showed an improper time in  
20 order to meet that commitment?

21 A. No.

22 Q. Have any of your managers ever asked you to call them  
23 before you close out an out of service report that's taken you  
24 longer than 24 hours to repair?

25 A. No.



1 Q. Do you know what an employee report is?

2 A. Yes.

3 Q. Can you explain an employee report to me?

4 A. Employee report could be a routine job that you go on.  
5 You might have to go put a U guard up, you might have to go  
6 close up a splice that maybe you didn't have the material the  
7 day before and you go back and you close it up. That could be  
8 an employee report.

9 Q. Okay. Do you know of anyone who has created employee  
10 reports when it was the customer who called in the trouble?

11 A. No.

12 Q. Do you know of anyone who's created phony employee  
13 reports?

14 A. No.

15 What is a phony employee report?

16 Q. Do you know of any employee who has phoned in an  
17 employee report that didn't actually exist just to pad their  
18 time, their work time?

19 A. Oh, no.

20 Q. Have you ever done that?

21 A. No.

22 Q. Do you know what a no access code is?

23 A. I know what it is, yeah.

24 Q. Do you ever use them?

25 A. No, we can't use it in what we do.

1 Q. Do you know of anyone who has used someone else's  
2 employee code?

3 A. Not to my knowledge.

4 Q. Has anybody ever used yours?

5 A. I hope not.

6 Q. Do you know of anyone who has put false information of  
7 any kind on a customer trouble report?

8 A. No.

9 Q. Have you ever been disciplined for your handling of  
10 customer troubles?

11 A. No.

12 Q. Have you ever filed a grievance?

13 A. No.

14 Q. Do you know of anyone who has reported to you as a  
15 union representative of improper actions taken by their  
16 managers in terms of handling customer trouble records?

17 A. No.

18 Q. Has anyone spoken to you as a union rep about managers  
19 who are doing craft work?

20 A. Managers that were doing craft work?

21 Yeah, I've heard that one before.

22 Q. Okay.

23 A. But that could be like your on a big cut cable or  
24 something and a boss might jump down in a pit and, you know,  
25 people are going to dinner or something, you got your dinner

1 break, and he decides he's going to sit there and try to help  
2 out. They say, you know, what's the manager doing down there.

3 Q. Have you ever heard anyone complain to you that  
4 managers were statusing or coding trouble reports?

5 A. No.

6 Q. Has anyone ever asked you to help sell products or  
7 services for the company?

8 A. No.

9 Q. Do you know of any improper handling of customer  
10 trouble reports?

11 MR. BEATTY: Objection. It's been asked and answered.

12 Feel free to answer it again.

13 A. No.

14 MS. RICHARDSON: Mr. Matthews, that's all the  
15 questions I have for you. I thank you for coming today.  
16 I apologize for our being late, being backed up this  
17 morning.

18 THE WITNESS: No problem.

19 MS. RICHARDSON: Any questions?

20 DIRECT EXAMINATION

21 BY MR. PIERSON:

22 Q. As a union representative, what are your duties?

23 A. I basically just handle contract grievances of  
24 violations of the contract, if somebody gets written up,  
25 somebody gets suspended for a certain thing, and I set the

1 grievance on it.

2 Q. You what?

3 A. I set the grievance.

4 Q. You set the grievance?

5 A. Yeah.

6 Q. Can you explain that a little bit further?

7 A. I go in and investigate, you know, what the problem  
8 was and deal with the managers with it and try to resolve it.

9 Q. Do you attend union meetings?

10 A. Sure.

11 Q. Do you act as an intermediary between the craft people  
12 and the union?

13 A. The craft people and the union? What do you mean the  
14 craft people and the union? What kind of --

15 Q. Do most of the workers go to the union meetings?

16 A. No, not most of the workers don't go to union  
17 meetings. I bring a lot of the information back, if that's  
18 what you're saying.

19 Q. Do you also relay concerns of the workers to the  
20 union?

21 A. Sure.

22 Q. Have you ever heard any of the other union  
23 representatives expressing to the union any of the  
24 improprieties or the alleged improprieties that have been  
25 discussed here today?

1 A. No.

2 MR. BEATTY: I'm going to -- he's already responded.

3 That's okay.

4 MR. PIERSON: That's all I have.

5 MS. RICHARDSON: Can I do one follow-up to Bob's  
6 questions?

7 REDIRECT EXAMINATION

8 BY MS. RICHARDSON:

9 Q. Have you ever heard at union meetings individuals  
10 discussing cheating?

11 MR. BEATTY: At this point I'm going to object. This  
12 is quadruple hearsay. It is the rankest hearsay and I  
13 suggest to you that even this administrative body would  
14 not tolerate. I object. I think it's inappropriate, I  
15 think it's outside the scope and I object.

16 MS. RICHARDSON: It's still just a deposition  
17 question, it's not evidence, it may not be used as  
18 evidence, but it may be calculated to lead to admissible  
19 evidence, if I'm permitted to question the witness on it.

20 MR. BEATTY: I'm not instructing this witness he can't  
21 answer, I'm making an objection for the record that it is  
22 rank hearsay in it's truest form, it's quadruple hearsay,  
23 and I think that this record should not be polluted with  
24 that level of hearsay.

25 BY MS. RICHARDSON:

1 Q. Would you please answer my question?

2 A. If it was a question I heard, we go to the union  
3 meetings and talk union business, if that's what you were  
4 asking.

5 Q. Have you ever heard at union meetings the discussion  
6 of employees cheating on customer records?

7 A. No.

8 MS. RICHARDSON: That's all, Mr. Matthews. Thank you.  
9 I appreciate your time.

10 THE WITNESS: Okay.

11 (Thereupon the deposition was concluded at 2:45 p.m.)  
12  
13  
14

15 \_\_\_\_\_  
(Date) KENNETH R. MATTHEWS

16  
17 Sworn to and subscribed before me this \_\_\_\_\_  
18 day of \_\_\_\_\_, 1993.

19  
20 \_\_\_\_\_  
21 Notary Public, State of Florida At Large

22 My Notary Commission No. \_\_\_\_\_

23 Expires: \_\_\_\_\_  
24  
25

1 STATE OF FLORIDA )  
 : ss. CERTIFICATE OF REPORTER  
 2 COUNTY OF DADE )

3 I, AMAR KREDI, Registered Professional  
 Reporter, Certified Shorthand Reporter and Notary  
 4 Public in and for the State of Florida at Large,

5 DO HEREBY CERTIFY that the deposition of  
 KENNETH R. MATTHEWS, a witness called by the  
 6 Citizens of the State of Florida in the above-  
 captioned matter, Docket No. 910163-TL, was heard  
 7 at the time and place herein stated; that the witness  
 was by me first sworn to tell the truth; it is further

8 CERTIFIED I reported in shorthand the said  
 9 deposition; that the same has been transcribed under  
 my direct supervision, and that this transcript,  
 10 consisting of 30 pages, constitutes a true and  
 accurate transcription of my notes of said  
 11 deposition; it is further

12 CERTIFIED that I am neither of counsel nor  
 related to the parties in said cause and have no  
 13 interest, financial or otherwise, in the outcome of  
 this docket.

14 IN WITNESS WHEREOF, I have hereunto set my  
 15 hand at Miami, Dade County, Florida, this 17th day  
 of August, 1993.

16   
 17 AMAR KREDI

18 Registered Professional Reporter  
 Certified Shorthand Reporter and  
 Notary Public - State of Florida  
 19 1014 Ingraham Building  
 25 Southeast 2nd Avenue  
 20 Miami, Florida 33131  
 (305) 371-6228

21  
 22 My Notary Commission No. CC194782  
 Expires: May 16, 1996



