

BEFORE THE  
DIVISION OF ADMINISTRATIVE HEARINGS

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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

DOAN CASE NO.: ~~99-3593~~

99-3595 W79

FPSC DOCKET NO.: 990861-TP

**ORIGINAL**

CLAVIN "BILL" WOOD,

Petitioner,

vs.

GTE FLORIDA, INC.,

Respondent,

and

PUBLIC SERVICE COMMISSION,

Intervenor.

PROCEEDINGS: HEARING  
Volume 1 of 2

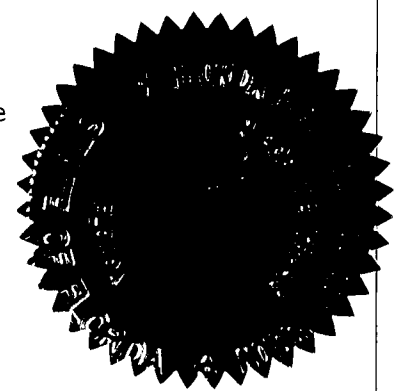
BEFORE: WILLIAM QUATTLEBAUM  
Administrative Law Judge  
Division of Administrative  
Hearings

DATE: December 8, 1999

TIME: Commenced at 9:00 a.m.

PLACE: Administration Building  
201 West Central Avenue  
Lake Wales, Florida

REPORTED BY: Catherine R. Flyte  
500 South Florida Avenue  
Suite 600  
Lakeland, Florida



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December 8, 1999

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BEFORE THE  
DIVISION OF ADMINISTRATIVE HEARINGS

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CLAVIN "BILL" WOOD, :  
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 Petitioner, : DOAN CASE NO.: 99-3593  
 vs. :  
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 GTE FLORIDA, INC., :  
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 Respondent, : FPSC DOCKET NO.: 990861-TP  
 :  
 and :  
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 PUBLIC SERVICE COMMISSION, :  
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 Intervenor. :  
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Hearing in the above-styled cause was held on  
December 8, 1999, at 9:00 o'clock a.m. in the  
Administrative Building, Hearing Officer, Division of  
Administrative Hearings, Lake Wales, Polk County, Florida  
before William Quattlebaum, Hearing Officer of the  
above-styled court.

Appearances were: Calvin Wood, pro se, for the  
Petitioner; Kimberly Caswell, Esquire, for the Respondent;  
Donna Clemons for the Intervenor and the official court  
reporter.

Thereupon, the following proceedings were had and taken:

HEARING OFFICER: You all are welcome to sit at  
the tables and call witnesses, place the witness right  
here. I'm assuming can you see this far.

1 MR. WOOD: Yes.

2 HEARING OFFICER: Okay.

3 MS. CASWELL: I'm from GTE.

4 HEARING OFFICER: Yes.

5 MS. CASWELL: Can I sit here?

6 HEARING OFFICER: Yes.

7 MR. WOOD: Is it all right to move this back?

8 HEARING OFFICER: Yes. Assuming it's not somehow  
9 attached to the floor.

10 Everybody ready? Go ahead. This is a normal  
11 administrative hearing in the case of 99-3595. My  
12 name is William Quattlebaum. I'm the administrative  
13 law judge assigned to review the case, to make  
14 appearances here.

15 Mr. Wood, if you would go ahead and state your  
16 name and address, please.

17 MR. WOOD: Yes. I'm Calvin Wood, 10577 Schaefer,  
18 S-C-H-A-E-F-E-R, Lane, Lake Wales.

19 HEARING OFFICER: And you're the petitioner in  
20 the case?

21 MR. WOOD: I'm the petitioner.

22 HEARING OFFICER: Thank you. And you're  
23 representing yourself, correct?

24 MR. WOOD: I'm pro se, yeah.

25 HEARING OFFICER: And counsel for the respondent?

1 MS. CASWELL: Kim Caswell, GTE Florida, One Tampa  
2 City Center, Tampa, Florida, 33601.

3 HEARING OFFICER: Thank you. For the intervener?

4 MR. CLEMONS: I'm Donna Clemons on behalf of the  
5 Florida Public Service Commission, 2540 Shumard Oak  
6 Boulevard, Tallahassee, Florida, 32399.

7 HEARING OFFICER: Thank you. As a preliminary  
8 matter, I have a motion filed by the intervener to  
9 limit the scope of the hearing to matters within the  
10 jurisdiction. Mr. Wood, I don't have a response that  
11 was filed by you. Do you know what your response is  
12 to the motion?

13 MR. WOOD: Your Honor, I would like to respond to  
14 it. I think that the Court as a practical matter is  
15 going to have to listen to the evidence and rule on  
16 this matter as it comes in. I don't think the Court  
17 can just say, you know, we're not going to let these  
18 types matters in or these type of matters.

19 I raised several issues of law, including  
20 violations of several laws of Florida that's been  
21 violated during this time by GTE. And a lot of these  
22 relate to those issues, unless the Court wishes to  
23 throw my issues out. If it does that, it may then  
24 throw out the issues which they wish stricken. But I  
25 would prefer that the Court defer its ruling until the

1 evidence comes in and let them object properly at that  
2 time and get a ruling on it at that time. I think  
3 it's premature. They're trying to strike factual  
4 matters without seeing whether they're relative to the  
5 issues that the Court will let in or not.

6 HEARING OFFICER: Mr. Wood, basically my  
7 authority in the case is limited by the jurisdiction  
8 that the Public Service Commission has.

9 MR. WOOD: Yes, Your Honor.

10 HEARING OFFICER: The Public Service Commission  
11 doesn't have the authority to award damages for theft  
12 of personal property.

13 MR. WOOD: I understand that.

14 HEARING OFFICER: And so I'm not going to hear  
15 evidence related to damages to personal property or  
16 the theft of property.

17 MR. WOOD: Even if it's --

18 HEARING OFFICER: Unless it was damage that was  
19 -- that was directly caused by some GTE employee who  
20 was there.

21 MR. WOOD: It could have been. I don't know.  
22 GTE was definitely in the area.

23 HEARING OFFICER: Well --

24 MR. WOOD: But I think this also relates to the  
25 -- some issues of bad faith that I've raised in

1 violation of certain code sections. And if GTE had  
2 followed the rules and the laws, my telephone would  
3 have been working, and I would have been able to be  
4 there and the stuff wouldn't have happened. And it  
5 goes to show that, you know, that things happened as a  
6 result of them violating the laws. And I think that  
7 would be relevant then.

8 HEARING OFFICER: I understand your position, but  
9 I don't have any authority to recommend to the PSC  
10 that they require GTE to pay those damages. And so  
11 I'm not going to spend our time here listening to  
12 evidence that has -- I realize that it's very --

13 MR. WOOD: Yes, Your Honor.

14 HEARING OFFICER: -- important to you, but it  
15 doesn't have anything to do with --

16 MR. WOOD: I understand -- I understand. You  
17 can't award damages. I understand that. But I think  
18 it's relevant to other issues that I've raised. I  
19 raised in my pretrial statements several legal issues  
20 that I -- that I think the Court should address today.  
21 And those I think fit in as facts showing the  
22 violations or, you know, things that happened because  
23 of the violation.

24 HEARING OFFICER: The second issue relates to the  
25 provision of the Internet services. And my

1 understanding is the Public Service Commission doesn't  
2 have the authority to regulate the Internet services.

3 MR. WOOD: They have the authority, it's my  
4 understanding, to regulate the services provided by  
5 GTE. GTE does provide Internet services over its  
6 lines. I was the recipient and paid for Internet  
7 services over the GTE lines, which I never got, again  
8 because of misconduct by GTE, who basically got a  
9 ruling ahead of me from the PSC on the fact that I  
10 hadn't paid my bill and disconnected me. And, you  
11 know, that's a fee charged by GTE, and I think it's  
12 covered.

13 Now, if I had been receiving Internet services  
14 from someone else like AOL or someone, you know, my  
15 beef would have been with someone else, but this is  
16 with GTE directly.

17 HEARING OFFICER: What's the division between?

18 MS. CASWELL: That's not GTE Florida. It's GTE  
19 Internet. So it -- the PSC has no standards or has no  
20 jurisdiction over it's Internet services. Further  
21 they have no jurisdiction over GTE Internetworking and  
22 I don't represent GTE Internetworking.

23 HEARING OFFICER: It's a separate company?

24 MS. CASWELL: It's a separate company. It's an  
25 affiliate but it's a separate company.



1 MR. WOOD: Your Honor, I paid GTE, period.

2 HEARING OFFICER: I understand. I'm going to  
3 grant the motion to limit the scope of your Hearing to  
4 matters within the jurisdiction as to those issues  
5 that are raised in the motion.

6 We have other preliminary matters that we need to  
7 take up?

8 MR. CLEMONS: Yes, Your Honor. Your Honor, I  
9 make a motion that the Court take official recognition  
10 of several commission rules and a statute that are  
11 pertinent to issues involved in this case.

12 MR. WOOD: Your Honor, I'll stipulate to the  
13 entire rules regulating GTE, I'll stipulate to those.

14 HEARING OFFICER: Okay.

15 MR. WOOD: As to the relevance of specific ones,  
16 I think that's a ruling for later again.

17 MR. CLEMONS: Since Mr. Wood is willing to  
18 stipulate, Your Honor, would you still like me to go  
19 through the rules?

20 HEARING OFFICER: Let's just identify them so  
21 we're on the same materials.

22 MR. CLEMONS: All right. It's Rule 25-22.032  
23 Florida Administrative Code regarding customer  
24 complaints. Rule 25-4.113, refusal or discontinuance  
25 of service by company. Also Florida Administrative

1 Code Rule, 25-4.081 Florida Administrative Code  
2 emergency 911 access. Rule 25-21.050, Florida  
3 Administrative Code, acceptance of gifts. And section  
4 364.10 Florida Statutes regarding undue advantaged  
5 person or locality be prohibited.

6 HEARING OFFICER: Thank you. I take recognition  
7 of those statues and rules.

8 Any other preliminary matters?

9 MR. CLEMONS: Yes, Your Honor. Your Honor, I  
10 would like to make an oral motion to amend my  
11 prehearing statement. In the prehearing statement I  
12 identified each document individually, and for  
13 purposes of identification, gave them individual  
14 exhibit numbers.

15 In the interest of time and administrative  
16 efficiency, I would now like to change that so that we  
17 have just four exhibits. And I will do all of  
18 Mr. Woods' letters as PSC Composite Exhibit No. 2, all  
19 of the PSC's letters to Mr. Wood as PSC Composite  
20 Exhibit No. 3, and the complaint log of the  
21 Commission's Division of Consumer Affairs as PSC  
22 Exhibit No. 1, and the complaint log of the  
23 Commission's Division of Telecommunications as PSC  
24 Exhibit No. 4.

25 MS. CASWELL: What was two?

1 MR. CLEMONS: Two was all of Mr. Wood's letters  
2 to the PSC.

3 MS. CASWELL: Three was letter from PSC to Wood?

4 MR. CLEMONS: Yes.

5 MS. CASWELL: Thank you.

6 MR. CLEMONS: I can give those exhibits out.

7 MS. CASWELL: Yeah.

8 HEARING OFFICER: The complaint log, No. 4 is the  
9 complaint log. Whose complaint log is that?

10 MR. CLEMONS: Our Division of Telecommunications.  
11 Apparently two different divisions were handling the  
12 complaint.

13 HEARING OFFICER: Okay. We'll consider the  
14 prehearing statement to settle the matter. Anything  
15 else, Ms. Clemons?

16 MR. CLEMONS: Yes, Your Honor. Mr. Wood has  
17 indicated that he would like call PSC staff counsel as  
18 a witness. And I don't know if this is premature at  
19 this time, but I would like to move for protective  
20 order against staff counsel being called to testify.

21 HEARING OFFICER: It is premature at this time.  
22 We'll wait and see if Mr. Wood actually wants to do  
23 that.

24 MR. CLEMONS: Okay, Your Honor.

25 HEARING OFFICER: Anything else?

1 MS. CASWELL: Yes, Your Honor. I do have a  
2 packet of exhibits that were mentioned in my hearing  
3 statement. I have them labeled individually. And it  
4 doesn't matter to me if the Court would prefer to make  
5 them a composite exhibit. Some of this is probably in  
6 the record, but you'll have to excuse me, I've never  
7 done a DOAH hearing before.

8 HEARING OFFICER: There's nothing in the record  
9 at this point.

10 MS. CASWELL: Oh, okay.

11 HEARING OFFICER: Nothing that's been admitted by  
12 the PSC. Counsel has all -- we just started at  
13 scratch.

14 MS. CASWELL: Okay. Thank you. And I think  
15 that's all I have.

16 I do have an additional potential exhibits which  
17 may or may not come in during the testimony. If  
18 that's the procedure, I would enter them at that time.

19 HEARING OFFICER: (Nods head.)

20 MS. CASWELL: Thank you.

21 HEARING OFFICER: Okay. Mr. Wood?

22 MR. WOOD: Thank you, Your Honor.

23 Your Honor, on May the 20th --

24 HEARING OFFICER: Do we have any preliminary  
25 matters we need to take up?

1 MR. WOOD: Yes, this is a preliminary matter.

2 HEARING OFFICER: I'm sorry.

3 MR. WOOD: On, excuse me, October the 20th I  
4 requested discovery from GTE. I requested names of  
5 the people who were involved in my situation, their  
6 telephone numbers, addresses. And then I asked for  
7 basically production of documents for these people,  
8 the documents that they generated in relation to it.

9 And then I asked GTE to get in touch with me and  
10 -- so we set up times so I could take their  
11 depositions. So as far as I could tell, my request  
12 compiles with all the rules of the Florida Rules of  
13 Civil Procedure, including the service and the whole  
14 nine yards.

15 GTE did not object, nor did it provide discovery  
16 that I requested. And, therefore, I'm going in today  
17 without any discovery from GTE, which I'm entitled.  
18 And this is unfair for me to have to do this. I  
19 believe it violates the Florida Rules of Civil  
20 Procedure, and I would move the Court to strike any  
21 documents that would be contained in these files of  
22 GTE's into the hearing today. If I -- if they had  
23 objected that anything being wrong with my request, as  
24 the Court ordered, I could have amended it. But they  
25 didn't.

1 I'm not familiar with the rules of the PSC.  
2 Apparently Ms. Caswell isn't either. I've been  
3 limping along trying to get through them. And to  
4 protect myself after I got back from the death of my  
5 mother on about the 10th of November, I filed a motion  
6 for an expedited -- expedited discovery, and it hasn't  
7 -- it hasn't been ruled on. And I'm here at a huge  
8 disadvantage.

9 They're presenting an expert witness, and I have  
10 no expert to counter them. And right off the bat  
11 unless the Court allows me to bring in an expert at a  
12 later time to counter their expert, I mean I'm dead in  
13 the water from what I understand of Florida law. And  
14 I'm at extremely unfair disadvantage because they  
15 haven't, what I believe, filed -- complied with the  
16 Florida Rules of Civil Procedure. And again I'd ask  
17 the Court to strike their documents and the witnesses  
18 that I couldn't discover under the discovery methods.

19 HEARING OFFICER: Mr. Wood, with whom did you  
20 file a motion for expedited discovery.

21 MR. WOOD: With you, Your Honor. I faxed it in  
22 and I assumed that it got there.

23 HEARING OFFICER: We don't have any record of  
24 that being received. Every document that comes in our  
25 office is documented.

1 MR. WOOD: Yes, I'm sure, yes.

2 HEARING OFFICER: And I have a docket sheet here  
3 that doesn't reflect anything being faxed to us from  
4 you on November 10th.

5 MR. WOOD: I'm not sure that -- there's a couple  
6 of places that I had to send documents. I may have  
7 sent it to the wrong place. I don't think I did.  
8 Along with a renewed motion to disqualify the  
9 attorneys.

10 HEARING OFFICER: Right. That was also not filed  
11 with us.

12 MR. WOOD: A motion to compel expedited -- may I  
13 approach the bench?

14 HEARING OFFICER: Yes.

15 MR. WOOD: I'm sure GTE and PSC are both aware of  
16 these documents.

17 HEARING OFFICER: Ms. Caswell, what's the story  
18 on the --

19 MS. CASWELL: Okay. I'll start from the top. I  
20 think what Mr. Wood is calling discovery is an October  
21 20th, 1999 letter, which I would like to enter into  
22 the record, which I don't think is in my exhibit  
23 packet, that letter was to me from Mr. Wood. And  
24 relevant portions say, please submit me a list of the  
25 people who were involved, and complete records

1           pertaining thereto in a motion to produce and compel.  
2           And please make arrangements for me to print the  
3           entire files of GTE in my office at 10577 Schaefer  
4           Lane, Lake Wales, Florida, and renew my motion to  
5           produce and compel.

6           Now, that is not a proper discovery request under  
7           any -- under even the most liberal construction of the  
8           Florida Rule of Civil Procedure. Mr. Wood was  
9           informed that he would have to follow those rules in  
10          the initial order in this case. That goes over  
11          discovery, subpoenas and the like.

12          I -- when we had an informal conference -- well,  
13          we had a settlement conference in November. I was on  
14          that call, Ms. Clemons with the PSC was on that call,  
15          and at that time we told Mr. Wood that this letter was  
16          not a proper discovery request, and that he would have  
17          to comply with the discovery rules and submit a proper  
18          request. Mr. Wood did not do so.

19          I never received any motion for expedited  
20          discovery, so I don't know what that's about. I can't  
21          respond to it.

22          With regard to the expert witness point, I don't  
23          have any witnesses here accept the ones Mr. Wood asked  
24          us to bring. I was not planning to bring any  
25          witnesses initially. Mr. Wood asked for a number of



1 witnesses. Did not subpoena those witnesses. At the  
2 last minute, he once again asked -- he once again said  
3 that we didn't provide him with addresses, the  
4 witnesses couldn't appear, this sort of thing. So I  
5 said, okay, Mr. Wood, give me your witness list, and  
6 I'll make sure -- I'll do my best to make sure that  
7 those people show up. So that's what I've done.  
8 Despite the absence of subpoenas or anything else,  
9 I've brought people -- most of the people that were on  
10 his witness list and for the person that has left the  
11 company, I've brought kind of a substitute witness.

12 Now, if Mr. Wood does not want to call any  
13 witnesses, I'll agree not to call any witnesses  
14 either, and we can just stand on our papers and have  
15 the Court make a decision on those. But as far as  
16 expert witness goes, I brought the people he asked us  
17 to bring and the people he told us he wanted to put up  
18 as witnesses.

19 I think that's all I have in response to the  
20 discovery motion. Thank you.

21 MR. WOOD: Your Honor, if I may comment. I  
22 believe she's looking for some old common law magic  
23 form to use, and I think the rules are fairly liberal.  
24 And again, I'm a pro se here, and I don't have the  
25 expertise that she has with Florida law. I'm not a

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lawyer in Florida, never been a lawyer in Florida, and don't want to be one.

But again, the proper course for Ms. Caswell if she objected to the form of my request, she should have objected to it so this Court could have ruled on it. And if it was correct, provide; if not, then let me amend it. And I'm not responsible for her inaction on my request. But the rules under discovery, and I have them here somewhere, pretty much states what's -- what's needed, and I think I've provided it.

Rule 1.350, production of documents and things, an interior phone man, inspection for any other purposes. And the relevant portion of that is any person may request any other party, one, to produce and permit the party to make -- the party making the request or someone acting in the requesting party's behalf to inspect and copy and designated documents, including writings, drawings, graphs, charts, photographs, photographic records, and other data compilations from which information can be obtained, translated if necessary by the party to whom the request is directed, through detection devices into reasonably usable form that constitute or contain matters within the scope of Rule 1.280(c), that are in the possession, custody or control of the party to

1 whom the request is directed. And that's the relevant  
2 portion of that rule. I think my letter meets all of  
3 that.

4 MS. CASWELL: Your Honor, may I respond to that?

5 HEARING OFFICER: Yes.

6 MS. CASWELL: I feel that I did respond to his  
7 letter. I don't think that objections were warranted  
8 because nothing formal was filed. Even if it was  
9 procedurally proper, those requests aren't  
10 substantively proper. They're vague, ambiguous,  
11 overbroad, and potentially irrelevant.

12 And the bottom line here is, I guess what would  
13 Mr. Wood expect to find that is not going to go into  
14 the records today between PSC exhibits, his exhibits  
15 and GTE's exhibits? There isn't anything else. We've  
16 got the trouble history, we've got all the  
17 correspondence back and forth. We don't have anything  
18 else. So even if we had responded to this letter,  
19 there would not have been any other documents to speak  
20 of. I mean maybe there's a couple of e-mails, and I'm  
21 going to try to get those in, but I haven't seen  
22 anything else.

23 HEARING OFFICER: Thank you. Mr. Wood, I don't  
24 really think that the letter is a proper discovery  
25 request. And had GTE filed an objection to your

1 discovery request, it would have been sustained.

2 There was no motion to compel the discovery,  
3 which you could have filed on November 20th, and it  
4 could have resolved all of this before today. And  
5 because there was no motion filed before today, I'm  
6 not going to grant a motion to compel, expedite  
7 discovery at this point.

8 Let's see. As to the renewed motion to  
9 disqualify the PSC attorney, I haven't seen this  
10 before -- let me read this for a minute because I  
11 haven't seen this before.

12 Ms. Clemons, do you want to respond to this  
13 motion to disqualify?

14 MR. CLEMONS: Yes, I do, Your Honor. Mr. Wood's  
15 motion is without merit. He's made numerous vague  
16 allegations of misconduct on the part of the PSC and  
17 myself, yet he does not provide a shred of evidence to  
18 substantiate any of the claims.

19 Mr. Wood alleges that the PSC represented to him  
20 that we were representing him as his attorney and  
21 because of that, he gave us confidential information.  
22 Not only do we not know what he is talking about, it's  
23 not true.

24 I was not assigned to this case as staff counsel  
25 until July of 1997. Mr. Wood's complaint against GTE

1 had been ongoing since December 30th of 1997. I'm  
2 sorry. Did I say I was assigned in July of '97? I  
3 meant July of 1999.

4 By the time I got on the case, a proposed  
5 resolution of his complaint against GTE had been  
6 issued by the commission on June 16th of '98.  
7 Settlement negotiations went on for months after that.  
8 An informal conference was held on May 12th, 1999.  
9 All of this had already occurred before I was even  
10 assigned to this docket.

11 By the time I got on the docket, one of the staff  
12 -- commission staff persons and the Division of  
13 Consumer Affairs had sent a draft recommendation on  
14 the complaint to be filed and heard at the -- at the  
15 commission's July 15th, 1999 agenda conference. And  
16 that was the first contact that I had with the case  
17 and Mr. Wood.

18 So how he can state that I represented to him  
19 that I was representing him. I don't know how that's  
20 possible. I'm the only attorney that's been assigned  
21 to this case. There was no one before me. And like I  
22 said, by the time I got in -- I got on the case, the  
23 matter was already going to the commission's agenda  
24 conference.

25 There are so many allegations that he's made, I

1 just -- without merit, that to try to address them  
2 all, it's like he was pulling things out of a hat.

3 Mr. Wood also alleged that -- I think one of his  
4 allegations was that the PSC somehow colluded with  
5 GTE, knew that GTE had made numerous false statements.  
6 And that we incorporated that information into our  
7 recommendation to the commissioners. Again, that is  
8 not true. And like I said, by the time I got the  
9 recommendation, we were already proceeding to the  
10 commission's agenda conference. So any information  
11 that I discovered about the case is in preparation for  
12 this hearing.

13 HEARING OFFICER: Okay. Thank you. That motion  
14 is denied. Anything else?

15 MR. WOOD: Not at this time, Your Honor.

16 HEARING OFFICER: You ready to proceed?

17 MR. WOOD: I am, Your Honor.

18 HEARING OFFICER: I assume that you're going to  
19 testify.

20 MR. WOOD: Yes. But I would like to call  
21 Mr. Fulwood first.

22 MS. CASWELL: Your Honor, may I ask -- and I  
23 discussed this with Linda, the judicial assistant.

24 HEARING OFFICER: Yes.

25 MS. CASWELL: I asked if we could make opening

1 statements, and I understood that we would be.

2 HEARING OFFICER: Yes, you can if you --

3 MS. CASWELL: I'd like, to yes.

4 HEARING OFFICER: Mr. Wood gets the opportunity  
5 to make a statement first.

6 MS. CASWELL: That's fine.

7 HEARING OFFICER: It's not in the nature of  
8 testimony, and I can't use anything you say as  
9 testimony. But it's up to you if you want to do that.

10 MR. WOOD: Yes, I would like to make an opening  
11 statement if the Court doesn't mind.

12 One of the first things that comes to mind is  
13 this thing shouldn't be here, it really shouldn't.  
14 The problems that I have on Schaefer Lane should have  
15 been corrected long, long ago. Unfortunately they  
16 weren't. And over a period from early in 1997 through  
17 approximately August of 1998, there was continuous  
18 problems with the phone lines on Schaefer Lane. My  
19 phone lines and at least eight of my neighbors' phone  
20 lines who submitted a little request to intervene, but  
21 I understand that that's not proper.

22 And, in fact, what I found through my  
23 investigation by talking with the telephone company  
24 people is that GTE maintained defective lines in the  
25 Schaefer Lane area, originated in the switch box. The

1 switchhouse on State Road 60, which is west of --  
2 about a half a mile west of Schaefer Lane. They had  
3 numerous problems. I've observed trucks there almost  
4 every day working on lines because of problems in the  
5 area.

6 And GTE knew the problems in the Schaefer Lane  
7 area. It failed to file reports that was required by  
8 PSC when there was a substantial outage or problems in  
9 the area. In fact, from what I've seen personally,  
10 they've attempted to cover it up. They've attempted  
11 to hide them, they denied everything.

12 But yet their own reports that they filed in this  
13 hearing indicate many problems with lightning, with  
14 water, changes of equipment in the switch house. And  
15 they never effectively corrected the problem until  
16 August of 1999, when they replaced the lines coming  
17 out Schaefer Lane. And, in fact, the line -- they  
18 were switching me on lines, but the lines were  
19 defective and they had no lines to switch me to after  
20 the tornado. And that's one of the reasons why my  
21 phone service was out for a while. They had none to  
22 hook me up with. They were defective before the  
23 tornado, they were defective after the tornado, and  
24 they were defective until -- well, between when the  
25 PSC or GTE claims the problem occurred and after the



1 tornado in March of 1998 up until August of 1998.

2 After the lines were replaced out in that area,  
3 most of the people's problems disappeared and so far  
4 as I've been able to find out. And I keep in contact  
5 with most of them periodically. GTE while they knew  
6 that I had a -- had asked the PSC for permission to  
7 escrow funds if it was possible to do that for payment  
8 of the bill rather than paying directly to GTE. They  
9 got a ruling a couple of weeks in advance of mine or  
10 10 days or something like that, terminated my service.  
11 And money was never the problem. The problem was  
12 defective service, inadequate service, plain old  
13 telephone service.

14 And I'm sure that GTE is going to introduce all  
15 of their experts and -- but I think that we'll show  
16 before the hearing is over that people know when their  
17 telephone don't work. You pick it up, you get static  
18 on it and you can't hear, it's don't -- it's not  
19 working right. When you pick it up and you're  
20 disconnected, it's not working right. Plain old  
21 telephone service.

22 I believe that the evidence will show that the  
23 motive of GTE was that it routinely ignored the  
24 Schaefer Lane area in a manner of redlining that area  
25 and providing many of its people with inadequate

1 service.

2 And I believe that the evidence will indicate  
3 that the reason for that is most of them are disabled,  
4 old or minorities and basically don't have the ability  
5 to complain adequately. Because all the people that I  
6 know of on -- the eight people that was having  
7 problems with their phone and had them resolved, all  
8 but one met those qualifications and that one was a  
9 single mother who probably could have done better.

10 I submit to this day that the work on Schaefer  
11 Lane isn't finished. And I'll submit testimony that  
12 there's still wires hanging from the poles, there's  
13 wires running down the road, there's -- that the work  
14 was improperly done. And I've informed the GTE that  
15 their own people said the work was improperly done,  
16 and would have to be redone. People from PSC has came  
17 out and said the same thing. And that there will  
18 continue to be problems until these policies of GTE  
19 are changed.

20 There's not much money in this, but to lack  
21 telephone service, it's pretty bad, especially when  
22 you're sick. And I'm totally disabled. I have a  
23 heart problem. I was disconnected from 911 service  
24 forever, two or three weeks. And GTE knew that,  
25 refused to provide it. Even after I paid my bill,

1 there's letters in the file that are going to be  
2 introduced, for approximately three weeks they still  
3 refused to connect me with long distance service. And  
4 the only reason for that is not because they didn't  
5 know about it. It was for retaliation for me filing a  
6 complaint. There's no other reason. And I think the  
7 evidence will show that.

8 So again, this shouldn't have been here. If GTE  
9 had provided the plain old telephone service, for  
10 which I was mandated to pay, we would have never been  
11 here today. And instead refusal to provide it that  
12 we're here.

13 And I don't think there's any real money involved  
14 in this that I can come up with. But I've been  
15 working with vocational rehabilitation since 1997, and  
16 I've tried -- I've been trying to get a business  
17 going. And when people can't call you, when you can't  
18 get your phone calls, it's -- it's harmful. And I'm  
19 not the only one out there that's that needs telephone  
20 service, and adequate telephone service, because a lot  
21 of people out there are disabled, the Walrath's, the  
22 Schaefers, many of them.

23 So I don't think this is really a money issue  
24 coming up before the Court today, but an attempt to  
25 get an order to require GTE to provide adequate

1 service to the Schaefer Lane area. And if it perhaps  
2 has the ability to post some penalties to do that.  
3 And I think this will be the thrust of the whole  
4 thing, the whole case. And something which the people  
5 on Schaefer Lane, including me, is entitled to. And  
6 this is what I'll attempt to set forth evidence today  
7 to prove.

8 HEARING OFFICER: Thank you. Ms. Caswell.

9 MS. CASWELL: Before I turn to my opening  
10 statement, I would like to ask Mr. Wood if he would  
11 introduce his exhibits into the record. He gave us  
12 copies this morning.

13 MR. WOOD: Yes, Your Honor. I would move the  
14 Court to introduce my exhibits in. I don't know the  
15 procedure. I've seen court reporters identify them  
16 before and --

17 HEARING OFFICER: Just give them to me.

18 MR. WOOD: These are copies, Your Honor. I have  
19 the originals and would prefer to keep them.

20 HEARING OFFICER: Is this the same package?

21 MS. CASWELL: Yeah, that's what I got, Your  
22 Honor. I have no objection to introduction of the  
23 exhibits, but I would note that there are letters in  
24 there about Internet service. Obviously I think those  
25 would not be a part of the record now considering your

1 ruling earlier. And I can point those out if you want  
2 but I think they're pretty self-evident.

3 And also we would object to the introduction of  
4 the first line here where request to join and account  
5 notes and complaints against GTE. We think other  
6 customers complaints are beyond the scope of this  
7 hearing. Now Mr. Wood's particular complaint was  
8 filed with Department of Public Service Commission.  
9 And you can -- if you want to you can reserve ruling  
10 on that until later on.

11 HEARING OFFICER: I'm assuming Mr. Wood is going  
12 use these documents when he testifies.

13 MS. CASWELL: Okay.

14 MR. WOOD: Yes, Your Honor.

15 HEARING OFFICER: So we'll do it then.

16 MS. CASWELL: Okay. Your Honor, the only issue  
17 in this case is what specific service problems  
18 Mr. Wood had, when he had them, and whether he  
19 received appropriate compensation for them. In this  
20 regard there are three relevant legal provisions.

21 First, GTE's tariff establishing compensation for  
22 service outages. This tariff which is labeled as  
23 GTE's Exhibit 12 says that when service is out for  
24 more than 24 hours after the company becomes aware of  
25 it, GTE must give the customer a prorata credit on the

1 monthly bill for time out of service. Mr. Wood's  
2 monthly rate is \$10.86 cents. So the per day service  
3 credit in his case would work out to .36 cents a day.

4 The second authority is GTE's tariff limitation  
5 of liability. As is typical for public utilities, GTE  
6 cannot be required to pay damages including  
7 consequential damages related to service problems.  
8 This is reflected in GTE's tariff which says -- this  
9 is Exhibit GTE 14, the liability of the company for  
10 damages arising out of mistakes, omissions,  
11 interruptions, delays, errors or defects in any of the  
12 services or facilities furnished by the company shall  
13 in no event exceed in the amount equivalent to the  
14 portion it charged to the subscriber for the period of  
15 service during which such mistake, omission,  
16 interruption, delay, error or defect occurs. That was  
17 a quote.

18 Third is GTE's service performance guarantee  
19 which I will refer to as the FSPG during this hearing.  
20 This tariff was a wholly voluntary, voluntary filing  
21 by GTE says that the company will give customers upon  
22 request a \$25 credit when GTE fails to the meet repair  
23 commitments. To the extent that the Judge consents to  
24 Mr. Wood's connection issues then the commission rule  
25 25-4.113 subsection (1)F and is also relevant, I

1 believe, you took and official recognition of that  
2 earlier. That rule permits companies to disconnect  
3 service for nonpayment. And the only limitation on  
4 the disconnection is the amount of the bill which is  
5 in dispute.

6 Applying this law to the facts in the case it is  
7 clear that Mr. Wood has received more than enough  
8 compensation for any specific services problems he may  
9 have had. In fact this is exactly what the PSC found  
10 after it's investigation. That's reflected in the PSC  
11 recommendation to commission that is GTE's exhibit  
12 one.

13 Mr. Wood filed a complaint in December of 1997,  
14 alleging that people were not able to reach him by  
15 phone in particular and his neighbor Mr. Perry. Again  
16 and again in communications with both GTE and the PSC  
17 Mr. Wood focused on Mr. Perry's inability to reach  
18 him. He told PSC and GTE that he would consider his  
19 problems resolved when Mr. Perry could call him on,  
20 and I, quote, a regular basis, unquote. That's from a  
21 February 3rd letter from Mr. Wood to the PSC and  
22 that's, I believe, in the PSC's exhibit pack.

23 Initially GTE believed lightning may have caused  
24 some problems to Mr. Wood service, so we made some  
25 repairs. But in February of 1998, a GTE engineer

1 visited Mr. Wood's residence and Mr. Perry's residence  
2 and determined that Mr. Perry was dialing the wrong  
3 number for Mr. Wood. Still Mr. Wood continued to  
4 complain that Mr. Perry couldn't reach him  
5 consistently. GTE made another visit in April and  
6 tested all the facilities, there were no problems  
7 then. At that time we also gave Mr. Perry a new phone  
8 and free speed dialing.

9 In May of 1998, now PSC did it's own test on  
10 Mr. Perry's and Mr. Wood's facilities. None of the  
11 technical test revealed anything wrong with GTE's  
12 network. Instead the PSC like the GTE engineer a few  
13 months earlier determined that Mr. Perry was dialing  
14 the wrong number for Mr. Wood. Nevertheless, GTE gave  
15 Mr. Wood service credit on his June bill to foster  
16 goodwill.

17 In August of 1998 Mr. Wood reported that his  
18 problems were resolved because Mr. Perry had reached  
19 him successively. Nevertheless, he continued to seek  
20 a hearing with the PSC and service performance  
21 guarantees from GTE.

22 Meanwhile in June Mr. Wood filed a second  
23 complaint based on GTE's earlier disconnection of his  
24 service as well as continued of nonspecific  
25 allegations about GTE's failure to provide, quote,



1 minimal service. The background on the disconnection  
2 is that Mr. Wood refused to pay his telephone bill  
3 despite new warnings that he would be disconnected if  
4 he did not do so. Mr. Wood continues to argue that he  
5 should not have been disconnected while he was  
6 complaining about service issues with GTE, but that's  
7 not the law. As I stated earlier and as stated in the  
8 staffs recommendation, the only constraint on GTE's  
9 ability to disconnect for nonpayment is if the bill  
10 amount is disputed. Mr. Wood never disputed the bill  
11 amount and in his opening statement in fact, quote,  
12 money was never the problem, unquote. GTE offered to  
13 hook Mr. Wood back up with a toll block if he would  
14 accept payment arrangements, Mr. Wood refused.

15 Despite the fact that GTE had no obligation to  
16 connect -- reconnect Mr. Wood and that he still owed  
17 over \$600, GTE reconnected Mr. Wood anyway with a toll  
18 block. GTE also waived the \$55 reconnection fee that  
19 everyone else has to pay. Mr. Wood paid his bill in  
20 May, at that time the toll block should have been  
21 removed, but it inadvertently remained on for about  
22 three weeks longer than it should have. Although  
23 Mr. Wood claims it caused him great difficulty, he  
24 never called to tell GTE to remove the block initially  
25 and he used a calling card to make his phone calls.

1           In any event GTE gave Mr. Wood service credits  
2           for the block had erroneously remained on and GTE  
3           rerated all of Mr. Wood's phone calls during that time  
4           giving him the difference between what he spent using  
5           a calling card and what he would have spent using his  
6           presubscribed carrier.

7           I can't respond to Mr. Wood non 911 allegations,  
8           that he wasn't able to the reach 911, because that's a  
9           new allegation to me, I haven't seen that before. But  
10          I can tell you that even when we disconnect service we  
11          maintain 911 service on the line. Still Mr. Wood  
12          continues to complain about service problems.

13          Again, he complained that Mr. Perry had not been  
14          able to the reach him and he continued to press for  
15          the \$25 SPG for all of his trouble reports justified  
16          or not. GTE tried to settle with Mr. Wood three times  
17          before this case was referred to your division.

18          In August of 1998 Mr. Wood told the PSC he wanted  
19          three weeks service credit. The company agreed to pay  
20          \$25. Then Mr. Wood said he won't sign until the  
21          second line was installed with no problems. After  
22          that was done he said he would sign quote, only  
23          without waiver of rights of any kind. And I believe  
24          those -- that settlement agreement, that letter is in  
25          Mr. Wood's Exhibit packet. Obviously, this wasn't a

1 settlement agreement, so the company couldn't sign.

2 Instead GTE tried to find some middle ground.

3 In January of 1999, GTE sent out a second  
4 settlement proposal this time for \$50, the equivalent  
5 of two SPG's. I think that's GTE's Exhibit 7 and it's  
6 also in Mr. Wood's exhibit. For a good month Mr. Wood  
7 did not return any PSC calls intending to find out if  
8 he would sign the agreement. Eventually he decided he  
9 would not sign. GTE tried again in April, again,  
10 offering \$50 in credit Mr. Wood refused.

11 Mr. Wood continued to send various communications  
12 to GTE and to the PSC in which he continued to ask for  
13 \$25 for each time he called in a trouble report. In  
14 July of 1999, staff concluded it's investigation of  
15 the matter. It found that GTE did not improperly  
16 disconnect Mr. Wood and that it had issued more than  
17 enough credit for the problems Mr. Wood had raised.

18 In addition to it's personal investigation of  
19 Mr. Wood's and Mr. Perry's facilities, staff had  
20 reviewed all customer complaints from Polk County in  
21 the relevant time frame and found nothing to indicate  
22 any unusual service problems that would have prevented  
23 Mr. Wood from receiving calls. In addition, I think  
24 the staff recommendation requires that there were no  
25 complaints filed by the people on Schaefer Lane at

1 that point. The staff recommended closing the file.

2 The matter went to the Commission for a vote on  
3 July 27th of this year. Mr. Wood called into the  
4 commission session and raised numerous allegations. I  
5 was unaware that this matter was on the agenda for  
6 this day, so I was not present to tell the companies  
7 side of the story. The commission thus voted to send  
8 the matter here to the division.

9 After I heard about the referral I was very eager  
10 to settle this matter. In a settlement conference  
11 held in November between Mr. Wood, Ms. Clemons and I.  
12 I offered Mr. Wood exactly what he had asked for all  
13 during the PSC investigation, a \$25 service  
14 performance guarantee for every trouble report he had  
15 called in. When Mr. Wood said there were 21 reports,  
16 and I didn't even try to verify that, although I knew  
17 it was higher than the records we had, I offered him  
18 \$525 on the spot. He refused. Despite the fact that  
19 he had repeatedly told the PSC and GTE that, quote,  
20 only issue was how many \$25 credits he should get.

21 Your Honor, GTE is at a loss to understand what  
22 relief Mr. Wood hopes to gain from this hearing. We  
23 have done everything we can to try and resolve this  
24 matter. We made repairs when we found possible  
25 problems. We took precautionary measures to prevent

1 problems. We gave Mr. Wood service credit even when  
2 no problems were found. We reconnected his service  
3 even when we didn't have to. We waived reconnection  
4 fees. We rerated phone calls. We gave him SPG's that  
5 even the staff found were unwarranted. We gave  
6 Mr. Perry a free phone and free speed calling. We  
7 offered to settle three times before the case came  
8 here. And finally, we offered an unprecedented \$500  
9 settlement. Even though Mr. Wood knows the commission  
10 can't award damages, he is insisting on pursuing this  
11 matter to hearing.

12 Mr. Wood stated in his opening statement that at  
13 this hearing that he wishes is some sort of mandate  
14 from this division to require GTE to provide adequate  
15 service in the Schaefer Lane area. That's not the  
16 issue here. It never was the issue for the Public  
17 Service Commission. The issue is what complaints  
18 Mr. Wood had. And this is -- the whole matter started  
19 when Mr. Wood filed a complaint about his service.

20 This is -- this is not about his neighbors'  
21 service, although he tried to introduce that matter at  
22 a late point in the proceedings of the PSC. No one  
23 ever looked at that. There's no evidence about that.  
24 I submit to you that is outside the hearing. If  
25 that's what Mr. Wood is trying to prove, I move for

1 summary judgment, that that relief can't be granted,  
2 and the motion to dismiss the complaint.

3 Once again, Mr. Wood mentioned the experts in his  
4 opening statement. Again, the only experts I have  
5 here are the ones Mr. Wood insisted that we bring to  
6 the hearing at the eleventh hour. I went out of my  
7 way to get these people here. They have other jobs  
8 maintaining phone service. It was not easy for them  
9 to come. Since they're here, they're willing to  
10 testify.

11 However, if Mr. Wood does not plan to present any  
12 additional witnesses, I move that we stand on the  
13 papers as they're filed, the record as it exists, and  
14 neither of us will put any witnesses. The Judge can  
15 make his ruling on the basis of the record, the  
16 written record. Thank you.

17 HEARING OFFICER: Thank you.

18 MR. CLEMONS: I have an opening statement, Your  
19 Honor.

20 HEARING OFFICER: Do you?

21 MR. CLEMONS: Yes. Mr. Wood's original complaint  
22 came into the Public Service Commission on September  
23 30th of 1997. And his initial complaint was regarding  
24 telephone service. He stated that he was having  
25 problems receiving any telephone calls.

1           By numerous issues that Mr. Wood subsequently  
2           raised, when the PSC staff filed its recommendation on  
3           July 15th, 1999, the staff chose to only address the  
4           issues that he initially raised in his complaint. And  
5           those issues are reflected in the PSC prehearing  
6           statement on page five, section seven, subsections (a)  
7           and (b). And those issues are whether GTE provided  
8           Mr. Wood with substandard or inadequate telephone  
9           service during the period of May 1997 through August 6  
10          of 1998. That's -- that's essentially the same issue  
11          that was in our recommendation, although it's worded a  
12          little bit differently. In our recommendation, we  
13          said if there was any problems at the GTE facility  
14          which would have caused Mr. Wood to have trouble with  
15          his telephone service.

16                 Subsection, (b) the issue is whether GTE issued  
17                 the proper credits to Mr. Wood's telephone account for  
18                 the time out of service. And those were the issues  
19                 that we took to agenda on July 27th, 1999.

20                 However, when GTE, Mr. Wood and the PSC did our  
21                 informal conference on November the 18th we tried to  
22                 agree on a prehearing stipulation and to talk --  
23                 discuss some settlement of this matter, Mr. Wood  
24                 raised several more issues. And my first inclination  
25                 was to say that these are all the issues, but when I

1 went back and I reviewed the file all the way through  
2 to the beginning, he had sent various numerous letters  
3 raising these different issues. And perhaps it was --  
4 we should not have addressed them and opened a new  
5 complaint for each of the issues that he kept bringing  
6 up, but we did not do that.

7 So I felt that we probably should not foreclose  
8 him from raising these other issues at this time since  
9 we did try to deal with them throughout this  
10 complaint. And those issues are reflected on page six  
11 of the PSC prehearing statement under subsection --  
12 under section, (a) subsections (a), (b) and (c).

13 Section (a), the issue there is whether GTE could  
14 have properly disconnected Mr. Wood's telephone  
15 service for nonpayment of bills while there was a  
16 complaint pending regarding his services, and whether  
17 they were allowed to do that under our Rules 25-4.113,  
18 if they had given him the proper notice that they  
19 intended to discontinue service for nonpayment.

20 Subsection (b), the other issue Mr. Wood raised  
21 was PSC staff engineer went out to his home to  
22 investigate the telephone problems that he had been  
23 complaining about. The staff engineer accepted a ride  
24 with GTE personnel, and Mr. Wood complained that that  
25 was improper conduct. So we wanted that on the record



1 to address that issue.

2 Subsection (c), Mr. Wood complained that GTE and  
3 PSC had somehow colluded to defer his actual informal  
4 conference, and that that behavior was improper. And  
5 we also wanted to address that issue.

6 And then finally, Mr. Wood has charged that GTE's  
7 behavior was somehow discriminatory and that they have  
8 been providing him with inadequate or substandard  
9 service based upon age, race, disability, national  
10 origin. And we wanted to address that issue as well.

11 At this time the PSC takes no position on any of  
12 the issues. We prefer to wait until all of the  
13 evidence has been heard and until the Court makes its  
14 findings of fact.

15 HEARING OFFICER: Okay. Mr. Wood, you ready to  
16 proceed?

17 MR. WOOD: Yes, Your Honor.

18 HEARING OFFICER: Call your first witness.

19 MR. WOOD: Mr. Leonard Fulwood.

20 HEARING OFFICER: Sit right there.

21 LENNIE FULWOOD, having been produced as a witness on  
22 behalf of the petitioner, and having been first duly sworn,  
23 testified as follows:

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## DIRECT EXAMINATION

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BY MR. WOOD:

Q. Mr. Fulwood, would you state your name for the record?

A. Lennie Fulwood.

Q. Who do you work for?

A. Public Service Commission.

Q. When did you begin working for the Public Service Commission?

A. March 25th, 1998.

Q. Okay. And did you eventually get ahold of a complaint that I filed with PSC about improper service being given by GTE?

A. Yes. I got ahold of that complaint approximately March 31st or April 1st.

Q. Of?

A. 1998.

Q. And you began when?

A. March 25th, 1998.

Q. Okay. This was shortly after you were employed by PSC then, correct?

A. Yes, it was.

Q. Could you state your background or education?

A. I received my degree from Florida -- I received BS in electrical engineering --

1 Q. Right.

2 A. -- from Florida A&M in 1993.

3 Q. Okay. What -- what other jobs have you held  
4 before that?

5 A. Four years I was engineer property supervisor at  
6 the Marriott Hotel. And that was right before I began  
7 employment at the Public Service Commission.

8 Q. Okay. And this involved what, electrical  
9 components primarily or things of that nature?

10 A. The whole physical plant, from construction,  
11 phones, electrical, plumbing, pools. The property was my  
12 responsibility.

13 Q. Okay. But your primary focus wasn't on  
14 telephones or telephone service, was it?

15 A. No, that was a small portion.

16 Q. And when you went to work for PSC, basically you  
17 had no -- you had an engineering degree but no background  
18 in telephone service type work?

19 A. Well, actually I interned for Southern Bell in  
20 Jacksonville while I was in school.

21 Q. What did you do then?

22 A. Switched the engineering assistant.

23 Q. Okay. And did you do any engineering functions  
24 while you were employed in that position?

25 A. Physically -- are you speaking of installing

1 phone service?

2 Q. No, no. I'm talking about engineering function,  
3 design?

4 A. No, I didn't design any switchings. I worked in  
5 the equipment and coordinating with the central office  
6 foreman, planners and stuff like that.

7 Q. Okay. Then you worked with basically managers?

8 A. Yes.

9 Q. And you didn't work with switches or telephone  
10 wires or troubleshooting those wires during that period of  
11 time?

12 A. I was not a technician, no.

13 Q. Okay. So basically under -- when you came with  
14 the PSC, the only background you had was the two semesters  
15 where you were associated with the management of telephone  
16 service while you were in school?

17 A. Yes, but I did do technician type work while I  
18 was at the hotel.

19 Q. Okay. Installing the phone?

20 A. Yes.

21 Q. Replacing a jack?

22 A. Yes.

23 Q. Perhaps run a short length of new wire?

24 A. Yes.

25 Q. You didn't rewire the floor or anything, did you?

1 A. No.

2 Q. Okay. And when you got to -- did you only  
3 receive one complaint from the PSC? Are you through the  
4 PSC sources when you got there? Did you only receive one  
5 complaint from me or did you receive maybe two or more?

6 A. From you I only received one complaint.

7 Q. Okay.

8 A. To clarify, that's one complaint.

9 Q. One complaint.

10 A. And once the complaint was open, all your letters  
11 that were directed to me came to me.

12 Q. And that was a complaint of December of 1997?

13 A. No, that was not.

14 Q. What complaint was that?

15 A. That was your March 25th, I believe, or March  
16 26th letter.

17 Q. And that's the first thing you received?

18 A. That's the first thing I received.

19 Q. Did at any point in time did you receive any  
20 correspondence prior to the March 1998 letter you received?

21 A. I received a fax from you that referenced a  
22 February 3rd letter. And I have seen other letters, but to  
23 me as far as what I can speak on, besides that February 3rd  
24 letter I received to you by fax on April 8th or so, that's  
25 the only notification I've had.

1 Q. Then you were without knowledge of the complaint  
2 that I made in December of 1997?

3 A. I'm aware by hearsay but not personal experience  
4 with it.

5 Q. Okay. Do you know where this complaint would be,  
6 what happened to it?

7 A. That would have been handled by consumer affairs.

8 Q. Okay. And then in your -- in your work you never  
9 considered anything prior to March 1998, no problems or  
10 anything with GTE that I complained of?

11 A. Not initially until after we conversed, when I  
12 first received your complaint.

13 Q. Uh-huh.

14 A. No, I didn't. But after we conversed a couple of  
15 times and got GTE response, then, yes, I did. I ordered  
16 from five -- from that day, 5-1-98 back, because that's  
17 when you said your problems began.

18 Q. And y'all -- or the PSC keeps a log of complaints  
19 that come in and a log of correspondence that comes in?

20 A. The PSC, yes, it does.

21 Q. Okay. Are you aware that in January of 1997 I  
22 filed a complaint for noisy lines?

23 A. I would have to -- you mean am I aware as far as  
24 PSC receiving --

25 Q. Yes.

1           A.    -- that complaint? Not personally. But again I  
2 would state that consumer affairs -- the initial complaint  
3 that you filed went to consumer affairs telecommunication,  
4 and that's where I was employed.

5           Q.    As far as you know, there's been no disposition  
6 to that complaint?

7           A.    Well, as far as I know, once I became aware that  
8 there was a prior complaint, we got together and assembled  
9 the total amount of information and made a determination  
10 based upon the total, and it encompassed both complaints,  
11 not just the one filed directly to me but the one that was  
12 filed back in June or September. I'm not sure of the date.  
13 But the closeout letter or the letter of the division that  
14 was sent to you was encompassing both complaints.

15          Q.    Uh-huh. Are you aware that in about March of  
16 1997, the GTE crew came out and repaired lightning damage  
17 to my line?

18          A.    I would have to have the trouble history in front  
19 of me to be able to make those kinds of statements. But if  
20 you want me to recall from memory, I do remember there were  
21 several occasions where -- maybe one in March and in  
22 February where lightning repair was done to your lines.

23          Q.    Do have you those trouble -- do you have that  
24 report? Do you need it?

25          A.    I would need it, yes.

1 Q. Do you have it?

2 A. No, not available to me at this moment.

3 MR. WOOD: Your Honor, may I approach the witness  
4 to compare reports and see that we're talking about  
5 the same document?

6 HEARING OFFICER: Yes, yes.

7 Q. (By Mr. Wood) Okay. I would like to address  
8 your attention to the entry on the 5th of May or May the  
9 1st, 1997.

10 A. Okay.

11 Q. Where lightning -- they had lightning damage to  
12 the lines?

13 A. Yes.

14 Q. Okay. And the next complaint, according to the  
15 GTE records, was in June. And again they had lightning  
16 damage, didn't they?

17 A. Yes.

18 Q. On June 24th?

19 A. Yes. On the aerial wire -- one with the C-wire  
20 was the aerial wire. So we had this. It says it did.

21 Q. Okay. Now, they said they found the trouble  
22 there, an aerial wire had lightning damage. And that  
23 indicates that they repaired it, correct? They repaired it  
24 at 10:00 a.m. on June 25th, the next day?

25 A. Yes, sir.



1 Q. Okay. But if you look down on the 6-25 there's a  
2 complaint from me about no dial tone?

3 A. Yes, sir.

4 Q. And then it hadn't worked since the technician  
5 had been out the day before?

6 A. (Nods head.)

7 Q. Did anyone make you aware of these problems --

8 A. Yes, sir.

9 Q. -- during the course of these actions?

10 A. Not during -- I mean, of course, back in 6-25-97  
11 I wasn't working there. But when I ordered -- these  
12 trouble reports are the ones they did make me aware when  
13 they send in these trouble reports. This is the summation  
14 of the trouble reports from the city. And GTE and I went  
15 through the trouble reports, the actual physical trouble  
16 reports.

17 Q. Right.

18 A. And came out with this summary, which is the data  
19 table that you're looking at. But, yes, sir, I was aware  
20 once on -- after May 1st of 1998 of these events occurring,  
21 yes.

22 Q. Okay. And would you explain the note on that  
23 June 25th reading that there was a miscellaneous problem  
24 and it's non-service affecting? Can you tell me what that  
25 means?

1           A.    Non-service affecting is, would mean that it was  
2 not an outage.  You have two types of service problems that  
3 the service is affecting.  And there's an out of service.  
4 And so with this being non-service affecting, I would  
5 interpret that -- could interpret it two ways.  And that's  
6 -- well, really there's only one way.  That there's a  
7 service affecting type problem and not an out of service.

8           Q.    Okay.  Is that inconsistent with found with no  
9 dial tone?

10          A.    Yes.

11          Q.    No dial tone would be service affective, wouldn't  
12 it?

13          A.    It would be out of service.

14          Q.    Yeah.  And don't you think most people when they  
15 pick up their phone know when their dial tone -- when they  
16 have dial tone on their phone?

17          A.    Yes.

18          Q.    Pretty self-explanatory, isn't it?

19          A.    Yes.

20          Q.    It's not working, is it?

21          A.    Yes.

22          Q.    So this is incorrect trouble found on the report,  
23 isn't it?

24          A.    Yes, as far as the description of trouble found,  
25 yes, sir, it would be.  According to -- again, what you're

1 reading, the no dial tone, that is what the customer  
2 states.

3 Q. Uh-huh.

4 A. If a repairman goes out to visit or check maybe  
5 from the demarcation point from where can they check or  
6 wherever they checked, they might have received dial tone.  
7 So that might have prompted this miscellaneous complaint.  
8 But if you're saying no dial tone as far as what the  
9 customer reported and what was found, if you're saying  
10 they're not accurate as far as if all is true and  
11 conclusive here, yes, I would agree.

12 Q. And it's common when you pick up the phone and  
13 there's no dial tone, you know about it, don't you?

14 A. Yes.

15 Q. Okay. And are you aware that I've established  
16 procedures for many years before calling in to complain to  
17 the phone company of going to their junction box, plugging  
18 my phone in and see if I have dial tone coming in?

19 A. No, I'm not aware of that.

20 Q. I never told you during the course of this that  
21 before I called in any complaints, I checked the line to  
22 see if the problem is on my side versus --

23 MS. CASWELL: Objection.

24 Q. -- the phone company?

25 MS. CASWELL: Your Honor, he's testifying.

1 HEARING OFFICER: Sustained.

2 Q. (By Mr. Wood) Okay. Are you aware that a test  
3 can be made by going to where the telephone company  
4 junction box and the customer's line begins where you can  
5 plug in a telephone and see if you have a dial tone at that  
6 point?

7 A. Are you saying a junction box or are you saying  
8 the interface or are you talking the actual junction box?

9 Q. I'm talking about the place on the side of your  
10 house where the telephone company's lines come in and  
11 terminates, and your lines goes out of that and into the  
12 house.

13 A. That's the demarcation point.

14 Q. Okay.

15 A. And, yes, I'm aware that you can check your line  
16 there to determine if it's an inside wire problem or if  
17 it's a problem that runs back previous to where the  
18 customer -- to where GTE is responsible.

19 Q. Uh-huh. On the 25th another complaint, static,  
20 noise and static at the demarc?

21 A. Are you talking about June 26th?

22 Q. June the 26th, 1997. Are you -- you're aware of  
23 that notation?

24 A. Yes.

25 Q. Okay. And does that indicate that the customer

1 checked the line at the demarc and noted noise on the lines  
2 at the demarc and that generated the call to the PSC?

3 A. Right. But the trouble finders are no access.  
4 So they could not get access to your property for  
5 determination on that, for whatever reason.

6 Q. Well, you've been to my property, haven't you?

7 A. Yes, I have.

8 Q. Do you remember the long driveway coming down  
9 with no gates?

10 A. Yes, I do.

11 Q. You pull right up beside my house in a big field?

12 A. Yes, I do.

13 Q. Do you remember anything that might not give them  
14 access to their junction box or their demarc box?

15 A. Well, I do remember we had spoke once, and you --  
16 and you said you had barricaded the route -- and not at  
17 this particular -- I guess after the tornado situation, and  
18 you did speak of once kind of closing off the road to  
19 prevent anyone from going back there. So I do know you  
20 have the ability to take away access. Now, to what degree  
21 that was happening at this juncture, I can't really answer  
22 that.

23 Q. Uh-huh. And if a customer has paid for an  
24 additional fee for service inside their house, for the  
25 wiring repair, if necessary, that would basically require

1 GTE to pay or to fix the line not only from the demarc but  
2 into the house, correct?

3 A. Yes, sir.

4 Q. To the phone?

5 A. Yes, sir.

6 Q. Okay. But if the problem is at the demarc and  
7 they had access, then they -- at my place they would have  
8 had no problem getting to the demarc box, would they?

9 A. No, they wouldn't have. If the road was open,  
10 they wouldn't have.

11 Q. Okay. And this was June of 1997?

12 A. June 26, 1997.

13 Q. And are you aware that the tornado hit my house  
14 on March the 9th, 1998?

15 A. Yes, sir, I am.

16 Q. So this is not quite a year before the tornado  
17 came?

18 A. It's about nine months before.

19 Q. Okay. Do you remember me ever telling you that I  
20 blockaded the road prior to the tornado?

21 A. Prior to the tornado, no, I do not.

22 Q. Okay. And basically what we discussed was that  
23 -- that I'd been looted and I lost a lot of stuff, and I  
24 put horses across the road. You remember that?

25 A. I don't remember the particulars. You just let

1 me know that you had blocked the access.

2 Q. Okay. All right. If there was no dial tone and  
3 there's no access, that would indicate from July through  
4 probably November, or approximately, that they did no work  
5 there, and there was no problem or that they had been back  
6 and never reported it?

7 A. What actually happened here, on June 24th you  
8 reported no dial tone, lightning hit the line. That is  
9 what you reported.

10 Q. Uh-huh.

11 A. And that's when they said it was the area had  
12 lightning damage. On 6-25 you reported no dial tone,  
13 customer says never worked since tech was out on the 24th.

14 Q. Okay.

15 A. Miscellaneous and non-service affective. Then on  
16 the 25th you reported noise static at demarc, repeated  
17 trouble. Now, what that would tell me on the 26th, you  
18 switched from no dial tone to noisy static at the demarc,  
19 that there might have been an inside wire problem.

20 Q. Okay.

21 A. But there you definitely had a dial tone on the  
22 26th. And so someone had to come out and do something  
23 between -- if you did not have a dial tone at 5:27 p.m. on  
24 6-25 and you had dial tone but noisy static at the demarc,  
25 repeated trouble at 6-26 at 10:02 p.m., that someone or

1 your line had to make some sort of transition from no dial,  
2 which is out of service, to a dial tone, which is static on  
3 line, which is serviced affective, between that date.

4 So to say that no one came out and did anything, I  
5 cannot answer that question. But I can state that there  
6 was transition from out of service to affective service  
7 problem.

8 Q. And this record is inaccurate?

9 A. No access.

10 Q. It doesn't show anything between no access and  
11 sometime after that when apparently the problem was fixed.

12 MS. CASWELL: I'm going to have to object, Your  
13 Honor. Mr. Fulwood doesn't have any personal  
14 knowledge of these visits. I would like to cross and  
15 go on, but I mean for Mr. Fulwood to make an  
16 assumption about what one of our technicians wrote  
17 down, whether it's true or untrue, I don't think he  
18 can do that. He doesn't have the knowledge. And I  
19 think you'll agree with me.

20 MR. WOOD: Your Honor, I'm merely asking him to  
21 go through part of the problem history and explain the  
22 inconsistencies. And at the end of this I want to ask  
23 him how many of these inconsistencies they had  
24 recognized and checked out. Because there's several  
25 inconsistencies as we go through here, and there's



1 nothing in the records to reconcile it.

2 HEARING OFFICER: I'm not going to tell you you  
3 can't ask him questions about whatever document it is  
4 you're looking at, but you're asking him to speculate  
5 as to why things were done or why things were written  
6 down. And that's pointless because he doesn't know.  
7 And I'm not going to base findings of fact on  
8 speculation of someone wasn't even working for the  
9 company then.

10 MR. WOOD: No, I'm really asking him about  
11 questions when he got this, and if he noticed these  
12 inconsistencies as he worked on it, and if he followed  
13 up on them to find out what happened. In other words,  
14 the extent of his investigation.

15 HEARING OFFICER: Well, you can proceed in that  
16 direction. That's not been specifically what your  
17 questions had been.

18 MR. WOOD: Okay. All right.

19 Q. (By Mr. Wood) Did you investigate what happened  
20 after the July 27th, 1997 complaint called in at 3:18 p.m.  
21 of no dial tone and no access?

22 A. Did you go to 1998?

23 Q. No, July 27th, 1997. It's the next transaction  
24 down.

25 A. Okay. July 27, 1997?

1 Q. Uh-huh.

2 A. Okay. Could you repeat the question, please?

3 Q. Did you notice -- did you investigate what  
4 happened after they had no access and left and what  
5 happened to restore phone service?

6 A. Did I investigate what happened then?

7 Q. Yeah. Did you ask them what they did? Did they  
8 come back?

9 A. It's not on this record here. But I think, if I  
10 remember communicating with Mr. Tarver and he said they  
11 replaced your line for you at the central switch.

12 Q. That was at the switching station down on State  
13 Route 60.

14 A. Yes.

15 Q. Are you familiar with the switching station on  
16 State Route 60?

17 A. Yes.

18 Q. Near the Nalcrest, Fedhaven entrance?

19 A. Yes.

20 Q. Okay. So this would be inaccurate in that it  
21 showed that GTE again repaired something at their own  
22 facility to correct the problem?

23 A. Yes, but it's consistent with a lightning strike.

24 Q. Okay.

25 A. When you talk of the inconsistencies or the

1 service affective, if you have a lightning strike on a  
2 line, it's a possibility that that opens anywhere within  
3 the network. They spoke of an area drive, the customer  
4 wire, I mean, you could have an opening anywhere within the  
5 circuit it just can't be -- not a consistent opening it can  
6 be sporadic as far as whether there's water in the line,  
7 anything that could possibility make a connection, make a  
8 disconnection and I guess it would determine here. And  
9 that's why I said looks like a lightning damage problem,  
10 that they had to do some troubleshooting to find out the  
11 problem. That, no, they could not solve it in one day,  
12 that they had to come back and possibly do some  
13 troubleshooting. They thought they had tested a line or  
14 whatever. Then they had to go replace the line card or  
15 whatever. But it's not unusual, if that is what you're  
16 saying.

17 Q. Then the last three transactions basically show  
18 that the problem wasn't fixed within 24 hours, but it was a  
19 continuing problem perhaps caused by lightning?

20 A. Continuing from -- I wouldn't say day to day but  
21 there was a continual problem, yes.

22 Q. And it wasn't fixed after each complaint?  
23 Something was wrong?

24 A. Well, apparently -- I mean, when you speak of  
25 your 7-11 no dial tone, 7-12 they said damage by lightning,

1 network station wire.

2 Q. Uh-huh.

3 A. There's no complaint the next day. The next  
4 complaint is approximately two weeks later.

5 Q. Correct.

6 A. And you complained of no dial tone and said no  
7 access. And the next complaint does not come until  
8 November 10th, 1997, which is approximately four months  
9 later or three and a half months later. And I'm sure you  
10 had -- when we spoke about this, I'm sure I asked you did  
11 you have no dial tone after the 28th, and I'm sure you  
12 didn't go three and a half months without a dial tone.

13 Q. That's correct.

14 A. So it seems I got the problem that was received  
15 on 7-28 of 1997 with that lightning strike incident that  
16 you had.

17 Q. Okay. Are you aware that Mr. Perry called and  
18 complained to you three or four times that he couldn't call  
19 me from his place up the road about three-quarters of a  
20 mile away?

21 A. Well, Mr. Perry --

22 Q. And had a complaint to the telephone company?

23 A. Well, Mr. Perry never actually just picked up the  
24 phone and called me. The only time Mr. Perry talked to me  
25 when I was calling to reach you after you had given that as

1 a temporary number.

2 Q. Okay.

3 A. And I had spoken to him on several occasions.

4 But, no, he never called me. I called him. I was actually  
5 trying to reach you and you weren't there.

6 Q. All right.

7 A. Or whatever. And so I talked to Mr. Perry.

8 Q. But you're aware of Mr. Perry complaining of  
9 problems to GTE at a later date, that he couldn't call me?

10 A. By your -- by the trouble history?

11 Q. Yes.

12 A. There is -- yes, there will be evidence that  
13 either he or you called and said that he couldn't reach you  
14 or that he called GTE. But like I said, there's no -- it  
15 does not say who called in this report.

16 Q. Okay.

17 A. Now, let me direct your attention back to the  
18 November the 10th.

19 Q. Okay. It says, can't be called from 29 --  
20 696-2858 and William Perry's name is there in parentheses.  
21 Would that indicate that he called?

22 A. Can't be -- not necessarily. Can't be called  
23 from the number and the name, call gets disconnected,  
24 recording. But if this was a report from Mr. Perry, and  
25 this is just by my standards and my understanding, it would

1 be on Mr. Perry's trouble report, it wouldn't be on your  
2 trouble report.

3 Q. Okay.

4 A. So this would indicate that you called, the call  
5 was actually placed from your residence saying that  
6 Mr. Perry could not reach you, not from Mr. Perry's actual  
7 residence.

8 Q. And to your knowledge, GTE never provided you  
9 with any information that Mr. Perry called several times  
10 complaining that he couldn't reach me by telephone?

11 A. No, but there are no -- they did not, but I never  
12 asked for it.

13 Q. Okay. Did you ask for their reports regarding  
14 service to my house?

15 A. To your house but not Mr. Perry's house, because  
16 he did not file.

17 Q. But if Mr. Perry was trying to call my -- you  
18 expect -- my house and couldn't get me and filed a  
19 complaint, would you expect that to be part of the reports?

20 A. Say that again now.

21 Q. If Mr. Perry had complained to GTE that he had  
22 tried to call my house and couldn't get me, would you  
23 expect GTE to provide that information to you as part of  
24 your request for reports?

25 A. I only asked for reports from your telephone

1 number, your -- or from you. If Mr. Perry had filed a  
2 complaint with me, then I could have asked for reports from  
3 him. I could not -- I don't have the authority to ask for  
4 random reports even if they may be involved and I think we  
5 have spoken on the phone on this before when I received  
6 your April 10th list of a list of people. And I said -- I  
7 distinctly remember telling you you cannot file a group of  
8 complaints. I can't handle a massive grouping. You can't  
9 include other people in your complaint. If they filed  
10 their individual complaint, I can investigate them from  
11 that respect, but I can't investigate them from the  
12 prospective --

13 Q. But you are aware that I complained for several  
14 months that I had run across people that have tried to call  
15 me and would get a disconnect, an announcement by a  
16 recording that my phone had been disconnected?

17 A. I'm aware of that, but to the -- you had  
18 mentioned a few people on occasion, but most of the people  
19 were Mr. Perry. And Mr. Perry, he stayed right up the  
20 street, and I don't understand it. Everyone else can  
21 pretty much reach me, and you did mention a couple of --  
22 few people.

23 Q. Uh-huh.

24 A. I don't know if it was your daughter or someone  
25 of that nature, but it was -- you said she can call me all

1 the way from Virginia or something of that nature, but  
2 Mr. Perry stays right down the street and he can't call me.  
3 So the focus of your concern was Mr. Perry.

4 Q. Are you aware from the files that you received  
5 when you took over this case of the complaint filed -- or  
6 an e-mail talking about -- an e-mail that I sent you in  
7 January of 1998 stating that a Mr. Alton Adams had been  
8 trying to reach me?

9 A. I was not working in January of 1998. And I did  
10 not take over the complaint in which the sense I think  
11 you're understanding is. You were actually corresponding  
12 with two different departments. One consumer affairs and  
13 one with telecommunications.

14 Q. Okay. Then what you're telling me is that the  
15 records from these two departments were never joined?

16 A. They were separate until I became aware on 5-15  
17 that there were two actual complaints, that you had two  
18 separate complaints.

19 Q. Uh-huh.

20 A. And at that point that's when I rejoined them,  
21 joined the complaints together.

22 Q. Are you aware that Mr. Ted Kaiser, an engineer,  
23 was employed by GTE to work on the problems on Schaefer  
24 Lane?

25 A. I don't know if that was his specific duties, but



1 I know that that area was encompassing -- was his area. I  
2 think he was a district or he was not just for Schaefer  
3 Lane.

4 MR. WOOD: Your Honor, may I approach the witness  
5 and show him some business cards and see if he  
6 recognizes Mr. Kaiser and his districts?

7 HEARING OFFICER: Yes.

8 Q. (By Mr. Wood) This is a card I got on  
9 Mr. Kaiser. Also is this the Mr. Kaiser that you're  
10 talking about?

11 A. By the card, yes, I would -- I assume you would  
12 have to make an assumption that was Mr. Kaiser.

13 Q. Okay. And this Mr. Kaiser work for GTE?

14 A. Yes.

15 Q. And he's an engineer, correct?

16 A. Yes.

17 Q. And you talked with him?

18 A. Yes.

19 Q. Okay. And did he tell you that at the  
20 intersection of Silvio Drive and State Road 60 they found a  
21 defective wire that went to Mr. Perry's house?

22 MS. CASWELL: Objection. Mr. Perry's service  
23 problems are not relevant to Mr. Wood's service  
24 problems we're here to discuss Mr. Wood's service not  
25 Mr. Perry's not any complaints that he might have

1 filed.

2 MR. WOOD: Your Honor, part of my complaint is I  
3 was not able to get incoming calls. And one of them,  
4 the records will be full of things about Mr. Perry.  
5 And it's definitely relevant that Mr. Perry, if he had  
6 a broken line at the corner of State Road 60 and  
7 Silvio, that I am entitled to show it.

8 MS. CASWELL: All that would prove is that there  
9 were problems with Mr. Perry's service that seem to  
10 undermine Mr. Wood's complaint. So I don't know why  
11 he's introducing it. But in any case, it's  
12 irrelevant.

13 HEARING OFFICER: I would let Mr. Wood undermine  
14 his case. So it's overruled.

15 MS. CASWELL: Okay.

16 Q. (By Mr. Wood) But you're aware then that  
17 Mr. Perry claims for several months he couldn't telephone  
18 me?

19 A. Am I aware that Mr. Perry couldn't telephone you?

20 Q. Yes.

21 A. Yes. Sporadically. It wasn't again a day-to-day  
22 occurrence.

23 Q. And you talked with Mr. Kaiser about the lines on  
24 -- coming down into Schaefer Lane, correct?

25 A. Yes.

1 Q. Okay. And did he ever tell you about a defect in  
2 Mr. Perry's line at the corner of Silvio and State Route 60  
3 that went to Mr. Perry's house?

4 A. He spoke on a couple of lines, but it was all  
5 relevant to that lightning strike. As far as any detailing  
6 of the information on that, I didn't -- it wasn't relevant  
7 to your case --

8 Q. Uh-huh.

9 A. -- at that time. Because at the time everything  
10 he said had been repaired. And it had been repaired for  
11 some time. So I did not feel that was information  
12 affecting your case, which -- go ahead.

13 Q. Are you aware that prior to April of 1998 the  
14 phone wire didn't come out Silvio Drive and Schaefer Lane  
15 but came from Darty Drive and was a separate cable?

16 A. I do not know the total facility inspection.

17 Q. You never discovered that?

18 A. No.

19 Q. And to correct the problem -- and then you don't  
20 know that they couldn't correct the problems in the line  
21 coming from Darty Drive over to my house, and it was in  
22 April when they changed me over to the --

23 MS. CASWELL: Objection, he's testifying.

24 MR. WOOD: I'm asking a question, if he's aware  
25 of the situation, a change in telephone cables.

1 HEARING OFFICER: Then you need to preface your  
2 question by asking him if he's aware of something  
3 rather than stating that's a fact because you are  
4 testifying.

5 Q. (By Mr. Wood) Okay. Are you aware that when GTE  
6 couldn't correct the problem with the wires coming from  
7 Darty Drive to my house that they changed or tried to  
8 change me to the cable coming down to Schaefer Lane?

9 A. I don't recall that.

10 Q. You don't know that?

11 A. But I'm not saying that it's not true. I don't  
12 recall, no.

13 Q. Okay. Did GTE at any time ever tell you that the  
14 wiring down Schaefer Lane, a lot of it is defective and  
15 couldn't be used, and that when they tried to put me back  
16 on in March in 1998 that they had no lines to connect me  
17 to?

18 A. When they put you on in March of 1998 that there  
19 were no lines?

20 Q. Yes. When they tried to reconnect me after the  
21 tornado, they had no lines to connect me to.

22 A. Yet they were part of the defective cables, and  
23 they actually -- they had no spare pair on that cable.

24 Q. Uh-huh.

25 A. So what they did was give you a totally new line.

1 Q. Totally new what?

2 A. Totally new line.

3 Q. Okay. They also replaced other lines down  
4 through there, didn't they?

5 A. Yes.

6 Q. Okay. As a matter of fact, they replaced a lot  
7 of lines down Schaefer Lane?

8 A. I cannot speak -- I cannot speak to the extent of  
9 what type of work they did. My main concern at the time  
10 was making sure your lines was properly installed.

11 Q. Are you aware of multiple problems in the  
12 Schaefer Lane area? Did GTE ever make you aware that they  
13 had several people that complained for up to two years that  
14 their telephone service was defective?

15 A. No, they did not.

16 Q. Do you remember seeing in your files --

17 MR. WOOD: May I approach the witness?

18 HEARING OFFICER: (Nods head.)

19 Q. A list of names I submitted for you to review --  
20 to intervene because they were having some problems?

21 A. Yes, that's the same list I spoke on earlier.  
22 That I told you in order for them to become a participant,  
23 they would have to contact the Public Service Commission  
24 and file a complaint themselves.

25 Q. Okay. Then you never talked with any of these

1 people?

2 A. No, I did not.

3 Q. And you have no idea whether --

4 A. Mr. Perry is one of those people, right? If  
5 that's --

6 Q. Yes, he's one of them.

7 A. So, yes, I did talk --

8 Q. You spoke with Mr. Perry?

9 A. Yes, I did.

10 Q. Okay. And then you -- other than Mr. Perry, you  
11 never did any investigation of these people to see if there  
12 was a general problem in the area with GTE's service?

13 A. No. Again, I spoke with my supervisor and I  
14 asked him how should I handle it. And he said to tell  
15 Mr. Wood, which I did tell you, they would have to file a  
16 complaint on their own in order for -- or any other  
17 engineering group to investigate it.

18 Q. And, in fact, even though my name wasn't on here,  
19 I'm the one that filed the complaint, wasn't I? And I was  
20 one of these people, one of several on Schaefer Lane that  
21 was having problems, or complaining of problems?

22 A. You would be one. I have not verified the list.

23 Q. Uh-huh.

24 A. I have not called anyone but Mr. Perry on that  
25 list. So I can't speak to those are -- that is the list of

1 people that's having problems for sure. I haven't verified  
2 or talked to any of those individuals.

3 Q. Did your supervisor explain to you why he said  
4 limit the investigation solely to my line when y'all had  
5 knowledge of other folks that was having problems in the  
6 area and in the immediate area?

7 A. Because of just like GTE, if Mr. Perry has a  
8 problem besides out of service, because you can't call an  
9 out of service problem. It's generally Mr. Perry's duty to  
10 -- I can't call in from Tallahassee and say Mr. Perry is  
11 experiencing a complaint. I mean, a service affective  
12 problem. It's generally you as the customer's duty to call  
13 it in.

14 And so if -- if a consumer is having a problem where  
15 they feel like they want to complain to the Public Service  
16 Commission, we have a number in front of the telephone  
17 book, we have signs, posters or whatever, and it's their  
18 duty if they want us to assist them to give us a call.  
19 It's not our duty to go call the individuals and find out  
20 if they're having a problem.

21 Q. In fact, when GTE has a major portion of its --  
22 of an area where the telephones basically aren't working,  
23 they're required to report to you these problems, aren't  
24 they?

25 A. If they have outages in areas, not to me as an

1 individual but, yes, there is a portion of service  
2 evaluation that they are required to report.

3 Q. But they all reported to you that they had bad  
4 lines on the Schaefer Lane area and not that other people  
5 were complaining of problems out there?

6 A. They said they had some bad -- basically the  
7 cables that they could not add new individuals. They did  
8 not speak of the pairs that were connected. They spoke of  
9 adding an additional customer. They did not add additional  
10 customers on the pairs. You have a cable with 50 -- 50  
11 pairs in it, and 20 of them can be defective, but that does  
12 not have any bearing on the other 30.

13 Q. But they did not make you aware of people who  
14 were connected to supposedly good cable that were having  
15 problems though, did they?

16 A. No, they did not.

17 Q. And they're required to report that to you?

18 A. No. I mean, if there's an outage, they're  
19 required to report outages. Like say if a neighborhood  
20 gets knocked out or a certain section of town or whatever  
21 gets knocked out, they're required to report that outage to  
22 service evaluation so we can make a record of it and so  
23 forth. But if every individual customer or -- no, they are  
24 not required to report those.

25 Q. Okay. But they did report to you that their



1 cable had so many bad pairs that they -- first of all, they  
2 couldn't add a new customer, correct?

3 A. Yes.

4 Q. And they tried adding me to that pair, didn't  
5 they?

6 A. They tried to add you to that cable, yes.

7 Q. And they couldn't do it?

8 A. Right.

9 Q. Okay. And they -- did they also tell you that  
10 there were people out there that were requesting second  
11 lines for a period of time and they couldn't get them?

12 A. No.

13 Q. Okay. Did GTE give you selected data?

14 A. No, they gave me what I asked for.

15 Q. Okay. Are you familiar with a lady by the name  
16 of Elizabeth Crawford, who wrote me a letter? And I guess  
17 the question I should have asked you is, are you familiar  
18 with her letter which stated that she tried to get me, that  
19 my phone had been disconnected, and she wanted me to get in  
20 touch with her because she had important business to  
21 transact?

22 A. No, I'm not familiar with that letter.

23 Q. Okay. Are you aware that Ted Kaiser called an  
24 attorney in West Virginia by the name of Frank Burford, and  
25 Mr. Burford told him he had tried to get me several times

1 and got the disconnect recording?

2 A. I was never made aware of that.

3 Q. They never told you any of those?

4 A. No.

5 Q. Okay. Now, I would like to direct your attention  
6 back to the GTE complaint log.

7 A. Okay.

8 Q. And no dial tone was the complaint, and they said  
9 it's customer error, the wrong number was programmed into  
10 call forwarding.

11 A. On what particular date are you talking?

12 Q. November the 29th, 1997.

13 A. Okay.

14 Q. Are you familiar with call forwarding?

15 A. Yes.

16 Q. Do you have that on your phone at home?

17 A. Yes.

18 Q. And when you're going to be some place, you can  
19 dial whatever number you're going to be at and forward your  
20 calls there, right?

21 A. Yes.

22 Q. When you pick up the phone at your house though,  
23 even though the number is forwarded, if your phone is  
24 working you still get dial tones, don't you?

25 A. Yes.

1 Q. So if the complaint was no dial tone and their  
2 reason for it was that call forward was dialed to a wrong  
3 number, then that's another erroneous reason in their  
4 records, isn't it?

5 A. Yes, if you have no dial tone and call forwarding  
6 programmed, you would not -- it would not cause no dial  
7 tone, if that's what you're saying.

8 Q. Let's go on to 12-12. I think this is one of the  
9 first times I complained other than with Mr. Perry on  
10 November the 10th that people were trying to call me and I  
11 couldn't get through.

12 Did you make any investigation of who these people  
13 might have been that was trying to call me and ask GTE if  
14 they knew or ask anybody if they knew?

15 A. 12-12 I was not employed with the Public Service  
16 Commission. And when you made me aware, when I became  
17 aware of the complaint, the only person that you spoke of  
18 was Mr. Perry.

19 Q. Okay. But as time went on, did you -- you did go  
20 back and investigate prior, advance to see if they had an  
21 implication on the present complaint? That would be part  
22 of your job, wouldn't it?

23 A. Well, when I took the information that was faxed  
24 to me from consumer affairs --

25 Q. Uh-huh.

1           A.    -- I did not see a particular letter from I guess  
2 the people you're speaking of.  When we jointly closed out  
3 the complaint or made our recommendation in closing out the  
4 complaint, it was done jointly, which would mean myself and  
5 Dick --

6           Q.    Okay.

7           MR. WOOD:  Your Honor, I move the Court to take  
8 judicial notice that there's another set of records  
9 involving my problems on Schaefer Lane, and they're  
10 apparently not part of the records here.  And I don't  
11 know what to do.  I mean, you know, there's relevant  
12 stuff that he needed to have.  Perhaps get GTE or PSC  
13 or somebody -- it should have been PSC filed all these  
14 things.  It should be there.

15          MS. CASWELL:  Your Honor, I don't think you can  
16 take judicial notice of something that doesn't exist.  
17 This -- this is what the PSC asked for, these are all  
18 the trouble reports, the trouble tickets and  
19 explanations.  That's all there is.

20          MR. WOOD:  But these things should have been  
21 filed.  I know I sent letters, copies of the e-mail  
22 from Mr. Alton Adams.  I sent copies of Ms. Crawford's  
23 letter in to PSC.  And I've been wondering where they  
24 were.  They never showed up in anything that I've seen  
25 here.

1 MS. CASWELL: I would suggest that if Mr. Wood  
2 wants something in the record, he can ask for it,  
3 subject to objection.

4 HEARING OFFICER: Right.

5 MR. WOOD: I would move the Court to -- to get  
6 the other file because, you know, there may be stuff  
7 in there.

8 HEARING OFFICER: You know, I don't want to sound  
9 like I'm trying to get out of anything, but it's  
10 really not my responsibility to get anything here. I  
11 accept the evidence that you have as well as the  
12 evidence from PSC. I'm not authorized to conduct any  
13 investigation on my own of any records that you want  
14 that aren't here.

15 MR. WOOD: I understand. But I would again ask  
16 the Court to take judicial --

17 HEARING OFFICER: I can't -- I'm not going to  
18 take judicial notice of records I don't have and you  
19 don't have copies to give to me.

20 MR. WOOD: Okay.

21 Q. (By Mr. Wood) Okay. Let me direct your  
22 attention back to the GTE report on 12-18-97. I again  
23 called in that people were trying to call me and they  
24 couldn't reach me. And you later become aware of this,  
25 correct?

1 A. Yes.

2 Q. Okay. And again the note here is miscellaneous,  
3 non-service affecting problem. Now, if people were trying  
4 to reach someone, a telephone customer, and can't reach  
5 them, then that is not a non-service affecting, that's a  
6 service affecting problem, isn't it?

7 A. Yes.

8 Q. Then -- then this also would be an inaccurate  
9 diagnosis from what's on the record here?

10 A. Yes.

11 Q. Okay. Let's go on up to 12-23, another complaint  
12 that customers can't reach me, people can't reach me. And  
13 it notes that on 1-19-98 they changed the customer's line  
14 card. Now, the customer's line card is part of GTE's  
15 equipment, right, part on their side of the line?

16 A. Yes.

17 Q. And it's also probably in the switchhouse on  
18 State Road 60, correct? That's the logical place for it?

19 A. Yes, that's where it is.

20 Q. Okay. Now, that -- that problem there wasn't  
21 reduced -- wasn't corrected until almost a month, was it,  
22 when they changed the switch card, between January -- or  
23 December 23rd, 1998 -- that should be '97.

24 HEARING OFFICER: Mr. Wood, where are you reading  
25 from?

1 MR. WOOD: The GTE's report of complaints.

2 HEARING OFFICER: Is that part of anything  
3 anybody's given me?

4 MR. WOOD: Yes, it should be.

5 MS. CASWELL: I don't think so. I haven't  
6 entered it. I don't mind if it comes in.

7 MR. WOOD: I have -- I have them from those. I  
8 have an incomplete copy of hers, and then later got  
9 this complete copy I think a couple of days ago.

10 MS. CASWELL: The two-page document he's  
11 referring to is in the record because it's -- I think  
12 it's in my exhibit and may have been attached to the  
13 staff recommendation. But all of the details, codes  
14 and trouble history which probably are indecipherable  
15 to most of us are not in there.

16 MR. WOOD: But this does give a plain language  
17 report of what the complaint was, what happened.

18 MS. CASWELL: It's attachment two to the staff's  
19 recommendation, which is GTE's Exhibit 1.

20 HEARING OFFICER: Okay. Thank you.

21 Q. (By Mr. Wood) So that problem was apparently  
22 corrected supposedly, according to their records, almost a  
23 month after the complaint was prepared?

24 A. Yes, according to their records. It seems -- it  
25 appears that they were -- every time they went out to find

1 the problem, they weren't finding the problem. That's what  
2 the miscellaneous would indicate, that their -- and most of  
3 the miscellaneous like that tend to indicate that every  
4 time they went out that they could not -- they did not see  
5 any problems, they didn't have any problems calling you or  
6 anything like that.

7 When I talked to Mr. Kaiser about changing the line  
8 card, he was -- I remember him telling me they could not  
9 resolve -- they could not find the problem.

10 Q. Uh-huh.

11 A. And that they had done tests or whatever, but  
12 they could not find a problem. So they went ahead and  
13 changed the line card.

14 Q. Uh-huh. Then you're aware that there's -- in the  
15 year -- in the year 1997 there were four times they came  
16 out and couldn't find the problem then?

17 A. Are you referring to from November to --

18 Q. I'm referring from January 27, 1997 when the  
19 complaint was called in about noise and static until  
20 December the 23rd when the last complaint was called in  
21 that year, that there were four times they came out and  
22 they said they couldn't find the problem?

23 A. Within that period of time, yes.

24 Q. Uh-huh.

25 MS. CASWELL: I'm going to object to that



1 characterization. I don't think there's anything in  
2 here that says they couldn't find the problem. There  
3 are entries that say no trouble found or customer  
4 error, but I think those are two very different  
5 things.

6 HEARING OFFICER: Sustained.

7 Q. But the miscellaneous in layman's terms means  
8 that for our purposes here, they never could find anything  
9 wrong? They checked and couldn't find anything wrong?

10 MS. CASWELL: I'm going to object.

11 Q. And if the problem was, it's miscellaneous?

12 MS. CASWELL: I think that Mr. Wood should direct  
13 these questions to one of our witnesses who knows more  
14 about our codes. Mr. Fulwood is welcome to answer,  
15 but I'm not sure that he has intimate knowledge of our  
16 trouble codes.

17 MR. WOOD: Your Honor, Mr. Fulwood is with PSC.  
18 He was the investigator -- as far as I know, the only  
19 investigator for the PSC. And these are problems that  
20 I, an untrained layman, found in these records. And  
21 he's an engineer and, you know, working, you know, on  
22 telephone complaints. And I think that we can  
23 establish through whatever expertise and information  
24 he found out what it was and what it means. And he  
25 would certainly, I would say, as an employee of PSC be

1 charged with knowing what a miscellaneous item was on  
2 the report of trouble.

3 HEARING OFFICER: And if he knows for sure what  
4 it was, he can answer the questions. And if he  
5 doesn't, you need to stop trying to get him to  
6 characterize these reports in ways other than what it  
7 says on paper.

8 MR. WOOD: I understand.

9 Q. (By Mr. Wood) And again, Mr. Fulwood, I'm  
10 calling your information that you received through the PSC,  
11 from GTE and your own investigation and your own knowledge.  
12 And in your investigation when you get a complaint report  
13 like this, you have to interpret it, don't you? In other  
14 words, investigate it?

15 A. It doesn't look like that though. And it usually  
16 -- you interpret it with the help of GTE representative.  
17 The times that GTE says miscellaneous is a broad category  
18 and many things can fall in between there, like the 12, for  
19 example, 12-97 miscellaneous entry. Now, I mean I was --  
20 in my mind that would indicate that they could not find the  
21 trouble and came clean, you know. And I would interpret  
22 that to be that as far as my knowledge would tell me. But  
23 typically you would go through these reports -- like if we  
24 were out on a service evaluation and reviewing trouble  
25 reports, certain things are not as -- is not in stone, it's

1 to the interpretation where a technician can understand  
2 something. And if you -- it's not exactly clear. You  
3 understand what I'm saying?

4 Q. Yes, I understand. So the technician's  
5 interpretation is important in this, correct? What the  
6 problem was and if there was a problem, how it was  
7 resolved, or they couldn't find the problem, it's a  
8 technician's interpretation?

9 A. It's not an interpretation. It's what he found.

10 Q. Uh-huh.

11 A. And what he found -- I mean, subject to words,  
12 wording may be different, you say tomato I say tomato, but  
13 it's -- it is what he found, it's the essence of what he  
14 found. But miscellaneous is a generic code, it's not an  
15 exact finding I would say.

16 Q. Okay. Did you ever check into -- talk with any  
17 of the techs that performed repairs on my telephone lines?

18 A. No. I only talked with Ted Kaiser.

19 Q. With who?

20 A. Ted Kaiser.

21 Q. Ted Kaiser. And does your investigation ability  
22 not permit you to go and talk with the techs who worked on  
23 the lines, find out what they found and their  
24 interpretation and their explanation?

25 A. It's generally beyond the scope of what I'm

1 aiming to do. I was aiming to address your problem as it  
2 was presented to me.

3 Q. Uh-huh.

4 A. To go out and interview every individual tech  
5 that might have encountered service at your line is not a  
6 general practice.

7 Q. But aren't you familiar with GTE's policy of  
8 having techs work in a specific area, and you might only  
9 have to talk to one or two techs?

10 A. I'm not that familiar with GTE's practices. But  
11 it's a general practice but maybe within a city, but this  
12 is a rural type area. So the tech span could probably be  
13 pretty broad.

14 Q. But if I present information that most of the  
15 time I saw the same person out there, you wouldn't be  
16 surprised, would you?

17 A. No, it wouldn't surprise me.

18 Q. Now, if you'll look at the top of the GTE report  
19 -- and this is GTE's report, right?

20 A. Yes, it's a summation of GTE's report.

21 Q. And they can put anything in there they wanted  
22 to, whatever they needed to clarify?

23 A. Well, a trouble ticket if someone had said -- if  
24 they did it, it would be a violation. They're required to  
25 enter -- when you call in a report, they're not -- they

1 cannot change or put fraudulent information in there.

2 They're required to put exactly what happened. Are we  
3 looking at the summation or are you looking at the actual  
4 trouble ticket?

5 Q. I'm looking at -- I'm looking at this right here  
6 that --

7 A. Which is the summation.

8 Q. -- that they presented to me and to the Court.

9 A. Right.

10 Q. Apparently with the intent to use it.

11 A. No, this isn't an honest record. As far as it's  
12 taken directly from the trouble ticket.

13 Q. Okay.

14 A. It's summed in a way that the common individual  
15 can read it. But it is a true and correct document.

16 Q. And meant for us to be used in this hearing here  
17 today?

18 A. Yes.

19 Q. Or else they would never have given it to the  
20 hearing judge, would they?

21 A. Yes.

22 Q. Okay. And again I'll direct your attention to  
23 the top of it. On January 19th, '98 at 10:27 a.m. they  
24 closed this complaint after they put in a line card. And  
25 then I called again at 1:02, again complained because

1 someone had just called me and said it wasn't working.

2 A. Yes.

3 Q. And they said no trouble found?

4 A. Yes.

5 Q. And there's a series of complaints I called in  
6 where people tried to get ahold of me and couldn't reach  
7 me. You see them on January 19th, 1998, January 21st,  
8 1998, February 16th -- no, I'm sorry. Go back to December  
9 23rd. There are several times when I reported to them that  
10 people had been trying to call me and couldn't reach me.

11 Now, in your investigation did you go back and check  
12 out what was happening other than these reports here that  
13 they filed?

14 A. I went back as far as talking to the district  
15 manager or the network -- whatever Ted Kaiser is.

16 Q. Uh-huh.

17 A. As far as -- I wasn't here back then. I can't go  
18 back and assess what was going on with your line. I talked  
19 to you about it, I talked to Debby Kampert about it, who  
20 tried to find out, like I say, from my reading this there  
21 was a lot of can't be called. And GTE could not find the  
22 condition that would have warranted this. They were  
23 changing out things, trying to change possibly get it, but  
24 you continually called them, like you said, December 23rd,  
25 can't be called, January the 19th, I can't be called,

1 January 21st, can't be called. And you specifically put  
2 down Mr. Perry's number on January 21st. On 2-16, can't be  
3 called, hum in line.

4 Q. Mr. Perry's one of those.

5 A. Like I said, they wrote the trouble found,  
6 customer error. No trouble found. No access. Tested  
7 okay. Came clear. I mean as far as -- that's the only  
8 thing I have to assess what was going on at the time. I  
9 cannot make any other assessments besides that.

10 Q. Okay. I understand. And you didn't ask for  
11 anything else other than what they gave you, the reports  
12 they gave you?

13 A. I don't know what more I could ask for other than  
14 trouble reports.

15 Q. But you knew of another file existing over in  
16 customer service regarding my complaints. Did you ever ask  
17 for it?

18 A. At that time that was -- when I requested these  
19 complaints, it was 5-1-98, and I talked to you and  
20 requested -- you were, I guess all the way back to January  
21 '97. But I requested to 5-1-97, your complaint. At that  
22 time I was totally unaware that there was another  
23 complaint, and I did not find out there was another  
24 complaint open until 5-15-98.

25 Q. And that hadn't been consolidated with this

1 complaint?

2 A. It was consolidated with this complaint. I gave  
3 consumer affairs my file on 6-15 or 6-16, I'm sorry, of  
4 1998.

5 Q. Okay. And they dumped it all back to you then  
6 and you became the investigator again?

7 A. No. That was the letter from Mr. Talbott that  
8 you received --

9 Q. Uh-huh.

10 A. -- that was the summation of what Consumer  
11 Affairs had found, summation of what I had found, and  
12 disposition on the Public Service Commission's  
13 investigation on the complaint. And we felt that GTE had  
14 done what they needed to do and that obligation was  
15 presented to me, and that we were closing the complaint at  
16 the time.

17 Q. Despite a continuation of the same type of  
18 trouble, all from a period of January of 1997 through until  
19 I said Mr. Perry could call me in August of '98?

20 A. You're saying despite?

21 Q. You felt the problem had been fixed?

22 A. Well, when I went out on May 29th and I did the  
23 line test on your line, and I did the line test on  
24 Mr. Perry's line. And when I did the call completion test  
25 from Mr. Perry's house where he initiated -- initially



1 started dialing the call completion test and misdialed the  
2 number three times. Then when I took over and dialed the  
3 number, I completed to your residence every time. I can  
4 recall 10 to 15 times just directly.

5 Q. Did you reach me?

6 A. I reached you sometimes, then your voice mail  
7 would answer. Remember, you went back to your house, we  
8 asked you to go back to the house and answer your phone and  
9 so forth.

10 Q. Uh-huh. You remember talking to me?

11 A. Yeah.

12 Q. From Mr. Perry's house?

13 A. Yes.

14 Q. Okay. Did you make any notes or memorandums or  
15 anything of that in your logs or journal?

16 A. Yes, I did.

17 Q. Do you have a copy of that today?

18 A. Yes, I do.

19 Q. For the record, would you read in what you put in  
20 your log concerning contacting me?

21 A. On 5-29 it says perform loop test and both --  
22 performed loop test at both residences. Call completion  
23 test Perry to Wood. Test was successful. On call  
24 completion test, Perry dialed wrong number three times in  
25 my presence. Once to his daughter's house, twice to the

1 wrong number. I asked Perry could I dial the number and he  
2 agreed. Completions were 100 percent. Wood again  
3 mentioned no long distance service, wanted a copy of  
4 results. I told him I would mail him a copy, and that was  
5 5-29-98.

6 Q. Okay. And you indeed mailed me a copy?

7 A. Yes.

8 Q. And your conclusion then is Mr. Perry's eyesight  
9 was bad and he couldn't see to dial the numbers. As a  
10 matter of fact, you gave him a big -- big letter telephone,  
11 a big numbered telephone?

12 A. I made no medical examination of his condition.  
13 While he was misdialing the numbers, I just simply saw that  
14 he misdialed the number.

15 Q. Could Mr. Perry be characterized as young, middle  
16 aged or old?

17 A. He's older.

18 Q. He's older. Who was in his place when these  
19 tests were made?

20 A. It was me, Ted Kaiser, and I think Tom Brock or  
21 something like that. I'm not sure. There was two  
22 divisional from GTE and Ted Kaiser was one of them.

23 Q. Did Mr. Perry ever tell you that you were trying  
24 to get him to dial the number that wasn't the number that  
25 went to his daughter's house?

1           A.    I didn't give him any.  Specifically said I'll  
2 call him.  So it was not that I tried to get him to do  
3 anything.

4           Q.    Okay.

5           A.    It was his house, and as a courtesy when, you  
6 know, when we entered in the house and he had -- he said he  
7 would dial the number.  I'm obligated to be courteous and  
8 to allow him to dial it.  And he handed me the phone to let  
9 me listen, and I said, yeah, that's a wrong number or can't  
10 be called or whatever.  And then he did it again and then  
11 the second -- I almost -- then he dialed that last number  
12 and then someone actually picked up the phone.  I was like,  
13 is this Mr. Wood.  And she was like, no, you know, whatever  
14 conversation went back and forth to find out it was his  
15 daughter.  After that I was like if you don't mind,  
16 Mr. Perry, I would like to dial the number myself.

17          Q.    Then you're maintaining over a period from  
18 possibly December of 1997 through August of 1998 Mr. Perry  
19 just kept dialing the wrong number for me every day when he  
20 tried to call to see how I was?  He dialed the wrong  
21 number, was dialing the wrong number all that?

22          A.    I can't begin to make that assumption.  I did not  
23 contend that that was the problem.  The only time frame I  
24 can speak of is when I -- from that date forward, I  
25 examined your line to be within all specifications of what

1 a line should be. And the day I actually called, that is  
2 the only time frame I can speak of. I did not perform a  
3 test back on 5-1-97, 1-1-97, I was not a part of the  
4 commission.

5 Q. I understand.

6 A. The only information I can provide is the  
7 information from the time when I was at Mr. Perry's house.

8 Q. That's all we want. But your conclusion based on  
9 that one trip was that Mr. Perry was dialing the wrong  
10 number, that the phone to my house had been good all the  
11 time, and it was not GTE's fault?

12 A. I did not say that the phone had not been good  
13 all the time. GTE also -- when I went over these reports  
14 and I looked at the time out of service, time service  
15 affecting --

16 Q. Uh-huh.

17 A. -- the amount of service credit that GTE had  
18 issued. I felt that they had equalized any out-of-service  
19 dates that you were out of service. I felt that they had  
20 equalized and compensated you with the proper amount of  
21 service credit, with what they call SPG.

22 Q. And that was based, for one reason at least in  
23 part, upon Mr. Perry's unable to dial any phone numbers  
24 correctly while you was there?

25 A. No, that had nothing to do with this.

1 Q. Then why did you mention it in your report?

2 A. Why did I mention it in the report?

3 Q. Yeah.

4 A. Because it was a finding of fact. That's what I  
5 found. But that is not -- from that point, from that day  
6 of 5-29-97 the complaint was resolved to me. I thought  
7 that the line was fine, the call completion tests that I  
8 performed were 100 percent. So from that day forward, then  
9 it had been -- it was resolved, there was no problem. His  
10 line was clear, your line was clear, there was no open, no  
11 noise problem, no loss problem, no any kind of problem, the  
12 problem was clear. So, therefore, from that date I said  
13 the complaint was closed. I viewed your past history to  
14 determine if you were owed any money for that.

15 So again GTE connected your service without a  
16 connection fee, they issue service credit. I don't have  
17 the dates that they issued the credit, but I don't have --  
18 it's in the exhibit but I don't have the dates that they  
19 issued service credit, which was, I felt, compensation.  
20 Sometimes they issue service credit but I didn't feel one  
21 was warranted. But I agreed with customer relations it was  
22 the right thing to do.

23 Q. Uh-huh.

24 A. And because of the equalization being out of  
25 service, service credit, I felt that GTE had met obligation

1 and had nothing to do with the fact that Mr. Perry -- I did  
2 not make an assessment Mr. Perry just misdialed the entire  
3 time or anything of that nature. I can only make an  
4 assessment of the problems that existed during the whole  
5 while that you said, and what I assessed when I was down  
6 there, and that at least your problems should have been  
7 solved. And so from this point you should not have any  
8 problems. Let's look at the past and see did GTE reserve,  
9 did GTE owe him any credit, any days, let me make sure they  
10 met their obligations on that. Once I found that GTE had  
11 met their obligations, I moved it should be closed.

12 Q. Then even though it had been fixed 10 minutes  
13 prior to your arriving, it was closed?

14 A. I cannot speak of when something was fixed prior  
15 to me arriving.

16 Q. Then you never inquired as to how many people was  
17 working on Mr. Perry's line that morning before you came?

18 A. No, I did not.

19 Q. Didn't occur to you to?

20 A. No, that's not standard practice to ask were you  
21 out here the morning before, you know, or the day before.

22 Q. But did GTE have service people standing in the  
23 yard when you got there?

24 A. When I got there?

25 Q. Yes.

1 A. Not that I recall.

2 Q. Didn't they have a van over beside Mr. Perry's  
3 telephone pole or electric pole sitting there with one man  
4 in it? You didn't see the van sitting in his yard?

5 A. I don't recall that I saw a van.

6 Q. Okay. Now, they could have had people there,  
7 service people, when you were there?

8 A. Yeah, that's a possibility.

9 Q. But you never saw any?

10 A. I mean not besides -- I went to the central  
11 office so I encountered several service people. But as far  
12 as in that individual neighborhood, one individual working,  
13 no, I didn't see anyone doing any work.

14 Q. But I'm asking did you see people, service  
15 people, with a truck parked in Mr. Perry's yard or in  
16 Mr. Perry's driveway?

17 A. I think I do remember seeing a van when we came  
18 in, a GTE truck.

19 Q. Yeah.

20 A. Or in a car or whatever.

21 Q. Uh-huh, sure.

22 A. As a matter of fact, that van -- the guy -- one  
23 of the guys met us at the -- at Mr. Perry's place. So I  
24 don't know what you're looking for in that.

25 Q. And are you aware that a short distance in time

1 in the future Mr. Perry went to his eye doctor and that he  
2 was released from the duty to wear his glasses, he never  
3 needed to wear glasses now?

4 A. No, I'm not aware of that.

5 Q. So we can assume that it wasn't because Mr. Perry  
6 couldn't see the phone, was it?

7 A. I can't make any of those assumptions.

8 Q. That's right. And is it possible that Mr. Perry  
9 was upset or excited that people come into his house and he  
10 was expected to perform and performed poorly?

11 A. Yeah, that's a possibility.

12 Q. Did he exhibit any of the traits of somebody that  
13 was upset, say nervousness, moving his hands a lot or  
14 talking a lot or talking loud?

15 A. He was talking a lot. He was quite congenial.  
16 But I mean I don't know if he was nervous. Like I say, I  
17 can't -- I was there to tend to the phone service, not to  
18 make a psychological profile or a medical profile.

19 Q. But it's entirely possible that Mr. Perry dialed  
20 his numbers wrong because he was excited or upset or  
21 something because everybody come into his house?

22 A. That could be possible.

23 Q. You were aware that he lived alone?

24 A. Yes.

25 Q. Okay. Are you aware that after your visit there



1 Mr. Perry still couldn't call my house?

2 A. No.

3 Q. And I would assume by this time that you would be  
4 getting all documents that I was sending to PSC?

5 A. After that event?

6 Q. Yes.

7 A. After that event, I really didn't get anymore  
8 documents from you except the letter you sent to the  
9 Senator John Laurent. I think his name was.

10 Q. John Laurent.

11 A. I don't have the --

12 Q. Do you know Senator Laurent?

13 A. No, I do not.

14 Q. Are you aware that he wrote a letter to  
15 Mr. Talbott asking that he be kept updated on what was  
16 happening?

17 A. I'm aware that Senator Laurent sent a letter to  
18 Talbott and that was the same letter that we referred to  
19 earlier as we came to the decision on what we already  
20 decided, we was putting together when that letter arrived.  
21 Because I was out of town on a service evaluation during  
22 this complaint, and I did not even come back to Tallahassee  
23 until -- I mean June the 2nd, which was the weekend. My  
24 first day back in the office was the weekend after I  
25 performed the test on your residence that was 6-2-98. And

1 then I returned back to the office and that very next --  
2 that very same day I believe we got a letter or very  
3 shortly afterward, and I was supposed to meet with --

4 Q. Then you were putting your conclusion in place  
5 then?

6 A. I submitted my conclusion.

7 Q. And you arrived, did you ever send the Senator  
8 any material, any of your summaries or decisions?

9 A. I did not send the Senator anything. We reported  
10 to Mr. Talbott what was asked of us, but I did not respond  
11 to the Senator because that was -- I was obligated only to  
12 respond to --

13 Q. Uh-huh. Did Mr. Talbott ever make you aware that  
14 he sent anything to the Senator?

15 A. I would imagine if the Senator sent him a letter  
16 that he responded properly with a copy of the same letter  
17 we sent to you. But there again, that's making an  
18 assumption and I cannot.

19 Q. You don't know that?

20 A. Right.

21 Q. Have you ever done test work on lines other than  
22 run a line test?

23 A. When you say test work on lines?

24 Q. Yes, go out and troubleshoot a problem.

25 A. No, not really.

1 Q. You did at the Marriott though?

2 A. Yeah.

3 Q. You put a meter on to see if there was  
4 continuity?

5 A. Oh, yes.

6 Q. Or the phone company has the little headset that  
7 you can clip in and check between two places in the line to  
8 see if there's a problem with the line, see if you can talk  
9 between them?

10 A. Okay.

11 Q. Did you ever do that? Have you ever done that?

12 A. Yes.

13 Q. Where did you do that?

14 A. I've done that at the Marriott. We were  
15 performing a certain amount of tests when we do service  
16 evaluations. I mean to the extent of going out and into  
17 the field and actually troubleshooting the line, no, that  
18 was not a part of my duties here at the Public Service  
19 Commission. But yet I troubleshoot the lines at the  
20 Marriott.

21 Q. Then you know what happens basically when you do  
22 that? It's clear when you do it, everything appears to be  
23 okay, correct?

24 A. Correct.

25 Q. Or you don't get anything, which indicates

1 there's a broken wire or something?

2 A. Uh-huh.

3 Q. But what if there's a wire that's broken and  
4 sometimes it touches and sometimes it doesn't, could that  
5 give intermittent service?

6 A. Yes.

7 Q. And this is from your experience and your  
8 investigation and everything, correct?

9 A. Yes.

10 Q. Okay. Now, I want -- I want to go back and  
11 recall some of the things that we've been over, like noise  
12 and static. Now, is that an indication of a line problem,  
13 a broken line, a bad connection maybe?

14 A. It could be water in the line.

15 Q. Water in the line. A line problem, correct?

16 A. Yes. Or it could be a phone problem. I mean, it  
17 could be a customer's equipment problem, it could be inside  
18 wire line.

19 Q. Uh-huh. But the phone company people could --  
20 could check that, couldn't they?

21 A. Yes.

22 Q. No dial tone, again a line problem, correct?  
23 More than likely?

24 A. It's possible to say yes.

25 Q. Yeah. I mean if they go to the -- what's that

1 little box, do you call it --

2 A. Network interface device.

3 Q. Network interface device on the side of the house  
4 and go back to a point where you have the cables hook in to  
5 some type of junction box?

6 A. Uh-huh.

7 Q. You can tell where there's no dial tone, can't  
8 you? You can check that out?

9 A. Yeah.

10 Q. Several reports of no dial tone, and they admit  
11 they had problem with lightning, correct?

12 A. Yes.

13 Q. They admitted that. Caller gets a disconnect  
14 recording. Now, is it possible when the line comes through  
15 that -- and there's a defect in the wire that this  
16 recording would kick on?

17 A. That's a little beyond my scope there.

18 Q. Okay. That's no problem.

19 A. But I wouldn't --

20 Q. But when a customer complains that he can't be  
21 called and it happens several times, then there's a problem  
22 somewhere, isn't there?

23 A. Yeah, there's a -- but when someone says they  
24 can't be called, typically -- I mean, if you're speaking of  
25 an open in the line or anything like that, just like if you

1 disconnect your phone, it still rings. I mean, whether  
2 your phone is plugged into here, it's still sending that  
3 pulse up the line.

4 Q. Uh-huh. That's when the line is good, correct?

5 A. Even when the line is bad. That's what I say, if  
6 there's an open --

7 Q. If there's water in my line --

8 HEARING OFFICER: You need to let him answer the  
9 question.

10 MR. WOOD: All right. I'm sorry. Go ahead. I'm  
11 sorry.

12 A. If there's an open in the line, I wouldn't think  
13 that it would give you an intercept. If there was a short  
14 or something in your line that was causing the problem, I  
15 don't know exactly what would happen because maybe  
16 something is burnt. But, you know, speaking of an open in  
17 the line, I don't think that would provide an intermittent  
18 intercept.

19 Q. Service cuts off, intermittent. Again a broken  
20 wire indication, isn't it?

21 A. That's a possibility.

22 Q. Very good possibility, isn't it? From an  
23 engineering point, from your background?

24 A. If you have intermittent service, there could be  
25 an open line, yes.

1 Q. And almost all of these complaints deal with the  
2 type of line that is likely to be from a defective line,  
3 correct? Noise, hum, static, intermittent disconnects,  
4 that all indicates line problems, correct?

5 A. As reported, yes.

6 Q. And GTE and their technicians would certainly  
7 know this, wouldn't they?

8 A. Yeah, if what they found -- like I say, what a  
9 customer reports and what is actually going on can be two  
10 different things.

11 Q. Correct. But from GTE's own report here, they  
12 show a problem that they've had with lightning and with  
13 various things?

14 A. Correct, they showed three incidents I do  
15 believe --

16 Q. Uh-huh.

17 A. -- where they spoke of lightning, or maybe two.  
18 Yeah, two incidents where they spoke of lightning, and  
19 that's all between that 6-24 and 7-11 date. But other than  
20 that, a lot of the troubles found appear to be a customer  
21 area or the technician couldn't find the problem.

22 Q. Well, why don't you point those out? You have  
23 the paper there just like me. How many did they write down  
24 as a customer error? Let's go through them one by one  
25 because I want you to be accurate. Okay.

1 A. 11-29-97, 1-21-97.

2 Q. Hold on just a minute. Let me -- where did I lay  
3 my paper? Okay. Let's go back to the first one. Let's go  
4 back to the first one. Would you tell me what that is?

5 MS. CASWELL: Objection, Your Honor. I think we  
6 can all read the chart. And if his purpose is to have  
7 Mr. Fulwood just read the entries there, I don't think  
8 we need his testimony.

9 HEARING OFFICER: We've already had this.

10 MR. WOOD: Well, this is the customer thing.

11 HEARING OFFICER: The question you asked him to  
12 begin with was to divide those up and identify which  
13 dates related to which types of problems. And we're  
14 going to let him do that. We're not going to go back  
15 over each of those items individually. We've already  
16 done that.

17 MR. WOOD: All right.

18 Q. (By Mr. Wood) Could you give me the total  
19 number?

20 A. Total number?

21 Q. Uh-huh.

22 A. here is two what they reported as customer error.

23 Q. There's two of them?

24 A. Yes.

25 Q. Out of several complaints. And one of them we've



1 already said is wrong because forwarding a number to a  
2 wrong phone wouldn't cause no dial tone, correct?

3 A. I'm not saying that that's wrong. I never said  
4 that it's wrong. I'm saying if the trouble reported is  
5 correct, the trouble found, yes, does not match. But I  
6 said that also to say a customer can call in one problem  
7 and then just like you apparently no dial tone and they  
8 said no access. So you indicated they didn't do anything,  
9 but you didn't call back for three and a half months. So  
10 evidently the dial tone came.

11 So if you're speaking of intermittent problems, which  
12 you mentioned earlier, that on 11-29 you could have had no  
13 dial tone, and when they came out on 11-30 they had a dial  
14 tone. So I wouldn't say that it's wrong.

15 Q. Uh-huh.

16 A. I would say -- characterize it more of it's what  
17 they found.

18 Q. And you're aware that they replaced a lot of  
19 wiring out there on Schaefer Lane?

20 A. I'm aware only to my knowledge that they replaced  
21 a --

22 Q. They replaced -- and after that did the problems  
23 go away?

24 A. To my knowledge, yes.

25 Q. Yesterday I got from GTE some reports here.

1 MR. WOOD: Your Honor, may I approach the  
2 witness?

3 HEARING OFFICER: Yes.

4 Q. (By Mr. Wood) Have you seen these type of  
5 reports?

6 A. Those are the actual trouble reports.

7 Q. These are the technical reports, correct?

8 A. Right.

9 Q. And could you tell me who worked on that trouble  
10 report there, what the tech's name was?

11 MS. CASWELL: Could you tell us, Mr. Wood, which  
12 page you're referring to?

13 MR. WOOD: They're in the information that you  
14 sent me --

15 MS. CASWELL: Right. Which page? It was the  
16 discovery given to the Public Service Commission.

17 MR. WOOD: Yes, start right here, I believe.

18 MS. CASWELL: Okay. Thank you.

19 MR. WOOD: This package of reports.

20 MS. CASWELL: Thank you.

21 A. I don't see on here where they give a technicians  
22 name. I'm sure it's on here.

23 MS. CASWELL: I'm sorry. Your Honor, I don't  
24 think this is an exhibit.

25 HEARING OFFICER: That's fine.

1 MR. WOOD: You're the one that presented it.

2 MS. CASWELL: I didn't present it.

3 MR. WOOD: On discovery.

4 MS. CASWELL: I never presented this. I gave it  
5 to PSC when they asked for it. Neither the PSC nor I  
6 have entered this into the record. The only thing in  
7 the record is these two pages, and that's GTE 1  
8 attached to the staff recommendation.

9 MR. WOOD: I don't care whether it's a part of  
10 the record or not.

11 MS. CASWELL: Well, we care.

12 MR. WOOD: I still have the right to  
13 cross-examine or examine him on it. I still have that  
14 right to see exactly what the PSC did.

15 MS. CASWELL: Go ahead.

16 MR. WOOD: This is the only investigator.

17 MS. CASWELL: Your Honor, do you have a copy of  
18 this?

19 HEARING OFFICER: No.

20 MS. CASWELL: Would you like a copy of this?

21 HEARING OFFICER: No.

22 Q. (By Mr. Wood) Mr. Fulwood, if I would submit to  
23 you that there is no name of any technician on those  
24 reports, would you agree with me?

25 A. I would agree that I cannot immediately identify

1 a name of the technician. And usually on a report they  
2 don't put a name, they put an initial of some sort. It  
3 might be a three-letter initial and it might state a name  
4 on here be like I said, disposition EXC, that would  
5 probably be exclusive disposition subcode, no access  
6 customer. I mean, there may be a technician's name on it,  
7 but as far as it's most likely a three-letter abbreviation.

8 Q. Okay. You hit on what I already wanted to ask  
9 you on those things.

10 A. Uh-huh.

11 Q. Basically all of those don't give a disposition,  
12 do they? You said there's no disposition given, correct?

13 A. The disposition here says no access customer.

14 Q. But didn't you also say that there's no  
15 disposition of the thing, no final disposition given?  
16 Isn't that what you said there?

17 A. No. I said disposition subcode, no access  
18 customer.

19 Q. But there's no way that anyone looking at this  
20 really could tell who the tech was unless they -- the  
21 person who did it knew their initials or code?

22 A. Well, GTE could better tell you that.

23 Q. Okay. But you can't tell me right now, can you?

24 A. No.

25 Q. Okay. Thanks. And these -- these are the

1 summaries that you went over with GTE?

2 A. Yes.

3 Q. Or is this something else?

4 A. No, those -- those are not the summaries. That  
5 is the actual trouble reports.

6 Q. Uh-huh. And they explain to you what happened  
7 from their point of view?

8 A. Now I can read -- just like I said, just the  
9 subcode, you still need help like this one, I guess page  
10 four, disposition aerial wire and caused subcode lightning.  
11 I mean total report loud hum on line at the mid, lightning  
12 just hit the line. No sparks or whatever that is, CAVC,  
13 isolated, whatever. I mean, there are certain things,  
14 little codes that you might be able -- I might not be able  
15 decipher. The generic stuff is there.

16 Q. And you went over all those little codes with PSC  
17 -- or GTE?

18 A. Right, we went over these individual reports.

19 Q. With Mr. Kaiser?

20 A. Yeah, basically, yeah.

21 Q. Anyone else?

22 A. Not that I know of. Not that I recall.

23 Q. Okay. You went over with GTE for an extended  
24 period of time, correct? You investigated for several  
25 months?

1 A. Not the exact report, no. I mean --

2 Q. I mean, you went through the process of the  
3 complaint over a period of several months.

4 A. Yeah.

5 Q. And you had several contacts with GTE?

6 A. Yeah.

7 Q. During your PSC procedure is there anything that  
8 would require you to get ahold of the complainant and let  
9 him respond to each -- each of GTE's allegations or their  
10 reports?

11 A. You said to get ahold of you and find out your  
12 comments on each individual report?

13 Q. Uh-huh.

14 A. Not that I'm aware of.

15 Q. Because I don't have the technical knowledge, do  
16 I?

17 A. I wouldn't think so, but I'm not sure.

18 Q. Uh-huh.

19 A. But it's not because of that. This is supposed  
20 to be an accurate record of when you called in.

21 Q. Uh-huh.

22 A. It's not really ever brought into question unless  
23 you bring it into question. But you never brought it into  
24 question. When you spoke on it, I spoke of what I had  
25 gathered from GTE. You had no disagreements with what I

1 had. So there was no reason for me to -- when I spoke on  
2 the day you were like, yes, yes. And then I called here  
3 and there was no disagreement, so there was no reason  
4 number one, for anyone to question.

5 Q. Do you know when I saw these first?

6 A. When you saw them first physically?

7 Q. Yeah.

8 A. Usually a customer never sees them.

9 Q. Okay. That's good. And you wouldn't provide the  
10 customer with any of these reports that you got from the  
11 telephone company that you've complained?

12 A. Not of that nature. I mean, if I wasn't working  
13 for the Public Service Commission, I would have never seen  
14 the reports either. I mean, it's not standard practice.  
15 It's more like an internal document. Even when we do  
16 service evaluations, we would go through the trouble  
17 history and so forth, but we get rid of the documents, we  
18 don't keep them. Only accept -- for the ones that we have  
19 because that's kind of in a way -- it's not priority, but  
20 it's -- it's not like I should be able to as a customer go  
21 and see what's happened with your phone line.

22 Q. Even though I'm the one paying for the bill every  
23 month. I have no right to this stuff?

24 A. At one point, if you would have asked me, can I  
25 get the trouble reports, I would have given you a copy.

1 Q. I asked for all the records. Are you aware of  
2 that?

3 MS. CASWELL: Objection.

4 Q. At the informal hearing.

5 MS. CASWELL: Objection. We went over this  
6 already. It's the discovery point that Mr. Wood  
7 addressed earlier.

8 HEARING OFFICER: He's talking about some  
9 informal hearing when he asked for some of the  
10 records.

11 THE WITNESS: Yeah, at the informal hearing you  
12 did ask for these trouble reports.

13 Q. (By Mr. Wood) And I want to submit to you this  
14 is what I received. And I would ask you, if Your Honor  
15 would let me approach the witness, to look through these  
16 and tell me if any of these are in here?

17 A. Okay. Yes, they're right here. They're right  
18 here. They start --

19 Q. Those are different, aren't they?

20 A. No, they're the same.

21 Q. Same information?

22 A. I would think. I can go through them and compare  
23 each individual, but to me they look alike.

24 Q. Then you didn't throw them away, or did you throw  
25 them away subsequent to this?



1 A. I never throw them away.

2 Q. You still got them?

3 A. Yeah.

4 Q. Okay.

5 A. I have a copy. This is our copy right here. But  
6 they are in that copy.

7 Q. But you don't consider giving this information to  
8 the customer, the one that's complaining important?

9 A. I mean, I don't think you can interpret those. I  
10 mean, they did give it to you as evidence that they gave it  
11 to you. But there again I don't think you can -- you can  
12 interpret them.

13 Q. Then you're not aware that I installed telephones  
14 and transmission equipment in the military?

15 A. I was never -- I'm not aware.

16 Q. Okay. And you're not aware that I've worked on  
17 equipment very similar to y'all's equipment except it was  
18 mobile?

19 A. I'm not questioning what you -- what you've done  
20 or what you haven't done. But from company to company they  
21 vary so much that there are a lot of times it's very hard  
22 to distinguish. That's why even though I've seen GTE's,  
23 I've seen Bell South's, I've seen Sprint, I would not go  
24 and try to look at these without the assistance of them  
25 because the codes they use vary from company to company.

1 How they interpret, that's why I say that's miscellaneous  
2 from how one company interprets to another is very  
3 different, very broad.

4 Q. But we're talking only about GTE, no one else.

5 A. Right, but you're saying --

6 Q. And you went over it with them but not with me?

7 A. Well, I went over -- once we had summed this up,  
8 I talked to you on the phone about when -- I may have  
9 talked to you on the phone about what they said and so  
10 forth. And when you were out and can't be called, I have  
11 on there do you have any problems, and you said no, that's  
12 about right. And so I didn't --

13 Q. Do you have a log of your telephone calls?

14 A. I log some of them. I don't log every  
15 correspondence -- I mean, in your case a lot of these calls  
16 were made, I was not even in town, I was out of town.

17 Q. Okay.

18 A. And I think I did make you aware of that, so if  
19 you were sending me faxes and letters. I told you right  
20 now I'm out of the office and I'll have someone pick it up.  
21 So I didn't log every individual telephone correspondence,  
22 but the significant ones, yes, I did.

23 Q. Then in some cases it could be beneficial to go  
24 over this with the customer wouldn't it or the  
25 complaintant?

1           A.    I fill out the number -- the summations I didn't  
2 feel it prudent to go through every individual trouble  
3 ticket.

4           Q.    And you didn't feel that my complaints that we  
5 were having line problems out there were significant, did  
6 you?

7           A.    I felt that the possibility that you were having  
8 line problems that it was a possibility.  If it was a  
9 neighborhood problem that you wanted the commission to look  
10 at it as a neighborhood problem.  As I suggested to you  
11 have each one file their individual complaints, then we can  
12 make an assessment to the whole street or this whole can  
13 neighborhood seems to having problems.  And then we can  
14 take a whole different approach as to identifying the  
15 problems or if there is a problem.

16          Q.    I'm talking about my problems now?

17          A.    Right, that's what I'm saying you keep switching  
18 from your problems to your neighbors.

19          Q.    No, I'm talking -- I've been talking about my  
20 problems for some time now?

21          A.    Okay.  All right.

22          Q.    Okay.  And if we had been able to talk and you  
23 found out that I perhaps knew something about what was  
24 getting on, would you have reached a different conclusion?

25          A.    No, because I think the summation of the trouble

1 tickets is just as important, who did what or what time all  
2 that is on the summation. Not who did it? But what was  
3 recorded, what was found, is on the summary here, the date  
4 and time it was called and the date and time it was  
5 cleared. It's clearly on the summation. I didn't feel it  
6 necessary, you know, if you would have requested it I would  
7 have provided you a copy. You never -- if you had this  
8 experience and you had this telephone experience, then you  
9 probably should have known that these documents existed.  
10 And then you could have requested them from me and I would  
11 have got them to you.

12 Q. You don't remember me telling you that that we  
13 had bad lines, that I had bad lines, you don't remember  
14 those conversations?

15 A. Well, I remember you saying you've had -- you  
16 felt you had bad lines.

17 Q. For a long time I said that, didn't I?

18 A. I mean ever since you filed a complaint with me,  
19 you said that. That's why I found it necessary, because I  
20 wanted to go by and test the lines personally, rather than  
21 take GTE's word for it, rather than take your word for it.  
22 I wanted to test it for myself before I concluded what was  
23 happening with your lines and Mr. Perry's lines. But no  
24 one else will conclude in the scope of these test.

25 Q. But really you never really got all the

1 information that you could have gotten in order to make a  
2 good decision. You never talked to any of the technicians  
3 and found out what they encountered, correct?

4 A. Correct.

5 Q. You never talked to anyone at GTE accept  
6 basically Mr. Ted Keiser?

7 A. Debby Kampert.

8 Q. Debra, she's in where, customer relations?

9 A. She's the liaison between PSC.

10 Q. Okay. All right. But she would have no  
11 technical knowledge, would she? Basically Mr. Keiser would  
12 have much better technical knowledge, wouldn't he?

13 A. Yeah.

14 Q. And are you aware that they hired Mr. Keiser  
15 special to work on these problems, correctly?

16 A. I'm not aware of Mr. Keiser's practices.

17 Q. Well, everything here and I'll show you  
18 Mr. Keiser's cards that he gave me again?

19 HEARING OFFICER: We've already done this.

20 MR. WOOD: Pardon me.

21 HEARING OFFICER: You've already done that.

22 Q. (By Mr. Wood) Okay. Indicates that he works for  
23 GTE, correct.

24 A. Correct. But you asked me specifically was he  
25 hired to take care of your problems.

1 Q. Uh-huh.

2 A. Again, I cannot answer that.

3 Q. You're not aware of it then?

4 A. Yes.

5 Q. And shortly thereafter he left GTE? You're not  
6 aware of that?

7 A. I was not aware of that.

8 Q. You're now aware today that he no longer works  
9 for GTE?

10 A. I have no employment records of GTE.

11 Q. Okay. Did you try to get any input from anyone  
12 else with technical experience from GTE?

13 A. No. Typically we deal with the person, if I go  
14 to a central loss -- central loss informed me, there's  
15 someone with that general responsibility, be it the  
16 district manager or whoever like that. I know there's  
17 someone else there I don't remember his name I just  
18 remember Ted Keiser's name, but there was someone else  
19 there. And we generally -- I don't see a van and stop a  
20 technician on the side of the road, and say, you know, do  
21 you know Mr. Wood?

22 I have to take a certain amount of information  
23 from GTE and contacts from GTE. And we coordinate a visit.  
24 It's not a surprise visit, we don't pop up at GTE's door  
25 and say we're going to Mr. Wood's house today, because it

1 might not be available.

2 Q. True.

3 A. Furthermore we try to -- and I think I only -- I  
4 made them aware that I was coming, but the exact dates I  
5 became aware of later. But then they said they would a  
6 have someone available because I had to work with my  
7 supervisor.

8 Q. I understand.

9 A. To even come to your residence for this type of  
10 problem.

11 Q. Because you usually don't even go out for that,  
12 do you?

13 A. Well, we typically -- if we went out for every  
14 complaint I don't think we would have enough employees at  
15 the PSC as a whole to do that.

16 Q. Then you usually don't go out and do it, yes or  
17 no?

18 A. We do service evaluations, but going out to each  
19 complaint no.

20 Q. All right. Did -- does the PSC have any people  
21 with technical expertise in telephone problems?

22 A. I wouldn't -- I don't, again I don't -- I do not  
23 do any hiring for PSC and I'm not aware -- I know they have  
24 people that were in telecommunications business. Now what  
25 their duties were or what their job performances were I

1 cannot answer that question.

2 Q. Okay. Then tell me who, if you can, who if  
3 anyone, at the PSC that you brought in to help you with  
4 this technical problems, series of technical problems that  
5 you were having to review and eventually form a conclusion,  
6 could you give any names?

7 A. Don McDonald was working there and I used to talk  
8 with him and Frank Williamson when we were handling this  
9 case and I know he -- he no longer with the Public Service  
10 Commissions, but he was the in telecommunications, I guess  
11 before we even had phones. So he would know, you know,  
12 quite a bit about telecommunications. And I mean I didn't,  
13 you know, directly bring any information but we did talk  
14 about it.

15 Q. Then you never asked anyone specifically for  
16 specific information or input on my complaints and the  
17 documents that you were getting. You never said Mr. --  
18 mention any one the names that you mentioned. I have this  
19 series of problems here and you've been here since before  
20 who, Columbus or whoever. I need your recommendation,  
21 could you write me a memo on what you'f recommend; did you  
22 ever do anything like that?

23 A. I never asked for a memo when I talked to -- when  
24 I talked to my supervisor about what to do. I don't  
25 require that he put it in writing or anything like that.



1 We will conversate and conversate at the time.

2 Q. But never asked any technical person within  
3 GTE -- PSC to consult with you on the problems, yes or no?

4 A. Yes, I did ask.

5 Q. On technical problems?

6 A. I asked -- consulting on the total problem. I  
7 mean, handling your complaints as a whole.

8 Q. Uh-huh.

9 A. Was -- took a lot of consulting. I mean, I was  
10 new and I wasn't as familiar with the different rules, the  
11 911 rule that, you know, still there's a lot of rules that  
12 I wasn't quite familiar with. So I took the advise -- I  
13 mean of a lot of people at all times during your  
14 complaints.

15 Q. When -- did you find out that there was a period  
16 of time when I never had 911 access?

17 A. No. I -- when you first submitted your complaint  
18 I assumed that you didn't. Now, I did not know that the  
19 rule -- there was the rule that stated that you did and I  
20 don't know if you did or didn't. I guess it's your word  
21 against their words.

22 Q. Uh-huh.

23 A. But as when you first filed your complaint I  
24 assumed you did not have 911 access and so.

25 Q. They're required to provide me with the 911

1 access, aren't they?

2 A. Right. But you're asking me if there was a  
3 period of time that you did not -- I can't verify if you  
4 did or did not have 911 access.

5 Q. Okay. The records then didn't tell you the  
6 period of time in March and April that my telephone was  
7 disconnected they never gave you those time periods?

8 A. But since your phone was disconnected on March  
9 25th and it was reconnected on April 29th of 1998. But GTE  
10 according to the rules, and I can get this rule for you.

11 Q. I'm familiar with the rule.

12 A. Okay. You're familiar then --

13 Q. Uh-huh.

14 A. -- 911 service would also be on even though your  
15 phone was disconnected.

16 Q. Uh-huh.

17 A. And so -- I don't want to say you did or did not  
18 have 911 service. I do not know. According to the rules  
19 you should have had 911 service. I was not aware of that  
20 rule when I first began working. So I assume you didn't,  
21 but you never said that you did or didn't.

22 Q. I didn't send you any documentation that said I  
23 was disabled and that I needed a telephone there so that I  
24 could call at least 911, you don't remember me saying?

25 A. You said to call Mr. Perry, he was taking your

1 calls, if you needed to call someone. Didn't your  
2 documentation and your letters -- I don't recall I need it  
3 in front of me -- if you have a copy of it, but I don't  
4 recall it saying I can't reach 911 specifically in your  
5 letter. I remember you saying you can't be called more  
6 than anything else. And even when your phone was  
7 disconnected how's you wanted your service back on. But I  
8 don't recollect the mentioning of 911. I made that  
9 assumption, that individual assumption only because I was  
10 new and unaware of the law.

11 Q. And you're -- you're not aware then of the period  
12 between the tornado in March and up into April when they  
13 finally gave me basic service again.

14 A. Uh-huh.

15 Q. That I had no telephone line into my house and I  
16 couldn't stay there?

17 A. You had no telephone line into your house.

18 Q. Yeah, they never had any pairs, you remember we  
19 went over the no pairs? Remember the no pairs problem that  
20 we've already been over?

21 A. That was no pairs, but they installed a new line.

22 Q. Much later, remember it was much later. Remember  
23 it was in August?

24 A. No.

25 MS. CASWELL: Objection.

1 Q. That Mr. Perry was finally able to call on his  
2 new wires.

3 MS. CASWELL: Objections, he's testifying.

4 Q. You remember?

5 A. I just remember when I -- coming out on 5/29. I  
6 saw where they had put a new driveway -- you even told me  
7 that they pushed -- they tore my road to my house.

8 Q. Uh-huh.

9 A. And we talked about that. And I was like well,  
10 how are they going to put the new drop down if the road  
11 conditions are that way without doing some damage to the  
12 road. And you spoke of you wanted, you know, your road was  
13 damaged now that was on 5/29.

14 I saw visually with my own eyes, that they had  
15 installed another ground, you could see it. That they had  
16 installed a new line within 30 days, I mean it was set, but  
17 it you could tell work was done. And you had a new drop on  
18 that day, that was the drop I tested. So it had to be no  
19 longer than 30 days, we're speaking in August. Number one,  
20 August, it was not even in my mind that I had closed the  
21 complaint, the complaint was resolved. I was not even  
22 aware of the issues that we're going over after that event.  
23 So I was aware --

24 Q. You closed everything and there's still issues  
25 coming in?

1           A.    When I closed everything then at that point I  
2 made an assessment and if you wanted to -- if you disagreed  
3 with anything that was in there that's when you requested  
4 other measures.  And I told you when you first initially  
5 filed your complaint and you were talking about an informal  
6 conference and that thing.  And I told you you'd have to  
7 wait until GTE responds, you have to wait until there's  
8 some sort of the resolution before I can it make it go  
9 forward.  And I wouldn't investigate the informal  
10 conference and let the complaint take its course.  And I  
11 mean, your assessment is what you're getting at.

12           Q.    Well, let me get you straight here now.  In May I  
13 think May the 29th or whatever you closed the report.  And  
14 thereafter I asked -- I kept asking for informal  
15 conferences?

16           A.    No, May 29th is when I came to your residence.

17           Q.    Okay.  But shortly after that you closed the  
18 thing, correct?

19           A.    Right I closed it on -- I think in my records I  
20 closed it on 6/15 or 6/16.  I closed in 6/15, I gave my  
21 summary to Mr. Durbin on 6/16.  But as far as when I handed  
22 the complaint to Consumer Affairs, so that was, I guess,  
23 two weeks after I had checked on your residence and so  
24 forth.  I called you on 6/15 on make sure your long  
25 distance had been restored.  And it was restored and on

1 6/15. And like I say on that point to me the line was  
2 clear, our obligation had been met, it was time to close  
3 the complaint, at least my portion of it. And we had  
4 already received that letter from Talbott regarding a  
5 letter to go to the Senator. So it was to put that letter  
6 together.

7 Now, once I closed the complaint any  
8 correspondents that you may have after that I don't really  
9 see that. There again, it goes to another area and any  
10 request that you might have an informal conference, I don't  
11 see it. I'm not aware of it, I cannot speak on that. And  
12 I can't -- I was not respondent to you in sort of way.

13 Q. Then you're not aware of the letter I wrote to  
14 Mr. Talbott in August stating that Mr. Perry could finally  
15 call me?

16 A. No, I'm a not aware that.

17 Q. You're not aware of that?

18 A. No, I'm not.

19 Q. Okay. When you closed, it's closed, isn't it?

20 A. Yes, unless I get reassigned by my supervisor  
21 when I close it. It is closed.

22 Q. And you closed it again without talking to any  
23 GTE techs?

24 A. I talked to the supervisor and whoever else that  
25 went out with us on the -- I can't remember the tech, if it

1 was a tech. And I think testified he was in management  
2 too. I think -- I think that guy right there. And I'm not  
3 going to say it for sure. But I think it was him. And  
4 those were the only two people and other people at my job  
5 my co-workers that might have dealt with the complaints  
6 previous to this is to advise to me what to do. I mean --

7 Q. But you're new on the job, we understand that,  
8 correct?

9 A. Right.

10 Q. Okay. You work there at the PSC. During your  
11 time at the PSC have you had any problems at the PSC --  
12 have you ever had a complaint or as many complaints about  
13 defective service with a telephone company as there was in  
14 my case?

15 A. No.

16 Q. You've never worked one like this before?

17 A. No.

18 Q. Do people ordinarily complain to you that they  
19 don't have any dial tone when they don't. Do they  
20 ordinarily tell you that?

21 A. I can't answer that question because the only way  
22 I could verify it if they did or did not, if I was  
23 physically there.

24 Q. Uh-huh.

25 A. So I make the assumption when someone that calls

1 and says that they have no dial tone, that they have no  
2 dial tone.

3 Q. But you didn't make that assumption that when I  
4 said people couldn't contact me that they couldn't, did  
5 you?

6 A. No, I did. When I made my assessments I did make  
7 assessments. I took your word as if it was true and that's  
8 why I checked the service credit, I don't have the cost  
9 sheet, the billing sheet and so forth. But where GTE  
10 issued you service guaranteed credit, it matched with where  
11 I felt they were appropriate. And so it wasn't that I  
12 didn't -- I took your word as being the Bible and that you  
13 were out of service when you said you were out of service.  
14 But did GTE give you the proper amount credit to equalize  
15 your being out of service, not award you for any damages,  
16 but to equalize that you had been out of service. I assess  
17 that they did.

18 Q. Okay. From your experience with the PSC and your  
19 rules and regulations, you reached a conclusion and never  
20 got any other correspondence from that time on you had no  
21 authority to do any further investigation?

22 A. That's correct.

23 Q. Even though you had no authority did GTE ever  
24 present you with any problems that they encountered, did  
25 they report certain problems that they were having with the



1 lines out there after your May visit?

2 A. They wouldn't prevent me, Clayton Lewis is  
3 responsible for outages and performance service evaluation.  
4 But they -- once I close a complaint they're not going to  
5 come -- it's not standard practice for an individual to  
6 come back and reopen a complaint. Once we close it, I  
7 think they're happy than not. But if they had an outage  
8 that would -- that should be have been reported to them and  
9 they would -- yeah, upon receiving that complaint service  
10 evaluation department, that's there obligation.

11 Q. Then there's another portion of the files with  
12 Clayton Louis or Mr. Talbot or something?

13 MS. CASWELL: Objection. I think we've been all  
14 through this. We've been through the service outage  
15 point and the rules on that matter. The initial part  
16 of his testimony. And we've also been through the  
17 issue of whether there are separate set of records  
18 somewhere.

19 HEARING OFFICER: Sustained.

20 Q. From your knowledge of the transactions in the  
21 case is this volume of documents here the complete record  
22 of the Public Service Commission?

23 A. I can't -- I can't -- I can only speak of the  
24 documents in which I handled in the case. All of the  
25 others I saw a lot of documents in there that I've never

1 seen before. I guess your correspondence with the Consumer  
2 Affairs, but I cannot say anything is complete or  
3 incomplete.

4 Q. You've already gone into that part and again,  
5 other than to direct your attention to it, that it took  
6 about three weeks for them to get my long distance service  
7 restored after I paid?

8 A. (Nods head.)

9 Q. Did what -- what weight did you give that and how  
10 did you factor that in your conclusion?

11 A. Well, first of all long distance and local  
12 service are two separate things. You asked me whether you  
13 could hold your money for your bill in escrow.

14 Q. Uh-huh.

15 A. And the way I gave to you is that we cannot do  
16 that.

17 Q. Uh-huh.

18 A. One because we don't have the ability to do it.  
19 And number two, you're asking to withhold long distance  
20 payment for some service problems your having with your  
21 local provider. So it's inappropriate. Secondly, we do  
22 not be connected to your long distance service. I  
23 didn't -- I cannot put any weight that's a separate issue.  
24 I wish I could have allowed that issue to be in there. I  
25 wanted to make sure you did have the service. Once you

1 told me when I came out on a visit that you still didn't  
2 have long distance service. And I turned my attention to  
3 that. Then you stated right there, so I didn't mention  
4 this, but I mentioned it again to Mrs. Kampert that  
5 following Monday.

6 But as far as weighing that into, you know, your  
7 credit for being able to have plain old telephone service  
8 as you say. Then I did not allow that to weigh into my  
9 assessment of your local service.

10 Q. Did you advise GTE 10 days to two weeks before  
11 you notified me when I -- when I asked that it was improper  
12 to withhold money or to escrow money. Are you the one that  
13 advised GTE to disconnect me without telling me of that  
14 conversation?

15 A. When -- when are you saying that I advised you?

16 MS. CASWELL: I think the witness has already  
17 established that he wasn't involved in the  
18 disconnection. And this issue --

19 MR. WOOD: This is -- this is part of it and his  
20 noninvolvement is as important in some things as his  
21 involvement.

22 HEARING OFFICER: Well, your question suggests  
23 that he was involved.

24 MR. WOOD: I'm asking. I mean --

25 A. I was not involved if that's your question. I

1 don't know anyone else that could have possibly been  
2 involved.

3 Q. And you're saying that GTE's failure to provide a  
4 long distance connection is not within the Public Service  
5 Commission jurisdictions?

6 MS. CASWELL: Objection. This is has been asked  
7 and answered.

8 MR. WOOD: It has not.

9 MS. CASWELL: We've been over the issue of the  
10 relationship, if any, with the disconnect issue. And  
11 the issue in which Mr. Fulwood has testified is  
12 service problems.

13 HEARING OFFICER: It's overruled. Go ahead and  
14 the answer the question if you can. If you can't  
15 answer the question just say so.

16 MR. WOOD: Go ahead and reask the question. I'm  
17 going to have to ask the reporter to read it back.

18 (Court Reporter read back the last question.)

19 Q. (By Mr. Woods) In other words if I connect with  
20 GTE and I want long distance service and they say no. Then  
21 you can't make them provide it to me?

22 A. I've never even encounter that case before so  
23 it's difficult. I would have to have the rule to answer  
24 that question. But I would think, yes, they have to  
25 provide access. I think it is part of what they do to

1 provide access to a long distance carrier. They can't  
2 severe that by themselves. Now, you not paying, of course,  
3 they don't have to have access.

4 Q. And in your experience have you known were  
5 they -- in any other situation where they have failed to  
6 provide long distance access to a customer who's bill was  
7 paid?

8 A. To a customers who's bill was paid?

9 Q. Uh-huh.

10 A. As far as furnishing their long distance service  
11 back up. Yes, I do know a few cases.

12 Q. Where they've waited about three weeks?

13 A. Nowhere they -- no.

14 Q. A day or two maybe?

15 A. I've had a problem myself and that's what I'm  
16 speaking. That it's not really where I didn't have the  
17 service and I've called and they've reconnected it.

18 Q. Uh-huh.

19 A. To a service.

20 Q. But where they disconnected it refused to connect  
21 you for three weeks. You never run into any problem like  
22 that --

23 MS. CASWELL: Objection, to the characterization  
24 refused.

25 Q. -- so far as you know?

1 HEARING OFFICER: Sustained.

2 Q. Do you know if they -- do you know of any  
3 situation where they've failed to reconnect more or less  
4 probably?

5 A. No. Not off hand.

6 Q. And from your knowledge of the PSC rules and the  
7 regulations don't they have like a reasonable time to  
8 connect that?

9 A. I know about here local service. I'm not that  
10 well versed in long distance in the dates and times, you  
11 know, requirements for establishing long distance service.

12 Q. And the PSC we don't know these type of things  
13 they have staff attorneys to counsel you, don't they?

14 A. Well, we have the rules.

15 Q. But you never go to a -- a legal counsel for  
16 interpretation?

17 A. No, you got to go to my supervisor and the rules  
18 usually don't need too much interpretation and they're  
19 pretty clear cut.

20 Q. Uh-huh.

21 A. If you have this, then that is not a -- a awxewr  
22 passage or anything they're not written in code. So  
23 they're pretty easy to interpret. So if I go to my boss  
24 and he points me out to a certain portion of the rules or  
25 whatever then I use that rule and I apply it as I see fit.

1 Q. Then -- then you would agree with me that  
2 somewhere in those rules there's a place where it says that  
3 when I'm disconnected they have a certain time to restore  
4 my service, correct?

5 A. When you're disconnected from your local is what  
6 I would speak of from --

7 Q. Okay. Then you don't know about long distance,  
8 sir?

9 A. I do know about time frames a staff sets up, got  
10 long distance.

11 Q. But the rules are very specific, aren't they?

12 A. They probably are.

13 Q. You said they're technical but clear?

14 A. Right, the rules are generally technically clear.  
15 Now, whether there's a rule on the interval in between  
16 which you order public service and the interval in which  
17 you receive it. I cannot answer that question.

18 Q. But wouldn't be surprised if there was an answer  
19 to that, would you, in the PSC rules and regulation?

20 A. It would not surprise me.

21 Q. Okay. Did anyone that you talked to at GTE and I  
22 believe that it's primary Mr. Keiser. Did they ever tell  
23 you that they were personally aware of anyone who -- who's  
24 complaining about not being able to reach me, but would  
25 like receive the disconnected recording?

1           A.    They did not say they were personally aware of  
2 it.  I mean when I attempted to call you each time from a  
3 variety of locations I never received the disconnected.

4           Q.    Uh-huh.

5           A.    And Mr. Keiser never made me aware of anyone that  
6 had that problem.  Now, he made be aware of your report  
7 that people were having that problem.

8           Q.    Uh-huh.

9           A.    But he never did validate those reports.

10          Q.    Uh-huh.  So if I had information he never  
11 transferred them to you?

12          A.    Yeah.

13          Q.    Should he have?

14          A.    Not really he had no obligations to.

15          Q.    Okay.

16          A.    If it says the trouble report says can't be  
17 called.  If I ask him to I would think that he would give  
18 me that information.  And he may have an obligation to give  
19 me that information if he has it.

20          Q.    Uh-huh.

21          A.    But when I ask for a trouble report that's about  
22 as low as you go, you know.  When your breaking day begins  
23 the routes, the cables routes and it's not the typical  
24 practice for -- in a service evaluations to pull the cable  
25 routes from every city and try to determine what's going on



1 here and what's going on there. And we're looking at it  
2 from a facility then we go out and run tests from the  
3 residential points.

4 HEARING OFFICER: Mr. Fulwood, let me just ask  
5 that you just respond to the questions that are being  
6 asked.

7 A. Okay.

8 HEARING OFFICER: Thank you.

9 Q. I would like to direct your attention to a  
10 documents Mr. Fulwood it says from Sweet EMOL -- EMOLEM at  
11 AOL.com. May approach the witness, Your Honor?

12 HEARING OFFICER: Yes.

13 Q. Have you ever seen that document or a copy of it?

14 MS. CASWELL: Your Honor, I'm going to have to  
15 object to the extent this is bringing in the internet  
16 issue once again. I know it's improper reason to but  
17 that's kind of a jurisdiction and Public Service  
18 issue.

19 HEARING OFFICER: All right.

20 MS. CASWELL: I don't know what it says.

21 HEARING OFFICER: He was asking him if he knows  
22 what the document is? Have you seen it before?

23 A. No, I haven't.

24 HEARING OFFICER: All right. That's the answer  
25 to the question.

1 Q. Okay. Let me show you another document here and  
2 ask you if you have ever seen that.

3 A. No, I haven't seen this one before.

4 MR. WOOD: Okay. Your Honor, it's after twelve  
5 and I'm diabetic and I have to eat. And I'm still  
6 disabled and I'm getting awful tired right now and I  
7 need a break.

8 HEARING OFFICER: How much more do you have of  
9 this witness?

10 MR. WOOD: I think that, if I can over lunch,  
11 pull a couple of more things together I'm about done  
12 with him.

13 HEARING OFFICER: We're going to break until 1:00  
14 o'clock. I'm not going to give -- a lot of this  
15 repetitive.

16 MR. WOOD: I understand. I'm trying to --

17 HEARING OFFICER: You need to move on. We'll  
18 break until 1:00 o'clock.

19 (A lunch recess was taken, after which time the hearing  
20 resumed with all of the parties present.)

21 HEARING OFFICER: Back on the record. Mr. Wood  
22 whenever you're ready.

23 MR. WOOD: Yes, Your Honor. I'm about done with  
24 Mr. Fulwood.

25 Q. Mr. Fullwood, when you started with the PSC, what

1 type of training did you get to become an investigator?

2 A. What training did I get to become an  
3 investigator?

4 Q. Yes.

5 A. I was hired to the be an investigator.

6 Q. Okay. When you came on there was no training on  
7 how to be one?

8 A. It was on-the-job experience.

9 Q. Okay. And before that you had no prior  
10 experience?

11 A. As an investigator?

12 Q. Yeah.

13 A. No.

14 Q. And have you ever received any formal training,  
15 classroom training, how to formal duties and what they are  
16 and so forth?

17 A. Not any class, not in a classroom type  
18 environment. I mean, we use the experience of others and  
19 any questions I may encounter I ask the others who have  
20 been there.

21 Q. Uh-huh. Did they give you procedures manuals on  
22 how to investigate?

23 A. Yes.

24 Q. Okay. And were you required to read that before  
25 you started your job?

1 A. Yes.

2 Q. Have you read it completely through?

3 A. A 100 percent?

4 Q. Yes.

5 A. On my portion of the job, yes. It's called SOP,  
6 Standard Of Operation and Procedures.

7 Q. Now, you're satisfied that you followed the  
8 procedures in that manual in investigating my complaints?

9 A. Yes, I do.

10 MR. WOOD: I have nothing further.

11 HEARING OFFICER: Any questions from PSC?

12 MR. CLEMONS: Yes.

13 HEARING OFFICER: Whoever.

14 MS. CASWELL: Okay. The I'll go first.

15 CROSS-EXAMINATION

16 BY MS. CASWELL:

17 Q. Mr. Fulwood, when you visited Mr. Wood's  
18 residence on May 29, did you talk to Mr. Wood at that time  
19 or did you directly go to Mr. Perry's house?

20 A. We went to Mr. Wood's house first.

21 Q. Did he suggest that you check with Mr. Perry on  
22 the problem he had been having with reaching Mr. Wood?

23 A. That was a part of the investigation.

24 Q. Okay. And just to make sure I understand you  
25 tested Mr. Wood's facilities and Mr. Perry's facilities at

1 that point?

2 A. Yes, I did.

3 Q. And both tested acceptable; is that true?

4 A. Yes.

5 Q. And I believe you testified that Mr. Perry miss  
6 dialed Mr. Wood when you asked him to dial Mr. Wood,  
7 correct?

8 A. Yes.

9 Q. And that you subsequently made 10 calls and they  
10 all went through, is that correct?

11 A. Yes.

12 Q. Are you aware that GTE had itself made test a few  
13 months earlier and Mr. Perry had miss dialed Mr. Wood at  
14 that time too?

15 A. I was aware they made a test. I was not aware  
16 that they had miss dialed and I was just aware that they  
17 performed the test.

18 Q. Okay. And are you familiar with staff  
19 recommendation in the case?

20 A. I did not really go through it.

21 Q. Okay. I'll ask you some questions if you don't  
22 know just please tell me. I think it's in the  
23 recommendation anyway.

24 A. Okay.

25 Q. But do you know that the staff checked the

1 Commission's complaint tracking system for complaints in  
2 Polk County from 1997 through May of '99?

3 A. No. I'm not aware of that.

4 Q. Okay. So you don't know that none of the  
5 customers to who live on Schaffer Lane filed any complaints  
6 at that time, do you?

7 A. No. I was not involved in writing the  
8 recommendation.

9 Q. Okay. But you are aware, aren't you, that the  
10 staff concluded it's recommendation there were no problems  
11 with GTE's facilities, is that true?

12 A. Yes.

13 Q. Earlier I think you testified that there would  
14 have been no reason for you to check out Mr. Perry's  
15 reports in the course of investigating Mr. Wood's problems;  
16 is that true?

17 A. Yes.

18 Q. So Mr. Perry's problems with his facilities  
19 aren't relevant to Mr. Wood's claims are they?

20 A. No, they aren't.

21 Q. If Mr. Perry did have problems with his  
22 facilities or his equipment, would that have affected his  
23 ability to reach Mr. Wood?

24 A. Yes, it could have.

25 Q. So in other words it might not have been

1 Mr. Woods facilities?

2 A. That's a possibility.

3 Q. Okay. Looking at the -- looking at the trouble  
4 reports that we went over in some detail this morning. I'm  
5 looking at 5/1/97 and it says C-wire?

6 A. Let me get a copy of that.

7 Q. I'm sorry I thought you had a copy.

8 A. Okay.

9 Q. On May 1st of 1997 it says C-wire and then on  
10 June 24th, 1997 it says Aerial wires, are those two  
11 different types of wires?

12 A. Yes, they are.

13 Q. So those would have been two different types of  
14 problems based on what we see here?

15 A. Yes.

16 Q. And then on 7/11/97 it says network station wire  
17 damaged by lightning. Is that a third type of wire?

18 A. Yes.

19 Q. Okay. And lastly, is it possible that if a  
20 caller dialed the wrong number for Mr. Wood that they would  
21 get a disconnect recording?

22 A. Yes, it is.

23 MS. CASWELL: That's all I've got. Thank you.

24 MR. CLEMONS: Your Honor, before I begin cross of  
25 Mr. Fulwood. I did want to make motion -- a motion

1 for official recognition of several rules that became  
2 relevant as Mr. Wood conducted his examination of  
3 Mr. Fulwood.

4 MR. WOOD: I have no objection, Your Honor. I'll  
5 stipulated -- I've already stipulated to the rules.

6 MS. CASWELL: Your Honor, those rules would be  
7 25-4.022 Florida Administrative Code Complaint,  
8 trouble reports. And that rule discusses what the  
9 requirements are for a utility company keeping the  
10 records of trouble reports and what information they  
11 must keep.

12 Rule 25-4.023 report of interruptions and that  
13 rule discusses what interruptions that a utility  
14 company must report to the Public Service Commission.  
15 And the rule states an entire community or substantial  
16 portion of the community.

17 And the third rule is rule 25-4.066 availability  
18 of service 25-4.066 sub (2) talks about local exchange  
19 service being provided within three working days of  
20 receipt of application, if all conditions have been  
21 met.

22 HEARING OFFICER: Is there a rule addressing the  
23 provision of long distance service.

24 MR. CLEMONS: No, Your honor. Mr. Fulwood I just  
25 have -- I'm sorry, Your Honor, did you make a ruling



1 on whether they'll be admitted?

2 HEARING OFFICER: They'll be admitted.

3 MR. CLEMONS: Thank you.

4 CROSS-EXAMINATION

5 BY MS. CLEMONS:

6 Q. Mr. Fulwood, I do have a couple questions for  
7 you. You mentioned -- you talked about the process for  
8 closing a consumer complaint. Do you need to seek any  
9 particular approval from your superiors to do that.

10 A. Yes, in order to close a complaint we have to  
11 first of all compose a letter of closure which has to go  
12 through our supervisor, bureau chief, director, and the guy  
13 next down from the director. I don't know what his title  
14 is. But it has to go through five different people before  
15 it is closed out, before the closure letter is accepted, it  
16 is closed.

17 Q. What does it mean when they these superiors  
18 approves your recommendation to close the complaint?

19 A. It means they've gone through the complaints and  
20 they've read it. And they basically -- that the approval  
21 work was done.

22 Q. All right. I'm going to ask you to take a look  
23 at PSC Exhibit No. 3. If you could turn to page seven of  
24 PSC Exhibit No. 3 there?

25 MR. WOOD: What are you directing him to.

1 MR. CLEMONS: PSC Exhibit No. 3 page seven.

2 HEARING OFFICER: Mr. Wood that's a letter to you  
3 dated May 20th from Mrs. Stokes I think.

4 MR. WOOD: Go ahead I'll find it here.

5 Q. (By Ms. Clemons) All right. Mr. Fulwood, could  
6 you tell us what it says on the first line of that second  
7 paragraph.

8 A. As you requested I have enclosed copies of GTE's  
9 post conference report, if you would like to respond to the  
10 information please provide your written comments to me  
11 before May 31st, 1999.

12 Q. Okay. And on page eight of PSC Exhibit No. 3?

13 A. The first paragraph.

14 Q. Yes, the first and second paragraph. Well, I  
15 just need the first line in the second paragraph?

16 A. And the first paragraph?

17 Q. Right.

18 A. This is the follow-up to my May 20th, 1999,  
19 letter regarding post conference reports from GTE Florida  
20 Incorporated. And I have enclosed additionally the  
21 information from GTE.

22 Q. And on page nine the second paragraph, the first  
23 three sentences?

24 A. Thank you for your May 26th, 1999 letter  
25 regarding your complaints against GTE Florida Incorporated.

1 I acknowledge the receipt of the post conference report  
2 that I sent to you from GTE. However, you requested that  
3 GTE send you all of its report regarding your complaints.

4 Q. And the next line?

5 A. I have enclosed a copy of the file in its  
6 entirety for your review.

7 Q. Okay. Now turn to page 10 PSC Exhibit No. 3.  
8 You got it?

9 A. Yeah.

10 Q. The second paragraph.

11 A. You acknowledged receipt of my May 26th, 1999,  
12 letter. You also advised me of your new mailing address,  
13 additionally you said that since your service trouble began  
14 in May 19th, '97 and GTE report stated in January 1998, you  
15 don't believe that GTE provided the Public Service  
16 Commission with all of it's records. Therefore we want GTE  
17 to provide the 1997 reports to the PSC and copies to you.

18 Q. Okay. Jumping on to the not the next paragraph,  
19 but the one after that?

20 A. Begins with along?

21 Q. Yes.

22 A. Along with my May 26th, 1999 letter to you I sent  
23 you a copy of your complaint file in its entirety, GTE's  
24 summary trouble reports was included with that file showing  
25 a beginning date of May 1st, 1997.

1 Q. And now to the first line on the following  
2 paragraph.

3 A. As you requested during the informal conference I  
4 sent you copies of GTE's post conference reports on May  
5 20th, 1999 and May 25th, 1999. And prior to sending you a  
6 copy of your complaint file.

7 Q. Were you personally involved in any of these  
8 letters from the PSC to Mr. Wood?

9 A. No, I was not.

10 Q. From reading the lines that you have from these  
11 letters, what is your opinion regarding what -- what  
12 transpired?

13 A. My interpretation --

14 MR. WOOD: Objection, Your Honor. He wasn't  
15 involved in this. So he doesn't -- you better  
16 establish I think a better basis for him to testify on  
17 this than to form an opinion. There's no basis for  
18 him to form an opinion on something he wasn't involved  
19 in.

20 MR. CLEMONS: Your Honor, this is regularly  
21 conducted business activity. He doesn't have to be  
22 personally involved in it. He's involved with his  
23 complaint and that's enough to allow him to testify  
24 regarding this matter as far as an exception under the  
25 hearsay rule.

1 MR. WOOD: But he said he didn't know anything  
2 about this.

3 MR. CLEMONS: Mr. Wood you had to opportunity to  
4 stand up there and tell this Court that you never  
5 received trouble reports that you asked for. And  
6 these letters clearly indicate to the contrary. So I  
7 think it would only be fair if the PSC has the  
8 opportunity to provide evidence to the contrary.

9 MR. WOOD: On something that he has knowledge of.  
10 If there's somebody better that -- that Mrs. Stokes or  
11 someone that could provide that. He said he had no  
12 knowledge of this material.

13 HEARING OFFICER: What's the point of the  
14 question really. I mean the letter says that you got  
15 copies of the trouble reports. I'm not sure I  
16 understand what you want this witness to do.

17 MR. CLEMONS: Well, I just wanted him to state  
18 that -- that, you know, from reading these letters  
19 that it looks as if the PSC did indeed send Mr. Wood  
20 all of the copies from GTE's trouble reports that he  
21 requested.

22 HEARING OFFICER: He doesn't -- he doesn't need  
23 to answer that question.

24 MR. CLEMONS: Thank you, Your Honor. Then I have  
25 no further questions.

1 HEARING OFFICER: Thank you.

2 MR. WOOD: Just a couple Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. WOOD:

5 Q. You stated, Mr. Fulwood, that GTE talked -- was  
6 at my house and talked with me before he came with you to  
7 visit my house?

8 A. That he talked with you?

9 Q. Did, yeah. Did you -- do you know if Mr. -- I  
10 assume it was Mr. Keiser, I believe that's what the  
11 testimony related to, came to my house and inspected my  
12 lines and talked with me before you came with him?

13 A. You said earlier that day.

14 Q. No, no. Days or weeks or months before?

15 A. Oh, did GTE did perform according to their  
16 records, they did perform transmission test on your line.  
17 I don't know if it was Mr. Keiser himself, but from my  
18 understanding they did conduct test on your lines.

19 Q. Uh-huh.

20 A. Prior to I think it was in April, but I'm not --

21 Q. But -- but --

22 A. -- sure what the date was.

23 Q. But you don't know if anyone talked with me or  
24 not from GTE?

25 A. I would have to look at their -- their record of

1 that event. I can't speak from memory.

2 Q. Well, you testified and this is the gist of it,  
3 GTE was at my house before you came with them for your  
4 inspection?

5 A. No, I did not testify to that.

6 Q. Okay. You also indicated that the Public Service  
7 Commission that you were aware that the Public Service  
8 Commission checked the Public Service Commission plans from  
9 the Schaefer Lane area, but could not find none?

10 A. I don't recall saying that either.

11 Q. Then you don't know whether the Public Service  
12 Commission examined their records to see if there had been  
13 any complaints filed on Schaefer lane?

14 A. I think when they were writing the recommendation  
15 they did, but as I stated earlier I did not participate --  
16 did not participate in the writing of the recommendation.  
17 So the engineer that was responsible for writing the  
18 recommendation would be the one who would have that  
19 information.

20 Q. So you don't know?

21 A. No, sir. I do not.

22 Q. And you don't know if the PSC investigated any  
23 complaints that GTE had in the Schaefer lane area either,  
24 do you?

25 A. No.

1 Q. You never asked them for those did you?

2 A. I well, I asked for outages information when you  
3 sent a copy of that initial -- initial of those outages  
4 that you were having. Yes, back then I asked if there was  
5 any outages reported in the area.

6 Q. You asked GTE that?

7 A. No, I asked the person who was responsible,  
8 Clayton Lewis there again for -- for gathering that type  
9 information that GTE is required to report to them.

10 Q. And what you're saying if there were outages or  
11 problems that to your knowledge GTE never reported it?

12 A. Yes, if there --

13 Q. Or Mr. Clayton would have provided them to you?

14 A. If there was a community outage or a neighborhood  
15 outage, yes, I think they have an obligation to report it.  
16 And no, I did not get any such report.

17 Q. What's your definition of a neighborhood outage?

18 HEARING OFFICER: We're way beyond the scope of  
19 the cross-examination here which is limited to what  
20 was in the staff report. So I'm going object to that  
21 question myself and sustain it.

22 MR. WOOD: All right, Your Honor.

23 Q. You made the statement that my problems were not  
24 connected with Mr. Perry's; is that correct.

25 A. I did not sum your problems together, no.



1 Q. But they could very well be connected, couldn't  
2 they?

3 A. There's a possibility if there's something wrong  
4 with the switch or maybe something wrong at a junction box.  
5 That maybe you all are experiencing the same problems but  
6 you have individual loops. You all are not sharing -- you  
7 all were not sharing a loop.

8 Q. Which is a pair of wires?

9 A. Yeah, you all are not sharing a pair.

10 Q. Okay. But if our wiring was in the same fifty  
11 power cable and there were many pairs of defective wiring  
12 in there then we might have the same problem, might we?

13 A. Yes. That is a possibility.

14 Q. And do you know whether or not there was more  
15 than one 50 power cable --

16 MS. CASWELL: Objection, Your Honor. My only  
17 question on cross was whether -- which -- whether  
18 Mr. Fulwood was obligated to investigate Mr. Perry's  
19 service when he got Mr. Wood's complaints case. I  
20 think this goes way beyond and goes back to some of  
21 the other testimony that Mr. Fulwood offered this  
22 morning in response to Mr. Wood's questions?

23 HEARING OFFICER: Sustained.

24 MR. WOOD: Your Honor, what he said and -- and  
25 I'm going exactly only what he said. Is that my

1           problem was not connected with Mr. Perry's. And I  
2           merely wish to establish that if we were sharing the  
3           same cable and the cable had defective pairs, mine and  
4           Mr. Perry's could very well be connected.

5           Q.    And my last question is, has he any information  
6           whether there's more than one fifty power cable going down  
7           through Schaefer Lane? And I think that's entirely  
8           relevant.

9                        HEARING OFFICER: I'll let's him answer that  
10           question.

11           A.    I would like to say that I don't know if they're  
12           two fifty pair cables running down Schaefer Lane. I only  
13           used fifty pair as an example earlier to when I was talking  
14           on defective pairs. I do not know the cable route again in  
15           that area.

16                        So if -- I guess, you're asking me a hypothetical  
17           and say that maybe if you were all in the same cable route  
18           or in the same cable.

19           Q.    Right.

20           A.    Then, yes, a problem could affect you and him in  
21           your individual loop due to do corrosion or whatever,  
22           somehow affect both pairs.

23           Q.    You're really not aware of these provisions of  
24           code, you've never seen them before today, have you?

25           A.    Which ones are they. In particular the 25 -- oh,

1 yes, I have a seen those. I mean, a lot of these are the  
2 standards with which we evaluate the customers. We have to  
3 evaluate the trouble reports and that is standard on a  
4 service evaluation. And so a lot of these same rules apply  
5 to that.

6 Q. This is what you used on my specific case?

7 A. I mean, your -- not each individual rule, but  
8 like the report interruption when I was going to the  
9 analysis of credits. Did you deserve a credit? I was  
10 looking at were you out 24 hours.

11 Q. Uh-huh.

12 A. Things like that. These are all standard that  
13 are rules when service affecting, how service affecting,  
14 that is where this comes from the 254 dash rules.

15 Q. And what -- as an investigator when you're trying  
16 to make the determination of whether I was out of service  
17 for 24 hours?

18 A. Uh-huh.

19 Q. What type of service are you talking about,  
20 define what you look for?

21 A. What type of service, telephone service.

22 Q. Yeah, what type of service am I'm entitled to?

23 A. Plain old telephone service. I'm not getting the  
24 question right.

25 Q. Well, let me break it down just a little bit.

1 Should I have to use a telephone line that is noisy that --

2 MS. CASWELL: Objection, Your Honor.

3 Q. -- that I can't speak over it, is that --

4 MS. CASWELL: Objection. I think this goes  
5 beyond the scope of cross examination and goes back to  
6 what we heard this morning.

7 MR. WOOD: Your Honor, this is hitting right  
8 directly on what he testified here on these rules that  
9 he used them. And I -- I -- I'm asking him to define  
10 what he used in order to determine whether I was out  
11 of service for 24 hours. I think it's entirely part  
12 of her to inquire into the rules?

13 MS. CASWELL: I didn't inquire into the rules.

14 MR. WOOD: One of you did, because I just got  
15 these, you just gave them to me.

16 MS. CASWELL: I think the Judge should take  
17 official on the extent of the rules.

18 HEARING OFFICER: Right. There was no testimony  
19 about the rules at all.

20 MR. WOOD: But he's already testify that he's --  
21 those are his working rules.

22 HEARING OFFICER: Well, there should have been an  
23 objection at that point, but there wasn't.

24 MR. WOOD: So since there was no objection I  
25 think I'm entitled to finish.

1 HEARING OFFICER: For what point?

2 MR. WOOD: Huh?

3 HEARING OFFICER: For what point?

4 MS. CASWELL: Your Honor --

5 HEARING OFFICER: No, I would like to know what  
6 the point of the question is, sir.

7 MR. WOOD: I'm going to have to go to the court  
8 reporter again.

9 HEARING OFFICER: Well, the question wasn't --  
10 the question was about whether he used those rules and  
11 he said yes. And you wanted to get into the specifics  
12 of the rules.

13 MR. WOOD: Yes, yes, yes.

14 HEARING OFFICER: I'm asking you specifically  
15 what rule you're talking about.

16 MR. WOOD: Right. To see if I was out of service  
17 for 24 hours. And I think it's entirely relevant  
18 since he's opened this up to ask him, you know, what  
19 do you mean out of service? What's the definition of  
20 it? What does he use as an investigator? Entirely  
21 relevant and very important. Because if I have to  
22 accept as having a phone connection that I can't talk  
23 over then you know, I may not be out of service and  
24 the line is not of any use to me.

25 MS. CASWELL: Again, I renew my objection because

1 it's not relevant to the cross. This is redirect. We  
2 had direct examination for three hours this morning.

3 HEARING OFFICER: I understand your objection.  
4 There's no phrase out-of-service in any of the  
5 materials that were introduced in the beginning of the  
6 PSC's cross-examination. And if you're asking  
7 questions that are not relevant to the rules, I'm not  
8 going to let you continue to ask questions that are  
9 not relevant to the rules so move on.

10 MR. WOOD: This goes back to my third question  
11 here that the problems were not connected with  
12 Mr. Perry's as part of his answer he said --

13 HEARING OFFICER: I sustained the objection.

14 MR. WOOD: Okay. All right. I have a no further  
15 questions. Thank you.

16 HEARING OFFICER: Call your next witness.

17 MR. WOOD: Did you bring Mr. Spotswoods?

18 MS. CASWELL: Yes, sir, he's here.

19 MR. WOOD: I would like to call Mr. Spotswood.

20 JEFF SPOTSWOOD, having been produced as a witness on  
21 behalf of the petitioner, and having been first duly sworn,  
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WOOD:

25 Q. Would you please state your name for the record?

1 A. My name Jeff Spotswood.

2 Q. Who do you work for?

3 A. GTE.

4 Q. Okay. What do you do for GTE or what did you do  
5 for GTE in say 1997, between May of 1997 and August of  
6 1998?

7 A. I started with GTE in December of '97.

8 Q. Okay.

9 A. And I was a local manager in Winter Haven.

10 Q. And what does that job entail?

11 A. Basically I'm over the repair and installation  
12 group.

13 Q. Okay. And when there's a repair problem  
14 basically the buck stops with you then on the local level?

15 A. Typically. I mean, you know, it goes through our  
16 repair service.

17 Q. Uh-huh.

18 A. If there's, you know, an issue aside I get with  
19 them, yes, sir.

20 Q. Okay. And you don't get involved on everything,  
21 do you?

22 A. No, sir.

23 Q. Only on problems?

24 A. Yes, sir.

25 Q. Okay. Are you aware of the problems that I kept

1 complaining about on Schaefer Lane?

2 A. I only got one complaint after -- originally I  
3 was in Winter Haven at some point in '97. I was local  
4 manager at Lake Wales.

5 Q. Uh-huh.

6 A. But the complaints that you spoke of have already  
7 occurred. I was a part of a complaint in reference to  
8 service around in April, April 21st in that neighborhood  
9 was I believe the date. I'm not real positive.

10 Q. Of '98?

11 A. Yes, sir.

12 Q. 1998?

13 A. Yes, sir.

14 Q. Okay. And but you weren't that in -- when did  
15 you -- when did you assume that position?

16 A. Sometime in late -- I'm not sure of the exact  
17 date to be honest with you.

18 Q. We shared responsibilities from one sense to  
19 another?

20 A. Okay.

21 Q. And do you remember talking with me?

22 A. Yes, sir.

23 Q. At my place?

24 A. Yes.

25 Q. Okay. You gave me business card didn't you?



1 A. Yes, sir.

2 Q. Okay. And what was your role in -- in the  
3 complaint solving process, specifically in my complaints?

4 A. Your particular complaint you had no service, you  
5 had reported no dial tone service. And it came apart right  
6 when they did a work order to a new section of cable for a  
7 new terminal and new facilities and they dropped to your  
8 residence.

9 Q. Uh-huh.

10 A. At that point there was installation order to get  
11 your old -- your service cut over to the new terminal.  
12 When they transferred the repair to the new service it was  
13 put on the incorrect pair so that put you out of service.  
14 So that day I had one of my technicians come out and  
15 correct that in which case we replaced the network  
16 interface -- and the demarcation at your residence which  
17 you weren't living in at the time, to the best of my  
18 recollection. There was no roof on the place at time.

19 Q. Right.

20 A. We went ahead and put a point of demarcation and  
21 re-established service.

22 Q. You remember my camper sitting there behind the  
23 house?

24 A. Yes, sir.

25 Q. And you were aware that I was living in the

1 camper?

2 A. Yes, sir.

3 Q. At that point in time?

4 A. That's what you told me.

5 Q. And that is the period of time when you changed  
6 me from the cable on Darty Drive to the one that came down  
7 Schaefer Lane, correct?

8 A. I'm not familiar with the cable at that point  
9 either. All I know is the engineering group had done a  
10 work order replacing the terminal at your residence and our  
11 group is responsible for the installation of new cable and  
12 the residential repair and installation.

13 Q. Uh-huh.

14 A. And when the repair came to us because of your  
15 out of service and your service order wasn't completed  
16 properly. That's when I became involved. And our group  
17 simply transferred the drop to the proper pairs the aerial  
18 and restored service.

19 Q. Are you aware that the cable coming down Schaefer  
20 Lane had several defective pairs in it?

21 A. Again, I have no idea -- it typically doesn't --  
22 bringing in for engineering to do, we need additional  
23 facilities for these new service orders.

24 Q. Uh-huh.

25 A. And we'll go out typically for the day, clear a

1 repair for a service order or if someone goes out of  
2 service we'll have to repair s pair typically it's apart of  
3 monitoring the amount of nonworking pairs in a cable, you  
4 know. We -- we maintain what's required for the existing  
5 customers.

6 Q. Uh-huh. Then you're not aware no new customer's  
7 couldn't be put on the new line on Schaefer Lane?

8 A. I was not aware of that.

9 Q. Okay. Then your awareness basically stopped when  
10 the terminal connections changed to a new one and you  
11 wouldn't have been involved with it after that, after they  
12 said, you know, reconnect it to another terminal. I think  
13 I'm using the right term?

14 A. I'm not sure I understand the question.

15 Q. When -- at what period of time did your  
16 responsibility end?

17 A. When -- when -- if a customer has a complaint and  
18 they're out of service.

19 Q. Uh-huh.

20 A. And we restore the service and perform our  
21 competition test. Our test is to make sure that line is  
22 back in service and that's when we close the ticket.  
23 That's when my responsibilities for that particular repair  
24 ticket end.

25 Q. Okay. We've been going through some reports that

1 GTE provided for us?

2 A. Yes, sir.

3 MR. WOOD: Your Honor, may I approach the witness  
4 and show him these reports.

5 MS. CASWELL: What are you going to show him.

6 MR. WOOD: The same thing.

7 MS. CASWELL: Okay.

8 MR. WOOD: The reports here this one I think  
9 there's one on another page.

10 A. Okay.

11 Q. Have you ever seen those?

12 A. These particular?

13 Q. Yeah.

14 A. Not until today.

15 Q. Okay. Are you familiar with the wording used in  
16 these type of reports?

17 A. Most of them.

18 Q. Okay.

19 A. I haven't looked through, you know, scrutinize  
20 it.

21 Q. I'm just going to go into couple of things here  
22 with you and if you can't answer it just simply say so.

23 MS. CASWELL: Yeah, he needs a copy. It's right  
24 up.

25 A. I see.

1 Q. On 6/25/97, there's a report of no dial tone.

2 A. Okay.

3 Q. It was reported on 6/26/97 at 9:45 a.m. and the  
4 trouble found in and the kind work performed -- the trouble  
5 found was miscellaneous and nonservice affected. What does  
6 miscellaneous mean?

7 A. Typically if they go in there and they find no  
8 problem that could be one of the codes they use.

9 Q. Uh-huh.

10 A. Sometimes their codes change overtime.

11 Q. Uh-huh.

12 A. And, again, my date of employment started in  
13 September of '97. So this not a code we commonly use, but  
14 you know, it could cover a multitude of things and to be  
15 honest, I'm not sure what exactly this means in this case  
16 defined.

17 Q. Do you all have a code book, a book which  
18 interprets the codes or the terms that you use like  
19 miscellaneous?

20 A. Yes, sir.

21 Q. Do you have a copy of that?

22 A. No, sir. And code books change periodically as  
23 well.

24 Q. Okay. So what I have more on code book GTE guide  
25 and the codes version two January 4th, 1998, may not have

1 been the same one that would have been in affect in April  
2 or June of 1998; it could have been the Jane?

3 A. I'm not sure of the dates in which they change.  
4 I mean that's an assumption that could be true.

5 Q. So we really don't know what miscellaneous is?

6 A. Not based upon this report.

7 Q. What about the --

8 A. I mean, they could have used that, you know, but  
9 it's not clear.

10 Q. Okay. Now, when you go to use your telephone you  
11 pick it up there's no dial tone, that's pretty obvious,  
12 isn't it?

13 A. Yes, sir.

14 Q. And when there's no dial tone is that service  
15 affect?

16 A. Yes, sir.

17 Q. Then -- then it's incorrect here with that no  
18 dial tone that that it's nonservice affective that's not  
19 accurate, is it?

20 A. It depends if the customer at the time in which  
21 the calls were placed to repair, could have been no dial  
22 tone condition. If -- if it was, intermittent trouble or  
23 if there was a problem that was resolved between the time  
24 the customer called in and the repair technician arrived at  
25 your premise. You could be back in service in which case

1 it they might charge it out miscellaneous or no trouble  
2 found or came clear or a multitude of codes that they could  
3 use. It would cover a no problem found type situation when  
4 they arrived at the premise.

5 Q. Uh-huh.

6 A. And if there's no trouble on the line at that  
7 time, they can't find any trouble. It's as simple as that.

8 Q. Then if it's intermittent then it could be a  
9 wiring problem. A problem with a pair?

10 A. It could be a multitude of things, yes, sir.

11 Q. Uh-huh.

12 A. But to answer your question, yes it could be.

13 Q. And hum an intermittent hum on the lines, a noise  
14 on the line could be a bad repair?

15 A. It would be that.

16 Q. When I was in the military there was no way to  
17 repair a pair wires in these cables, do you all have a way  
18 of repairing them now or do you just discontinue using that  
19 pair and go to another one?

20 A. We -- it depends on where the trouble might be.  
21 If it's in a section that -- we have equipment that can  
22 isolate and we'll do everything from a section cut, you  
23 know, a section cut of the wire is designed -- is a  
24 replacing of a section of bad cable. Essentially it can be  
25 replaced anywhere it's a splice or something along that

1 line, we can certainly rebuild those pairs.

2 Q. Do you know if this test or device or whatever  
3 you all used, was used on my pair on Schaefer Lane?

4 A. Based upon this I can't tell.

5 Q. Okay. So if they -- if they had performed this  
6 test and checked out this pair and found a bad wiring --  
7 wire then they would probably report it, wouldn't they?

8 A. Well, the technicians responsibility is if they  
9 find trouble they fix the trouble.

10 Q. Uh-huh. And are the technicians qualified to go  
11 into a cable and fix individual -- trace down to where it's  
12 broken?

13 A. Yes, sir.

14 Q. Uh-huh. There were several bad pairs on Schaefer  
15 Lane, can tell me why that wasn't done on those pairs?

16 A. Well, those pairs in that point might not have  
17 been serviceable. If we had bad pairs in the cable, if  
18 it's -- if the cable pairs needed for a new service the  
19 order to the change another bad pair, then we typically fix  
20 that pair at that time. We also teach the technician to  
21 identify bad pairs from time-to-time and repair of bad  
22 pairs it's ongoing maintenance program.

23 Q. Are you aware that Ms. Davis had been requesting  
24 another telephone line on Schaefer Lane for well over a  
25 year. And was told by you all that you never had any pairs



1 available?

2 A. I never heard the name Ms. Davis at all.

3 Q. Are you aware of other people in the Schaefer  
4 Lane, during your time in the Lake Wales area and your  
5 working in that area, who had wiring problems?

6 A. Not to my knowledge.

7 Q. And complaints?

8 A. Other than the issue with Mr. Perry, his dialing  
9 issues, I didn't, no.

10 Q. Did you ever talk with Mr. Ted Keiser about  
11 Mr. Perry's problem?

12 A. No, sir.

13 Q. Did Mr. Perry -- Mr. Keiser ever tell you that  
14 they found the problem at the intersection Silvio -- Silvio  
15 Lane or Silvio Drive and State Route 60?

16 A. No, I never had any conversation with Mr. Keiser  
17 about cable repair issues.

18 Q. And you're not aware of anything about that?

19 A. No, sir.

20 Q. If such a problem was encountered, who would have  
21 knowledge of that, if not you? I mean, you say the buck  
22 stops with you?

23 A. Well, if customers were affected you'd call in  
24 trouble tickets, my technicians would be dispatched or they  
25 would clear the trouble that had issues that needed local

1 manager intervention and they would contact me. But if  
2 they repaired the trouble themselves they would clearly  
3 know the particulars and I would not become involved.

4 Q. Ya'lls records showed Mr. Perry first called in a  
5 complaint, I think it was December or complaint was called  
6 for him, if not by him, on November the 10th, 1997 about he  
7 was having trouble getting through to me. Were you  
8 involved in that at all?

9 A. No, sir.

10 Q. Were you ever involved with Mr. Perry?

11 A. I rode down -- I drove to his residence one time  
12 this wasn't based on a repair call.

13 Q. Uh-huh.

14 A. Local manager Dwight Clayton went to the Winter  
15 Haven at that time and had, I'm not sure all the details,  
16 that he promised or was going to obtain a new phone for  
17 Mr. Perry as well as get him speed dialing service to help  
18 to assist him if he had any dialing problems. As a gesture  
19 to resolve all the of the problems he had been having.

20 We went there and gave Mr. Perry the phone as  
21 well as set up the speed dials with a few numbers  
22 insured -- went over the process of how it worked and  
23 instructed him. And that was my only trip out to  
24 Mr. Perry's residence.

25 Q. And you're aware they even gave him a big number

1 telephone so he could see the buttons?

2 A. I bigger phone, uh-huh.

3 Q. Yeah. And do you know that shortly after that  
4 Mr. Perry went to his eye doctor told him that he never had  
5 to wear glasses that his vision is 20/20?

6 A. No, I haven't -- haven't been made aware of that.

7 Q. Okay. If that was true then a bigger button  
8 telephone wouldn't solve the problem?

9 A. I don't know why -- what exactly his reason was  
10 giving the phone with bigger button on it other than --

11 Q. Uh-huh.

12 A. -- other than maybe easy for use.

13 Q. That's usually what it's for though people having  
14 trouble seeing the buttons, right?

15 A. Not necessarily sighting, dexterity as well.

16 Q. Okay.

17 A. It I mean, it could be --

18 Q. He be an old man?

19 A. No, not necessarily some people just like a phone  
20 with bigger buttons. And so he might have saw one of those  
21 phones in the phone mart.

22 Q. Uh-huh. I would like to direct your attention to  
23 the 11/29/97 at 5:55 p.m. I filed a complaint with no dial  
24 tone that people couldn't call me. And when people tried  
25 to call me that they got a recording that my phone was

1 disconnected?

2 A. Yes, sir.

3 Q. Okay. When someone tries to call in and they  
4 can't call you, then you're phone is effectively  
5 out-of-service, isn't it?

6 A. Our out-of-service definition is if you ever  
7 can't make calls or receive calls, if of those conditions  
8 exist we mark we -- we say that the service is out of  
9 service.

10 Q. Okay. And if people was trying to call me and  
11 couldn't get me then it would be effectively would be  
12 out-of-service wouldn't it. That would be the or part of  
13 it that you just said?

14 A. If you cannot receive phone calls then you're out  
15 of service, yes, sir.

16 Q. And that would also cover intermittent  
17 interruptions too, wouldn't it?

18 A. And I'm not positive intermittent. I mean, at  
19 the time that you place the call if that's the condition it  
20 would be out of service.

21 Q. Oh, uh-huh. Are you aware of e-mail that you saw  
22 me show here earlier that was from a Mr. Alton Adams that  
23 he was trying to gets me and couldn't?

24 A. I never saw that e-mail or know the person.

25 Q. Okay. Did you ever -- did you ever see a letter

1 from Elizabeth Crawford a letter that she said she had  
2 important business that she needed to talk to me about?

3 A. No, sir.

4 Q. Never saw that either?

5 A. No, sir.

6 Q. Okay. Would those records be retained with  
7 someone higher up the chain than you or maybe lower than  
8 you?

9 A. I don't know who they were addressed to. I don't  
10 have any idea. I can't answer that yes or no.

11 Q. Now, call forwarding, you have call forwarding on  
12 your phone probably?

13 A. I don't have it on my personal.

14 Q. But you aware -- you're aware of the features?

15 A. Yes, I understand the features.

16 Q. And you forward your number some place else you  
17 still use your phone, you still have a dial tone?

18 A. Yes, sir.

19 Q. Make telephone calls?

20 A. Yes, sir.

21 Q. You can't receive them though can you?

22 A. You'll hear a partial ring, that's an indication  
23 that the call is being forwarded.

24 Q. And about everybody knows that, don't they? With  
25 call forwarding?

1 A. Yeah.

2 Q. It's common, isn't it?

3 A. People that are call forwarding will probably  
4 know that.

5 Q. And so the reports are that -- that -- that I had  
6 forwarded my calls to the wrong number, was the reason why  
7 I couldn't get a dial tone would be erroneous?

8 MS. CASWELL: I'm sorry I would ask you to point  
9 out which entries he's looking at.

10 MR. WOOD: I'm still on 11/29/97. The same one  
11 there.

12 MS. CASWELL: Then I object to the character --  
13 well, okay. You're looking at the trouble found call,  
14 correct?

15 MR. WOOD: Yeah, I'm looking, yeah, trouble  
16 report.

17 MS. CASWELL: Okay.

18 MR. WOOD: No dial tone. And the trouble found.

19 A. What's the question again.

20 Q. If my complaint was that there was no dial tone  
21 then -- then the response that I'd forwarded my calls to  
22 the wrong number would not be a valid reply for that  
23 complaint, would it?

24 A. I'm looking at the exact -- if you go to the  
25 actual trouble ticket not just the summary for this

1 particular and date 11/29. The customer reported trouble  
2 reported line -- which is about third way down through that  
3 document. States that the trouble reported was, can't be  
4 called, bell doesn't ring or short rings intermittent,  
5 disconnected with no order activity occurring.

6 That would indicate to me that the customer  
7 states that he can't be called and a short ring on incoming  
8 would indicate call forwarding may indeed be in affective.

9 Q. There's no dial tone you're saying from the  
10 official report is -- is erroneously placed in 11/29/97?

11 A. The no dial tone that was transfer to the summary  
12 indeed is incorrect.

13 Q. Okay. If you had a series of complaints about  
14 people not being able to -- a customer not being able to  
15 reach or people not being able to reach them when they  
16 tried to call?

17 A. Uh-huh.

18 Q. Would you expect that to be reported to you as a  
19 repair?

20 A. It depends if it was a chronic problem. I would  
21 typically -- typically the tech would get involved on it.  
22 Now, if it's a different tech that's out there all the  
23 time, you know, not the same tech it might not be reported.  
24 We have a multitude of techs. And if there are four or  
25 five different complaints and a different tech went out

1 each time it may or may not become an issue.

2 Q. But you obviously have the reports up there, was  
3 it different techs or the same tech?

4 A. I would have to look. I would have to look at  
5 each one.

6 Q. Well, they have an ID number there, you know  
7 where to find it?

8 A. I would have to look through.

9 Q. Just the first five or six I mean you know.

10 A. The first three are different techs. The first  
11 four are different technicians.

12 Q. Uh-huh.

13 A. The same technician on the fifth ticket. There's  
14 a different tech on the sixth ticket. So it appears  
15 looking at this, seven different technicians in the first  
16 10 repair tickets.

17 Q. Okay. Now, what procedure does GTE use when it  
18 uses different techs like you all did on Schaefer Lane on  
19 my repair, to make sure that the techs go out after a wire  
20 pair problems?

21 A. Well, they can see several technicians back, you  
22 know, those are typically put a mark on there meeting  
23 trouble.

24 Q. Are there any such remarks on any of my  
25 information that you know of?



1 A. There was a repeat on some of them.

2 Q. GTE has a lot of turn over, doesn't it?

3 A. Within the technicians typically no.

4 Q. A lot of transfers?

5 A. Some transfers, but typically the technicians are  
6 long lived through our company.

7 Q. And they ordinarily work in a area where they  
8 have their house?

9 A. Sometimes I mean, typically they're in an area  
10 they live in the area they work. There are some rural  
11 areas.

12 Q. I mean you wouldn't expect Tallahassee to call  
13 them here for a problem here in Polk County, would you?

14 A. No, no.

15 Q. Okay. And then your techs knew of a problem of  
16 history -- a history problem and apparently were dispatched  
17 to do the same thing and never brought it to your  
18 attention?

19 A. Well, again based upon why these tickets are no  
20 trouble found -- there was no trouble, came clear on many  
21 of them as well.

22 Q. And again, as one of the common the very common  
23 things a broken wire that open and shuts when the wind  
24 blows, that's so common isn't it?

25 A. No, typically no.

1 Q. Huh?

2 A. Not necessarily.

3 Q. Then is it in the switching house on Route 60?

4 A. Our trouble, you know, and there's a multitude of  
5 areas that trouble can occur in a telephone.

6 Q. You all didn't know where it was, did you?

7 A. According to a lot of these there was no trouble  
8 found.

9 Q. And no trouble found. An intermittent problem?

10 A. We go out there and if there's no trouble on the  
11 line at that time when they perform all the test, they  
12 interpret the test typically -- the test okay.

13 Q. And after a couple of times of doing that the  
14 complaint becomes kind of a pain in the backside so to  
15 speak?

16 A. If they're having ongoing trouble, yes.

17 Q. And the techs soon say, I'm not going out  
18 there -- I mean I don't want to fool with that?

19 A. Not typically. No. If they get the technician  
20 out there going to that house.

21 Q. Uh-huh. So after after a problem goes on for a  
22 little while and you all don't find it then you all tend it  
23 ignore the problem?

24 A. No, sir. That's -- that's not true.

25 Q. You have documentation from January beginning

1 about March and beginning about May from people outside who  
2 you all became aware of that were trying get me and were  
3 having the same problem from people out of state?

4 A. I only heard about that from one customer.

5 Q. Mr. Perry?

6 A. That's the only one I had.

7 Q. Uh-huh.

8 A. Any dealings with.

9 Q. Okay. Then then someone at GTE never made you,  
10 the repair foreman knowledgeable about the people from the  
11 outside that was that Mr. Keiser actually talked to?

12 A. No, again I never spoke with or to Mr. Kiser for  
13 anything.

14 Q. Okay. GTE's a big company, correct?

15 A. Yes, sir.

16 Q. And lots of people in it?

17 A. (Nods head.)

18 Q. And sometimes there's no communication between  
19 the departments?

20 A. Well, we tried to have communication between the  
21 departments.

22 Q. But sometimes there's not?

23 A. Well, typically there's not, but I mean on  
24 occasion.

25 Q. Okay. But then you never talked to Mr. Keiser

1 and he's apparently the design the person out there, did  
2 the engineering on it all for everything out there. New  
3 lines basically, you know there was new lines put in?

4 A. No, I feel aware. I knew a new terminal was put  
5 in so I assume it was because you're on the other side of  
6 the road. Again, my day-to-day operations didn't involved  
7 engineering.

8 Q. Okay. So you -- you never -- you never  
9 communicated with engineering, did you?

10 A. Oh, we communicate with engineering, but I never  
11 communicated with any issues regarding my complaints.

12 Q. My complaints?

13 A. Regarding Schaefer Lane and your problems.

14 Q. Okay.

15 A. Other than the fact that the terminal was placed  
16 and I only became involved in that.

17 Q. Then you know in an outfit as big you all are  
18 it's pretty hard to communicate between the departments,  
19 isn't it a lot of times?

20 A. No, it's not difficult.

21 Q. And you're probably not aware that the trouble  
22 disappeared after the cable was replaced?

23 A. No.

24 Q. Okay.

25 A. I wasn't aware of any trouble other than the one

1 isolated case where my technician and you were home at that  
2 time, that particular case.

3 MR. WOOD: I have nothing further.

4 HEARING OFFICER: Ms. Caswell?

5 MS. CASWELL: I just have a couple of questions.

6 CROSS-EXAMINATION

7 BY MS. CASWELL:

8 Q. Mr. Spotswood, Mr. Wood went over the  
9 miscellaneous things with you at some length. And  
10 regardless of what the word miscellaneous would mean in  
11 those instances, are all those connected with entries that  
12 are non-service affecting or came clear.

13 A. I would have to look through, if you give me a  
14 minute to do that.

15 Q. Sure.

16 A. It appears to be that is -- that is the case.

17 Q. So regardless of what miscellaneous might mean  
18 those entries, do they indicate that there was no trouble  
19 found when the technician came?

20 A. At that time -- at the time that the technician  
21 was there.

22 Q. Okay. And I think you also testified that you  
23 had had some part of giving Mr. Perry his new phone and  
24 setting up speed dials; is that correct?

25 A. Yes.

1 Q. Are you -- do you know that GTE -- do you know  
2 anything about GTE's investigations of Perry's misdialings  
3 problem before the PSC found that problem?

4 A. In fact, I was unaware of the Mr. Perry incident  
5 until Wade let me know -- when he got Mr. Perry a phone and  
6 asked me to ride out there.

7 Q. Okay. Mr. Spotswood, based on the chart we have  
8 here even after we had got numerous reports of trouble  
9 found, would you say we continued to respond to Mr. Wood  
10 complaints about a service?

11 A. Yes. We went on every -- we responded to every  
12 complaint or trouble ticket that was -- that was called in.

13 MS. CASWELL: Thank you I have nothing further.

14 MS. CLEMONS: I have nothing.

15 HEARING OFFICER: Any redirect Mr. Wood?

16 MR. WOOD: No.

17 HEARING OFFICER: Thank you.

18 MR. WOOD: I would like to call Mr. Dwight

19 Clanton.

20 DWIGHT CLANTON, having been produced as a witness on  
21 behalf of the petitioner, and having been first duly sworn,  
22 testified as follows:

23 DIRECT EXAMINATION

24 BY MR. WOOD:

25 Q. Mr. Clanton, would you state your name for the

1 record?

2 A. Dwight Clanton, C-L-A-N-T-O-N.

3 Q. Who do you work for?

4 A. GTE.

5 Q. And how long have you been with GTE?

6 A. Almost 27 years.

7 Q. Okay. And where did you work in the periods of  
8 1997, 1998?

9 A. I worked in Haines city, Lake Wales, Winter  
10 Haven.

11 Q. Okay. Are you still working in those areas?

12 A. I am in Lake Wales at this time.

13 Q. Are you still a facilities supervisor?

14 A. Local manager for Lake Wales.

15 Q. You're a local manager now. Your position has  
16 changed since?

17 A. It's -- it's name change only. It's the same  
18 job.

19 Q. Okay. More pay or less pay -- I withdraw. What  
20 is your job as Lake Wales manager, is that what I thought  
21 you called it?

22 A. Manager of the Lake Wales operation area, that's  
23 correct.

24 Q. Okay. What does that job entail?

25 A. It entails the supervision of installation and

1 repair of the telephone facilities in Lake Wales area.

2 Q. Then you don't deal with repairs?

3 A. Absolutely do installation and repairs.

4 Q. Okay. Telephone installation?

5 A. Yes.

6 Q. New cable installation?

7 A. No.

8 Q. All right. Are you familiar with the routing  
9 phone cables in the Schaefer Lane area on Route 60 east of  
10 town, you all have I believe a substation out there or  
11 switchinghouse?

12 A. We have a central office in east Lake Wales,  
13 that's correct.

14 Q. About 10 miles out from State Route 60?

15 A. Yeah, whatever it is.

16 Q. Near Nalcrest and Fedhaven.

17 A. Correct.

18 Q. Okay. Are you familiar with the cable routing  
19 out at that switchhouse?

20 A. No, I'm not.

21 Q. Okay. It looks like we first became involved and  
22 met each other in January, mid January of 1998?

23 A. Yes, that's correct.

24 Q. And would you -- do you remember what happened,  
25 how you were involved?



1           A.    I was involved, indirectly involved as a result  
2 of the Public Service Commission complaint.

3           Q.    Okay. This is something you wouldn't be involved  
4 in other than had the complaint not been filed?

5           A.    I was involved as a result of the complaint.

6           Q.    As a result only. Okay. And when you became  
7 involved what steps did you take?

8           A.    I went to your house and spoke with you.

9           Q.    You remember the conversation?

10          A.    Not in detail, no, but I do remember going inside  
11 your house and talking to you.

12          Q.    Okay. Did you take notes?

13          A.    I made notes when I got back in my vehicle.

14          Q.    Okay. Do you have those notes with you today?

15          A.    No, I do not.

16          Q.    After we talked what -- what -- what did you do?

17          A.    I contacted our engineering department to affect  
18 a possible resolution to your problem?

19          Q.    Okay. What did you -- did you get any diagnosis  
20 or prognosis so to speak on what to do?

21          A.    I drew up a diagram and turned it over to our  
22 engineering department.

23          Q.    What did that diagram show?

24          A.    It showed the little C-wire that you were  
25 connected to that feed to your house.

1 Q. Uh-huh.

2 A. From wherever that main road is. It came from --

3 Q. Darty Drive?

4 A. Darty, yeah.

5 Q. That's the main road going in to Fedhaven and  
6 Nalcrest?

7 A. Yes, it came from that point.

8 Q. Okay. And do you know what resulted from that?

9 A. In the meantime we -- they contacted the light  
10 crew. And the light crew came out and worked on the C-wire  
11 just to make sure that it was working until they could  
12 affect any cable that they needed to do.

13 Q. Are you aware they switched me over to another  
14 cable from Darty Drive over to the one on Schaefer Lane?

15 A. As a result of this hearing I am.

16 Q. Okay. Did you didn't know it before?

17 A. I'd been told or I mean, I knew that they were  
18 going to let me put it that way.

19 Q. You know they put new lines down Schaefer Lane?

20 A. No, I'm not familiar with any work order coming  
21 -- I don't know what they did. Like I said, but it's  
22 possible you got transferred over to Schaefer Lane.

23 Q. Uh-huh. But you know then that I got changed  
24 from the cable on Darty Drive to one over on Schaefer Lane?

25 A. Yes.

1 Q. Okay. And we weren't able to resolve anything at  
2 that point in time?

3 A. Inasmuch as what?

4 Q. Well, you said you were trying to solve these  
5 problems. And that was in January of '98, matter of fact  
6 my notes here show that you called me on January 13th, 1998  
7 and we met on this -- the 14th, that's --

8 A. That sounds close.

9 Q. Okay. And your involvement ended when you drew  
10 up the wiring change from Darty, I guess, to put what a new  
11 power or a new line out to my house from Darty Drive?

12 A. Well, I -- I made what we call UPC an  
13 unsatisfactorily plant report on the C-wire. And I sent it  
14 to our engineering department for resolution.

15 Q. Okay. And you were finished then or did you have  
16 other duties?

17 A. As far as that's concerned yes, I was finished  
18 with it.

19 Q. Okay. What else did you do in relation to my  
20 complaint?

21 A. Well, I contacted you later and told you that we  
22 had -- I had indeed turned it over to engineering  
23 department for resolution.

24 Q. Okay. And you don't know whether -- no let me  
25 rephrase that. Then you turned it over to engineering

1 which would have Mr. Ted Keiser?

2 A. I believe that's who it was, yes.

3 Q. They retained Mr. Keiser for this work, didn't  
4 they?

5 A. To the best of my knowledge, that's correct.

6 Q. And prior to that he was an independent  
7 contractor. He had his own engineering business?

8 A. I don't know what he did prior to working for us.

9 Q. You don't know Mr. Keiser?

10 A. Yes, I know Ted Keiser, but I don't know what he  
11 did before he came to work for us.

12 Q. I understand. Do you know where he is now?

13 A. I have no idea.

14 Q. Do you know that he's not any longer with GTE?

15 A. I found that out today.

16 Q. Oh, did you, okay. And that was the extent of  
17 your activities on Schaefer Lane, Darty Drive, Wood  
18 complaints?

19 A. At that time, yes.

20 Q. What about at another time?

21 A. The Schaffer Lane when the tornado came through I  
22 was involved in the tornado reconstruction of the -- well,  
23 what we did was the morning of the tornado, I went out  
24 there with Polk County Emergency Medical Operations.

25 Q. Uh-huh.

1           A.    And helped them get some lines installed for  
2 their emergency operations.

3           Q.    Did you come by my house at that time with  
4 Mr. Farmer, James Farmer?

5           A.    No, I did not.

6           Q.    Do you know Mr. Farmer?

7           A.    Yes.  I met Mr. Farmer out there, but I did not  
8 go down there with him.

9           Q.    Okay.

10          A.    He was out there as an engineer.

11          Q.    Okay.  From your work with GTE in that area, do  
12 you know why they would put me on the Schaefer Lane cable  
13 rather than the Darty drive cable?

14          A.    No, that was their decision prior to my time.

15          MR. WOOD:  Okay.  I have no further questions.

16          MS. CASWELL:  No redirect.

17          HEARING OFFICER:  Anything?

18          MS. CLEMONS:  No.

19          HEARING OFFICER:  Okay.  Thank you.

20          MR. WOOD:  Mr. Farmer, James Farmer.

21                JAMES FARMER, having been produced as a witness on  
22 behalf of the petitioner, and having been first duly sworn,  
23 testified as follows:

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## DIRECT EXAMINATION

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BY MR. WOOD:

Q. Mr. Farmer, would you state your name for the record?

A. James Farmer.

Q. Who do you work for?

A. GTE Florida.

Q. And how long have the been working them?

A. 27 years.

Q. You're well familiar then with their procedures and practices, aren't you?

A. As far as they pertain to my position, yes.

Q. Okay. What is your -- what was your position with them in the early half or the first half of 1998?

A. I was the engineering manager for Winter Haven.

Q. And they sent you into the Fedhaven, Nalcrest area after the tornado?

A. No, sir. I went on my -- I heard the -- I heard the storm on the news. So I drove out there to assess the damages.

Q. And you remember meeting me at my house?

A. Yes, sir.

Q. Uh-huh. And this was out of your territory of course?

A. No, sir.

1 Q. It was still part of your territory?

2 A. Yes, sir.

3 Q. All right. And what assessment did you make of  
4 the area?

5 A. There were -- well, due to all of the power lines  
6 being down there was nothing that we could do, the power  
7 was disconnected. Then we came back in later that  
8 afternoon to assess the damages, what damage had occurred  
9 to the GTE facilities.

10 Q. Uh-huh.

11 A. And we were in the process of putting that back  
12 up later that afternoon.

13 Q. You all got in and out pretty quick after that,  
14 didn't you?

15 A. On the main roads, yes, sir.

16 Q. Oh, yes. And counsel may object, but I want to  
17 remark that you all did a good job out there.

18 A. Thank you.

19 Q. It was excellent. You remember coming by my  
20 house that morning?

21 A. Yes, sir.

22 Q. And you remember me telling you that I had a  
23 camper, showing you a camper that I was going to pull  
24 around from one side of the house to the other to live in?

25 A. I don't recall. I don't recall that.

1 Q. You don't remember the camper being there?

2 A. No, sir.

3 Q. Okay. I assume you looked at several properties  
4 that day?

5 A. At all of the properties in the surrounding area.

6 Q. Okay. And when did you basically have service  
7 restored or felt you had service restored in that area  
8 after the tornado?

9 A. It was restored as the residences were allowed to  
10 move back in their homes.

11 Q. Okay. And some never moved back in?

12 A. That's correct.

13 Q. And some moved in or some had little damage and  
14 moved in immediately and you all restored them as they  
15 moved back in?

16 A. That's correct.

17 Q. Okay.

18 A. Or as we had accessibility to their residence.

19 Q. Okay. Uh-huh. Okay. Now, you all have an  
20 easements for your telephone lines, don't you?

21 A. Yes.

22 Q. You don't need anyone's permission to go on the  
23 property and look, do you?

24 A. I don't understand.

25 Q. If you wanted to go -- if you wanted to check the



1 telephone lines out say on my property. You have an  
2 easement there you can go any time and look, can't you?

3 A. As long as we have an easement, that's correct.

4 Q. Yeah, and you have easements for all of your  
5 lines, don't you?

6 A. Were they're located, yes.

7 Q. Yes. So that means that even if I have saw  
8 horses or cones or something up at the end of my driveway  
9 and if you wanted to go to down the driveway, your people  
10 would move them over and go down and look and then come  
11 back out and presumably replace any barricades?

12 A. In those cases no because we can only assume, in  
13 your particular case that was private property.

14 Q. Uh-huh.

15 A. And a barricade was put up after the storm.

16 Q. Uh-huh.

17 A. So we were not going to remove your barricade to  
18 come on private property.

19 Q. But that was your property, your easements?

20 A. We did not have an easement going down your  
21 property. We had a route to lay drop for your service. We  
22 did not have an easement.

23 Q. Then you're not familiar that the subdivision out  
24 there gives you all easement right for service onto the  
25 individual properties.

1 MS. CASWELL: Objection. The subjects of  
2 easements I think at this is point beyond the  
3 witnesses knowledge.

4 MR. WOOD: Well, either he knows or he doesn't  
5 know.

6 MS. CASWELL: I think he's already answered the  
7 question.

8 HEARING OFFICER: It's overruled.

9 A. Well, at the time of the storm damage, in your  
10 particular property in question was served by aerial drops.  
11 That does not require -- we do not require an easement to  
12 provide service onto your property. You give us the right  
13 to cross your property by the pure fact that you ordered  
14 telephone service.

15 Q. Uh-huh. Okay. Then you were on the property  
16 when I came up and found you and someone else. I forget  
17 who it was that morning you were with someone, correct?

18 A. That's correct.

19 Q. Do you remember who that was?

20 A. Yes, I do Skip Davis.

21 Q. Okay. And you all were there on that property  
22 that morning, weren't you?

23 A. Uh-huh.

24 Q. So -- were you involved in any other aspects of  
25 the problems that I had on Schaefer Lane and Darty Drive

1 cables?

2 A. No, sir. I was not aware of any problems.

3 MR. WOOD: Okay. I have no further questions.

4 HEARING OFFICER: Anything?

5 MS. CASWELL: Nothing. Thank you.

6 MS. CLEMONS: Nothing.

7 HEARING OFFICER: Okay. Thank you.

8 MR. WOOD: Did you bring as I told.

9 MS. CASWELL: Yes, as I told you Tom Broxton is  
10 here.

11 MR. WOOD: He's Mr. Keiser's replacement, or the  
12 one who replaced him.

13 MS. CASWELL: He's not his replacement, but I  
14 think he was there with Mr. Keiser if I'm not mistaken  
15 when the PSC did it's test, is that correct?

16 MR. BROXTON: Right.

17 MS. CASWELL: So I brought him as the next best  
18 thing.

19 MR. WOOD: I think we've already had enough. I  
20 have no questions for him at all then. I have a no  
21 further uses for the witnesses if you want to let them  
22 go, that's fine.

23 MS. CASWELL: Yes.

24 HEARING OFFICER: You want to let them go?

25 MS. CASWELL: Unless will the -- will the Court

1           need them for any purpose after? Okay. You can let  
2           them go. I mean they -- I don't need them for any  
3           reason. Do you have any questions that you need to  
4           ask them?

5                   HEARING OFFICER: Not that I know of.

6                   MS. CASWELL: Okay.

7                   HEARING OFFICER: Okay. I guess you all can go.  
8           we're going to take a ten minute break now.

9           (A brief recess was taken, after which time the hearing  
10           resumed with all of the parties present.)

11           (Thereupon, the hearing is continued in Volume II.)

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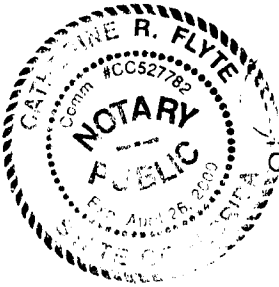
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STATE OF FLORIDA )  
COUNTY OF POLK )

I, CATHERINE R. FLYTE, Freelance Reporter, certify that I was authorized to and did stenographically report the hearing; that a review of the hearing was not requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 28th day of December, 1999.

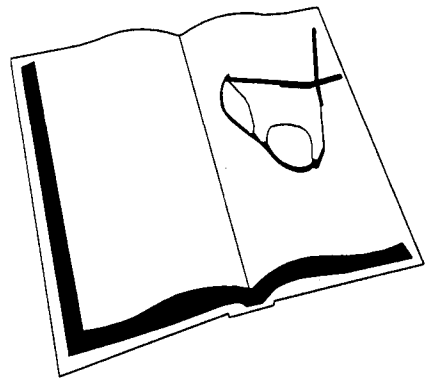


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Hearing Calvin Wood vs. GTE and PSC

December 8, 1999

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# Hearing Calvin Wood vs. GTE and PSC

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Reliable Reporting, Inc.

500 South Florida Avenue, #600, Lakeland, Florida 33801

(941) 682-8737

Hearing Calvin Wood vs. GTE and PSC

December 8, 1999

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# Hearing Calvin Wood vs. GTE and PSC

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# Hearing Calvin Wood vs. GTE and PSC

December 8, 1999

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