

1 APPEARANCES:

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5 of Southern Bell Telephone and Telegraph Company.

6 J. SUE RICHARDSON, Office of the Public
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10 the Citizens of the State of Florida.

11 JEAN R. WILSON, FPSC Division of Legal
12 Services, 101 East Gaines Street, Tallahassee, Florida
13 32399-0863, Telephone (904) 487-2740, on behalf of the
14 Commission Staff.

15 ROBERT C. JOSEFBERG, 25 W. Flagler Street,
16 Miami, Florida 33130, Telephone No. (305) 358-2800, on
17 behalf of the deponent, Hampton Booker.

18

19 ALSO PRESENT:

20 STAN GREER, FPSC Division of Communications

21 CARL VINSON, FPSC Division of Research &
22 Regulatory Review

23 TERRILL BOOKER, FPSC Division of Communications

24 WALTER BAER, Office of Public Counsel

25 WAYNE TUBAUGH, Southern Bell

I N D E X

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ERRATA SHEET

5

STIPULATION

6

SIGNATURE PAGE

60

CERTIFICATE OF OATH

61

CERTIFICATE OF REPORTER

62

WITNESSName:

HAMPTON G. BOOKER

Examination by Ms. Richardson

6

Examination by Mr. Vinson

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Examination by Mr. Greer

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EXHIBITSNumber:Identified1 OPC Graph No. 1, Total Trouble
Reports, Florida 1987 to 1991

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2 OPC Graph No. 2, Yearly Average
Out-of-Service Reports, 1987 to 1991

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S T I P U L A T I O N

IT IS STIPULATED that this deposition was taken pursuant to notice in accordance with the applicable Florida Rules of Civil Procedure; that objections, except as to the form of the question, are reserved until hearing in this cause; and that reading and signing was not waived.

IT IS ALSO STIPULATED that any off-the-record conversations are with the consent of the deponent.

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HAMPTON G. BOOKER

appeared as a witness and, after being duly sworn by
the court reporter, testified as follows:

EXAMINATION

BY MS. RICHARDSON:

Q All right. And if you would state your name
for the record and spell it to make sure it is
accurate?

A Hampton. H-A-M-P-T-O-N, middle initial G.,
last name Booker, B-O-O-K-E-R.

Q And your address?

A Home address?

Q Fine.

A

Q And your phone number?

A At my home it's

Q And what is your present position with the
Company?

MR. ANTHONY: I'm sorry, Sue, but -- I hate
to do this again, but since we have a new personal
attorney -- we have had four stipulations I just want
to make sure are agreeable to you.

One is that the deposition is taken pursuant
to proper notice. Second, we won't go off the record

1 without Hampton's consent. Third, we won't waive
2 reading and signing. And fourth, that we'll reserve
3 any objections to the time of the use of the
4 deposition, except as to the form of the question, and
5 privilege, that sort of thing as long as we're
6 agreeable.

7 MR. JOSEFBERG: Fine.

8 MR. ANTHONY; Okay. Thank you. I'm sorry.

9 Q (By Ms. Richardson) Okay. Did you discuss
10 this deposition with anyone other than maybe your
11 attorney and the attorneys for the Company?

12 A No.

13 Q Okay. Have you discussed the depositions
14 that Public Counsel has been doing with other employees
15 with anyone?

16 A No.

17 Q Okay. Were you advised at all that you would
18 not be disciplined for whatever you revealed here
19 today?

20 A No.

21 Q Okay. Do you expect any discipline or
22 negative action that may occur from anything you may
23 say here today?

24 A No.

25 Q Okay. Were you advised that under formal

1 depositions that the rules or statutes or laws of
2 perjury apply?

3 A No.

4 MS. RICHARDSON: Well, then, let me make just
5 a brief statement. If you need to ask a question of
6 your attorney --

7 MR. JOSEFBERG: There is no need. He wasn't
8 advised of it because he knows to tell the truth under
9 oath.

10 MS. RICHARDSON: All right. Very good.

11 MR. JOSEFBERG: Is that correct?

12 WITNESS BOOKER: Yes, it is.

13 MS. RICHARDSON: All right. Then let's go
14 on.

15 Q (By Ms. Richardson) What is your present
16 position?

17 A My present position is security manager.

18 Q And where is that located, here in Miami or

19 --

20 A In Miami, in fact, in this building, with
21 jurisdiction from Broward County to Key West.

22 Q Is it north Broward, south Broward?

23 A Well, the Dade County line is where my
24 jurisdiction ends.

25 Q Okay. And what do you do as a security

1 manager?

2 A Sometimes I think everything, but basically
3 to protect the assets of the Company.

4 Q Is that finding people who are stealing
5 tools, for instance, and disciplining them or getting
6 the tools returned or making sure people don't steal
7 petty cash? I'm not sure what you mean by "assets."

8 A Okay. Basically, finding a wrongdoing,
9 gathering evidence, interviewing people, and presenting
10 my findings to management where they would more or less
11 be involved in discipline. I don't get involved in
12 discipline. And it involves an array of
13 responsibilities from drug investigations, executive
14 protection. I work with law enforcement to establish
15 circuits for wiretaps. I get involved in theft,
16 sabotage, fatality cases. I work a lot with legal when
17 their request is of my assistance.

18 Q Okay.

19 A So assets can be employers. It could be
20 values of the. It could be to protect the Company's
21 ethics.

22 Q As part of your responsibilities, were you
23 involved with the Company's internal investigation into
24 these matters that are before the Public Service
25 Commission?

1 A Yes, I was.

2 Q Okay. And was that as part of your present
3 position in security or was that prior to that?

4 A As security.

5 Q As security.

6 A Yes.

7 Q All right. In what way were you involved?

8 MR. ANTHONY: I'm going to object to any
9 questions asking Mr. Booker about his involvement in
10 the Company's privileged investigation relating to
11 trouble reporting and instruct him not to answer any of
12 those questions based on privilege.

13 Q (By Ms. Richardson) Okay. And, Mr. Booker,
14 then for the record do you have knowledge, can you
15 answer my question? Do you have knowledge that would
16 allow you to answer the question? Just a "yes" or
17 "no."

18 MR. JOSEFBERG: I'm not sure.

19 MS. RICHARDSON: I need to know if he has
20 information that would be responsive to my question,
21 and then I need to know -- for him to testify on the
22 record that he's not going to answer based upon
23 counsel's claim of privilege.

24 MR. JOSEFBERG: You can tell her that yes,
25 you do have knowledge and that you're following the

1 privilege.

2 WITNESS BOOKER: I have knowledge, but I will
3 follow the privilege.

4 MR. JOSEFBERG: "I will follow the advice of
5 counsel and assert the privilege."

6 WITNESS BOOKER: I will follow the advice of
7 counsel and assert the privilege.

8 MS. RICHARDSON: Okay.

9 MR. JOSEFBERG: Just so the record is clear
10 on this for me, personally, Mr. Booker, the privilege,
11 and the right to assert the privilege, lies with the
12 client and lies with Mr. Anthony.

13 Booker and I don't sit here to judge whether
14 it should be waived or it shouldn't be waived. Unless
15 and until you have a court of compete jurisdiction rule
16 that Mr. Anthony is wrong, we will abide by his
17 request, the same as any lawyer would have any client
18 abide by that request.

19 We take no position in this except to follow
20 the law, and the law is that you respect someone's
21 assertion of the privilege unless and until there's a
22 court that says otherwise.

23 Q Okay. What did you do prior to your present
24 position in security?

25 A May I refer to my notes?

1 Q Please, help yourself. And these are notes
2 that you made -- can you explain --

3 A I made these notes ten minutes ago. Because
4 I've had to do this so many times and I have had so
5 many positions, that in order to try to be as accurate
6 as I can, I write them down.

7 Q Okay. Just most recently, say in the 1985
8 forward time frame.

9 A And again, according to my notes, which are
10 as accurate as my mind recalls, in 1986 --

11 MR. JOSEFBERG: She asked you to start in
12 1985.

13 A Okay. In '85 my notes reflect that I was in
14 the Silver Oaks maintenance center, now called the
15 South Dade maintenance center. And in 1986 I went to
16 public relations for six months. And so in the same
17 year, latter part of 1986, I went to the installation
18 and maintenance center headquarters staff in Miami.
19 And in 1992 I went to the Coral Gables maintenance
20 center as a system administrator. And in 1993 I went
21 to my present title, security.

22 Q All right. In '86 when you were on staff,
23 you were doing operational reviews?

24 A Yes, I was.

25 Q Is that correct?

1 A Yes.

2 Q All right. Do you have any knowledge about
3 employees falsifying customer trouble reports in order
4 to meet the Public Service Commission index requirement
5 that out-of-service reports be repaired within 24 hours
6 at least 95% of the time? (Pause.)

7 A Could you expand on the word "knowledge?"

8 Q It could be personal direct knowledge, and
9 that's primarily what I'm concerned about, so let's
10 start with personal direct knowledge.

11 A No, I do not.

12 Q Secondhand knowledge; from any other source?

13 A Secondhand knowledge brings up an incident in
14 Gainesville, Florida, where the maintenance center
15 staff referred to security an incident that was
16 detected in Gainesville, Florida. And, again, this is
17 secondhand, but according to the way it was referred to
18 security, there appeared to be some record
19 documentation that needed to be researched. In fact,
20 the maintenance center staff said that it appeared that
21 records were falsified.

22 Q All right. And who on maintenance center
23 staff are you referring to?

24 A I don't know the name. I think at the time
25 -- I don't know.

1 Q Would it have been a manager or union craft
2 person, or --

3 A I believe it was a manager. I just don't
4 know how -- what the origination was. How it came to
5 us. I was downstream of the referral.

6 Q All right. And about when, what year did
7 this occur?

8 A I believe it was the latter part of 1993.

9 Q '93. All right. We're presently in 1993, if
10 I'm not mistaken, so -- and it's what, April? (Pause)

11 A 1990. I've got these dates all hung up.
12 1990. I'll work it back.

13 Q All right. And what were you doing in 1990?
14 Were you with security at that time?

15 A No. When I made this list, I'm going to tell
16 you this and you won't believe it, but I was thinking
17 it was 1996. I don't know what year it is.

18 Q I can appreciate that, especially after the
19 day we have had.

20 A I'm going to subtract three from every date I
21 have here and if you want to go back to '85.

22 A I like a man that looks ahead. No.

23 Q I have been working on a sabotage case today
24 that's got my mind elsewhere.

25 Q So you feel that the Gainesville incident

1 occurred in 1990 then?

2 A Around that time.

3 Q And in 1990 you were doing operation reviews,
4 you were on the staff; is that accurate?

5 A No. I was in security at that time.

6 Q You were in security.

7 A I'm going to subtract three years from every
8 date I gave you.

9 Q All right. And so this came to security's
10 attention from someone in Gainesville referring it
11 directly as a possible falsification of customers
12 records?

13 A I believe it was a staff finding.

14 Q So it came out of an operational review
15 finding.

16 A Yes, to the best of my knowledge.

17 Q And what was the finding? How were they
18 falsifying reports?

19 A According to the knowledge received by me, it
20 was -- and then there was a small exchange on the west
21 side of Florida, and I don't know my geography over
22 there but, the allegation was that they were using a
23 telephone directory to create travel reports.

24 Q So creating fictitious reports using a phone
25 book, just going doing the phone numbers, alphabetical

1 down the list, and just picking them up and plugging
2 them in?

3 A That's -- as I remember, that's how it was
4 given to us.

5 Q All right. Do you know what the result of
6 the investigation was?

7 A A gentlemen in Orlando worked a case. I just
8 assisted him on the investigation for several days.
9 The results of the investigation, no, I don't know what
10 they are or what they were.

11 Q Okay. Do you know of any incidents of any
12 employee using another employee's code to status
13 reports?

14 A No.

15 Q Do you know of any employee misusing employ
16 codes?

17 A No.

18 Q Do you know of any incidents of employees
19 backing up repair times in order to meet the
20 out-of-service-over-24 commitment?

21 A No.

22 Q Have you ever heard of that being done?

23 A Yes, I have.

24 Q In what context?

25 MR. ANTHONY: I assume all these questions,

1 your answers are outside of the privileged
2 investigation that we discussed earlier. And to the
3 extent that these are matters that didn't come up in
4 the investigation, you are free to respond to
5 Ms. Richardson's questions.

6 WITNESS BOOKER: Yes, you're assumption is
7 correct.

8 Q (By Ms. Richardson) Okay. And then I also,
9 since we're talking about this, Mr. Booker, need to
10 know if you have information that you're withholding
11 because you think it covers the privilege. And I need
12 to know that you have information, that you're not
13 providing it to me, because then I can fight it out.

14 MR. ANTHONY: I'm going to object to that
15 instruction. To give that instruction and ask the
16 question right is to get the answer, so I'm going to --

17 MS. RICHARDSON: No, he can just tell me he
18 knows something but he won't tell me what it is.

19 MR. ANTHONY: Now, I'm going to object to
20 that, because you can say, "Well, do you know about
21 such and such? " And he says, "Well, I know about that
22 but I can't tell you what it is," that pretty well says
23 whether there is something or not in that
24 investigation. So, I'm going to object to that
25 instruction.

1 MS. WILSON: Well, I think he can state
2 whether or not he has knowledge as to a particular area
3 without violating the Company's assertion of the
4 privilege.

5 MS. RICHARDSON: Otherwise, you've got a
6 blanket privilege that I can't get to. I have nothing
7 I can contest, because he doesn't make any answers at
8 all then.

9 MS. WILSON: To the extent, Hank, you think
10 that she's going to violate your privilege, we can put
11 that objection on the record.

12 MR. ANTHONY: Well, depending on the
13 question, I'm going to instruct him not to answer.

14 MS. RICHARDSON: Well, that would be good.
15 At least then we would get an objection on the record
16 that I could fight about. But do you see what I'm
17 saying? If we just tell Mr. Booker if it has anything
18 to do with the investigation, don't even mention it,
19 and I ask a question and he comes out with a "no,"
20 because he's thinking, "That's the investigation. I
21 can't say anything," and all I get is a no; then I
22 don't know if he has information he's withholding based
23 on your claim of privilege or not, and I can't fight
24 about it.

25 MR. ANTHONY: On the other hand, if he says

1 yes, and says he's not going to tell you because it's
2 based on the investigation, he's just told you
3 something about the investigation. I'm not going to
4 agree to that sort of instruction.

5 MR. JOSEFBERG: Well, maybe the compromise is
6 if the questions about it are so general that it would
7 be no great revelation, Booker can answer that he's
8 going to follow your privilege. There are some --
9 which is what you suggested. There are some aspects of
10 this in which, through his work with the attorneys,
11 they are privileged.

12 MS. WILSON: Sue, ask the questions you're
13 going to ask, and Hank --

14 MR. ANTHONY: Exactly, that's what I would
15 propose, we'll take it one at a time.

16 MR. JOSEFBERG: But, also, I hope you
17 understand that there are aspects of this very question
18 you are asking that are not privileged.

19 MR. JOSEFBERG: And he'll respond to those.

20 MS. RICHARDSON: -- you understand that
21 you're going to respond to those? Okay. Let's just
22 start again.

23 Q (By Ms. Richardson) In what context have you
24 heard of individuals backing up repair times to meet
25 the out-of-service index?

1 A I think the way you stated the question
2 initially was without the out-of-service index. I
3 think your question -- and correct me if I'm wrong. I
4 think your question was did I have any knowledge of the
5 backing up of times.

6 Q Yes. Okay.

7 A I don't remember the original question having
8 the out-of-service index as part of the statement.

9 Q All right. Well, let's go back to the
10 original. Do you know of anyone backing up times on
11 repair reports?

12 A Outside the privilege, yes. Let's see if I
13 can keep this straight.

14 Q All right. So just to get the record
15 clarified, you do have information that you are not
16 telling me that may be related to the Company's claim
17 of privilege?

18 A That's correct.

19 Q Okay. Now, outside of that claim, what can
20 you tell me?

21 A In the olden days, back when the
22 computerization first started within the Company,
23 reports were closed out with a time reflective of the
24 actual clearing time.

25 An example might be a repairman would call in

1 Tuesday morning and say, "I was on a cable for you last
2 night. Go ahead and close it out and use yesterday's
3 time." That's actually backing up time. I guess
4 that's the only instance or sample I can think of.

5 But, eventually, we got into the computer era
6 where the computerization got to the point where when
7 you hit your send key the computer established a time.
8 But in the olden days the times were backed up to
9 capture the actual time that the customer was put back
10 in service.

11 Q Okay. Since 1985, do you know of anyone who
12 has backed up a repair time to meet the
13 out-of-service-over-24-hours index?

14 A No.

15 Q Have you heard of that being done?

16 A I've heard of it being done.

17 Q In what context? What area?

18 A Over coffee or over a dinner, or a
19 fly-on-the-wall type conversation.

20 Q In which IMC have you heard of this being
21 done?

22 A It was not directed at any IMC. It was a
23 loose conversation.

24 Q Okay. Was this presented to you as a problem
25 in the Company?

1 A No.

2 Q Something that was done consistently?

3 A No.

4 Q All right. Have you any knowledge of
5 maintenance managers instructing MAS to contact them to
6 get close-out codes on out-of-service reports?

7 A No.

8 Q Do you have any knowledge of maintenance
9 center managers instructing their MAS to contact them
10 before closing out any out-of-service reports?

11 A No.

12 Q Do you have any knowledge of MAS being
13 instructed not to status out-of-service reports on any
14 particular day?

15 A No.

16 Q Do you have any knowledge of maintenance
17 administrators being asked to build the base of
18 out-of-service in order to meet the PSC index?

19 A No.

20 Q Do you have any knowledge of a manager
21 building the base to meet the index?

22 A No.

23 Q Have you heard of that being done?

24 A Yes.

25 Q In what area?

1 A Again, it wasn't to any area or district. As
2 I stated before, it was just a very loose conversation,
3 gossip. It was something that was just heard.

4 Q Okay. Did you hear any names associated with
5 it?

6 A No.

7 Q Do you know what a no-access code is?

8 A Yes.

9 Q All right. And what is your general
10 understanding of a no-access code?

11 A No- Access other or no-access subscriber?

12 Q No-access subscriber.

13 A Okay. When a customer is contacted, either
14 by dispatch or from the maintenance center, if the
15 customer is not there to help us further remedy the
16 trouble, and we need to further remedy the trouble,
17 we'll close the trouble temporarily to no-access with
18 the intent to recontact the customer. And the
19 practices have changed over the years. Some practices
20 say you recontact the customer up to five days, three
21 days. But the intent was to recontact the customer so
22 we could gain access to clear the trouble, which we
23 believe to be in her house.

24 Q Okay. And a "no-access other than," would
25 that be on customer's premises, the customer's part?

1 What's the distinction between the NAO and the NAS?

2 A Well, NAO -- you're going way back and I may
3 not be accurate, but it's where the customer might not
4 be advised. Such as a customer reported a trouble that
5 we tested and everything looks fine. We test your line
6 and there's ringers and telephones on the line, and
7 there's no indication that there's a need to dispatch.
8 So we would close it out NAO, which means we didn't
9 contact you, we didn't advise you, but we are closing
10 out because we don't believe that there's trouble out
11 there. Everything looks fine.

12 Q Okay. Would a no-access subscriber prevent
13 an out-of-service report from being counted against the
14 Company on the PSC index?

15 A I believe it does, yes.

16 Q Okay. Do you know of anyone who has used the
17 no-access code to prevent an out-of-service report from
18 being counted against the Company on the index?

19 A Or the out-of-service index?

20 Q Uh-huh.

21 A No.

22 Q Have you ever heard of that being done?

23 A No.

24 Q When you did operational reviews, is the use
25 of a no-access code something you looked at?

- 1 A Yes, it was part of the review package.
- 2 Q All right. And through '86 to '92, so that
- 3 you were doing reviews for that six-year period of
- 4 time; is that accurate? Is that close to what you told
- 5 me?
- 6 A Probably '88 through '92.
- 7 Q Okay. So about a four-year period of time?
- 8 A Yes. That three-year generation when I
- 9 didn't know what year it was.
- 10 Q Okay. In that period of time when you were
- 11 doing staff reviews and checking no-access, how did you
- 12 check for the use of no-access, what did you look for?
- 13 A Well, obviously, I looked for the code.
- 14 Q Whether or not it was present?
- 15 A Yes.
- 16 Q Okay. Did you pull that off an MTAS, M-T-A-S
- 17 report?
- 18 A Yes, MTAS report.
- 19 Q And what other criteria would you pull with a
- 20 no-access code off the MTAS?
- 21 A It's been too long. The criteria statement
- 22 was lengthy. It was probably customer direct reports
- 23 that were no access.
- 24 Q Would you look at affecting service as well
- 25 as out-of-service?

1 A A no-access? I don't think we broke it down,
2 as I remember.

3 Q Would you look for whether or not it was
4 dispatched?

5 A I don't remember.

6 Q Okay. Do you remember finding any errors in
7 the no access, or in the reviewers hence, telling you
8 specific things to look for, specific errors?

9 A I don't remember no-access as being a
10 problem. One thing I would look for that you didn't
11 mention was a narrative on no access.

12 Q All right. And what should the narrative
13 state?

14 A No access.

15 Q Just NAS?

16 A (Nods head.) And anything else that they
17 chose to type in. It may be "No access. Dog in yard."
18 "No access; customer refuses access," maybe. Anything
19 else he wanted to add. But I would like to see
20 something that would sort of support the no-access
21 intermediate status code.

22 Q Okay. In your experience, either in staff
23 reviews or in maintenance centers or security,
24 throughout that whole global approach there, have you
25 any knowledge of anyone taking out-of-service reports

1 that are in jeopardy of going out-of-service over 24
2 hours and closing them out, and then reopening them as
3 either new customer direct report repeats or employee
4 originated reports or just general, another report, in
5 order to complete and close the trouble?

6 A Close out the original and immediately
7 recreating a new report? No, I have no knowledge of
8 that.

9 Q Okay. In your experience, if you saw a
10 series of four, five or six reports within a period of
11 a month, would that raise any red flags? Would that
12 sound as though there might be a problem or something
13 that needed to be looked at?

14 A Yes, it would.

15 Q All right. And what concerns would that
16 raise for you?

17 A Customer concerns. Is the customer getting
18 the service that they deserve? Productivity concerns.
19 We're spending a lot of money to handle this trouble.
20 What are we doing wrong? Concerns of my employees.
21 What are they doing wrong? Do they need more training?
22 Concerns, I guess, covering the whole gamut.

23 Q Okay. When you track repeat-report rates --
24 did you of track repeat-report rates?

25 A Yes.

1 Q All right. Did you ever have a concern with
2 a repeat-report rate that out-of-services were not
3 being handled properly and that is why the number of
4 repeat reports was at whatever rate it was at?

5 A No.

6 Q Other than the incident in Gainesville, do
7 you have any knowledge of anyone creating fictitious
8 customer reports?

9 A No.

10 Q Do you have knowledge of anyone taking
11 test-OK reports and closing them out as out-of-service
12 to build the base?

13 A The timing on the answering of this question
14 might have to do with the privilege. Tending to the
15 North Dade investigation.

16 MR. ANTHONY: North Dade is not privileged.

17 WITNESS BOOKER: Could you restate the
18 question?

19 Q Okay. Do you have any knowledge of anyone
20 taking the out-of-service -- excuse me, test-OK reports
21 and closing them out as out-of-service in order to
22 build the base to meet the PSC index?

23 A The incidence that I know of was an incident
24 where a North Dade maintenance center, there were
25 approximately 150 trouble reports that were stasured as

1 test-OK, and they were made out-of-service for the
2 final closeout.

3 Based on the time frame that these reports
4 set in the maintenance center, I believe they were all
5 over 24 hours.

6 Q Okay. Outside of that particular
7 investigation, was that with -- who was the supervisor
8 at that point in that investigation?

9 A The second level maintenance center manager?

10 Q Uh-huh.

11 A It was

12 Q Who was under him?

13 A Several managers. Of which
14 was one of them.

15 Q All right. Other than that particular
16 incident, do you know of any other occasions in any
17 reviews you may have done where the test-OK reports
18 were used to build the base, or you suspected that they
19 were being used to build the base?

20 A No.

21 Q Okay. Did you give a statement to the
22 Attorney General? Did the Attorney General come in and
23 that take a statement from you?

24 A Yes, I did.

25 Q All right. And at that time did he review

1 with you certain walk-through summaries and other
2 operation reviews that had occurred in the Miami area?

3 MR. JOSEFBERG: Do you have a copy of that
4 statement?

5 MS. RICHARDSON: I do. I have one here.

6 MR. JOSEFBERG: Well, then, let him look at
7 it and then we'll tell you whether or not they did
8 that. (Hands document to witness.)

9 A There were several walk-through reviews over
10 the four or five years that I was on the staff. I
11 guess I probably did 75 of them.

12 Q (By Ms. Richardson) Okay.

13 MR. JOSEFBERG: The question is did you
14 discuss those with the Attorney General? And the
15 answer is without him reviewing three or four inches of
16 transcript, if the Attorney General's statement
17 reflects he did do that, then he did. If it doesn't,
18 then he didn't.

19 MS. RICHARDSON: Okay. So --

20 MR. JOSEFBERG: We don't want to spend 45
21 minutes with him looking at that and telling you what
22 pages that he did that, do we?

23 Q (By Ms. Richardson) All right. I would like
24 you, if you could, at the very end, if you would turn
25 to Page 164.

1 And I think around Line 6, Mr. Hoyt is
2 showing you a memo dated November 20th, 1990, to L. E.
3 Crittenden, Vice President of Network.

4 A I'm reading on it, yes.

5 Q Okay. If you just want to familiarize
6 yourself with it, we'll go off the record for a minute.
7 And if your attorney needs to see it or Mr. Anthony
8 wants to see it or anyone else.

9 A Is it here?

10 Q Uh-huh.

11 (Discussion off the record.)

12 MS. RICHARDSON: All right. We're back on
13 the record now.

14 Q (By Ms. Richardson) Do you recall the
15 information that was included in that memo?

16 A No, I don't even recall the memo.

17 Q Okay. Did you reference in there that the
18 memo had something to do with the statewide
19 investigation that was opened after and

20

21 A Yes, I did.

22 Q Okay. And what statewide investigation are
23 you referring to?

24 MR. ANTHONY: If you remember.

25 WITNESS BOOKER: By reading this I'm

1 recalling -- I don't remember.

2 Q (By Ms. Richardson) Do you remember whether
3 or not you were personally involved in that statewide
4 investigation?

5 MR. ANTHONY: He just said he doesn't
6 remember which statewide investigation it was, so it
7 would be hard for him to remember whether he was a part
8 of it or not.

9 Q (By Ms. Richardson) Are you familiar with
10 the carried over no code, the CON code?

11 A Yes.

12 Q Do you know whether or not putting a CON code
13 or a status on a trouble report would stop the clock so
14 that an out-of-service report would not count against
15 the Company?

16 A I believe that it was.

17 Q Okay. Do you know of anyone who has misused
18 the CON code in order to stop the clock so that the
19 out-of-service report would not count against the
20 Company on the PSC index?

21 A No.

22 Q Have you ever had any indications that this
23 may have been -- or suspicions from looking at
24 operational reviews that you have done, that this may
25 be occurring or may be a problem?

1 A Suspicious I can't comment to. I've heard of
2 the code perhaps being misused. Again, in formal
3 multiparty conversations, not centered at anywhere or
4 anybody.

5 Q Are you familiar with disposition and cause
6 codes that would exclude a report, an out-of-service
7 report, from being counted on the PSC repair index?

8 A Yes.

9 Q Do you know of anyone who has used those
10 reports to exclude out-of-services from -- that have
11 gone over 24 hours from being counted against the
12 Company?

13 A No.

14 Q Do you know of anyone who has ever emphasized
15 the use of those excludable disposition and cause codes
16 to STs and MAS?

17 A Could I ask you to restate the question
18 again?

19 Q Okay. Do you know of anyone who has ever
20 emphasized, put a lot of emphasis on those excludable
21 disposition and cause codes by STs and MAS?

22 A Yes.

23 Q And who is that?

24 A Me.

25 Q And in what context did that occur?

1 A In the context of field training. When a
2 problem was presented to me, and I believe it was down
3 in the Keys, that field technicians were using improper
4 codes.

5 The example that was given to me, and I'll
6 use it here because it's very appropriate, is that a
7 cable repairman closed out a customer trouble report
8 that was well over 24 hours. The code he used was one
9 where it would indicate a sheath problem, or a cable
10 manufacturer problem, and further analysis revealed
11 that it was in a multiple cable failer. And because of
12 that incorrect coding, the PSC index was shown
13 incorrectly.

14 I did training to all the field technicians,
15 cable and service tech, on proper utilization of codes,
16 proper coding. And in my training I talked about
17 exempt codes and the correct usage of coding.

18 An example that we often had a problem with
19 was at intersections there's a large stainless steel
20 box. It's called a DOT box, the Department of
21 Transportation that controls the signals. We were
22 finding that vehicles would run over those boxes and
23 knock the service out-of-service, be it a traffic
24 signal or it could be customer services in there. And
25 we would find very often that when the trouble was

1 corrected they would show it to damaged cable,
2 deteriorated cable, when, in fact, an automobile
3 accident caused that trouble to occur.

4 That would be an example that I would use
5 quite often.

6 In alleyways in Dade County we have
7 situations where garbage trucks and dump trucks go down
8 alleyways with the bed up knocking drops down. The
9 guys would close it out to a defective drop. The drop
10 worked fine until that truck tore it out of the earth
11 or out of the sky. And we would talk about those
12 examples.

13 I was very familiar with exempt codes. The
14 whole input of my training was correct coding.
15 Absolutely correct. There was never any discussion to
16 falsifying the index. In fact, I would tell the field
17 people, "If you are ever asked to charge or to use a
18 correct code you call me directly," and I never got a
19 call.

20 In those meetings were managers, craft. My
21 superior was surprised at those meetings. I was proud
22 of what I was doing. And we missed indexes after, as
23 well as we missed them before, but I thought the coding
24 was accurate. And part of my job was analysis, and I
25 believe that I can analyze if I have a true picture.

1 So I thought after the training that I was getting a
2 truer picture.

3 Q Part of your responsibility -- would part of
4 your responsibility have been tracking the
5 out-of-service index over 24 and whether the Company
6 had met it at any point?

7 A Yes.

8 Q Okay. Then let me show you, and we'll make
9 this Exhibit 1.

10 (Deposition Exhibit No. 1 marked for
11 identification.)

12 MS. RICHARDSON: This is a graph that Public
13 Counsel has put together based upon the Schedule 11
14 reports filed with the Commission by Southern Bell.
15 And this first exhibit is the total trouble reports,
16 Florida, based on those from 1987 to 1991. And there
17 is a Bate stamp, No. 1, down at the bottom. And it's
18 my handwritten Exhibit 28 because this was used as part
19 of a panel deposition. And then I have Exhibit 2,
20 which is also a graph produced by the Office of Public
21 Counsel based upon Schedule 11s filed by the Company
22 with the Public Service Commission from 1987 to 1991
23 and Bate stamped No. 2. And this was also part of the
24 Composite Exhibit 28 used in the panel deposition.

25 (Deposition Exhibit No. 2 marked for

1 identification.)

2 Q (By Ms. Richardson) Now, based upon your
3 experience of analysis and handling the
4 out-of-service-over-24, I'd like you to look at both of
5 those graphs, and in the total trouble reports do you
6 see a trend in the total number of out-of-service
7 reports? Excuse me, total trouble reports, not
8 out-of-service reports, just total trouble reports for
9 Florida.

10 MR. ANTHONY: That's assuming that this
11 graphic depiction is accurate.

12 MS. RICHARDSON: I knew you would say that,
13 and that's great.

14 MR. ANTHONY: Well, I'm just glad I made your
15 day, then.

16 MS. RICHARDSON: Well, that's also assuming
17 that the Schedule 11 reports on file are accurate.

18 MR. JOSEFBERG: If you don't see it, you're
19 in big trouble, man.

20 WITNESS BOOKER: Yes, the graph shows a
21 trend.

22 Q (By Ms. Richardson) Okay. And the trend is
23 in which direction?

24 A Well, the trend is from 1987, from
25 approximately 1.28 to 1991 to approximately 1.65,

1 trouble reports.

2 Q Oh, that's on Graph 2, and we're just talking
3 total trouble reports on Graph 1.

4 A I'm look at 1.

5 Q Are you? Okay.

6 A Exhibit 28.

7 MR. JOSEFBERG: You just need glasses. Where
8 you are saying 1.-- where it says 1.3, you have it as
9 1.8, 1.25 is 1.6.

10 A Between 1.25 and 1.3.

11 Q So we're adopting the rule of subtract three?
12 I'm sorry.

13 A It worked before.

14 Q I'm sorry.

15 A That's okay.

16 Q Okay.

17 A I'll go with you. I enjoy a break every now
18 and then.

19 Q Great. All right. Now --

20 A I see a trend.

21 Q You see a trend steadily increasing. All
22 right. Now, looking at Graph No. 2, which is the
23 yearly average of out-of-service reports over 24 hours.
24 If it's over 24 hours is it a Company miss?

25 A It's a miss on that objective, yes.

1 Q All right. Then looking at Graph 2, do you
2 see a trend?

3 A Do you mean "trends," because there are three
4 trends in there.

5 Q All right. What do you see?

6 A From '87 to '88, the graph reflects a trend
7 from 1.8 to 1.4.

8 Q All right.

9 A And from 1988 through 1990 the graph is a
10 relatively constant at 1.4, from 1990 to 1991 the graph
11 reflects an increase of 1.4 in 1990 to approximately
12 2.3 in 1991.

13 Q All right. Based on your experience, do you
14 have any explanation for the increase between 1990 and
15 1991?

16 A No.

17 Q Based on your experience, do you have any
18 explanation for why it would have been fairly steady
19 and low between 1988 and 1990?

20 A No.

21 Q When you were doing this period of time, when
22 you were conducting operational reviews, were you all
23 concerned or looking at the over-24-hour-index for
24 out-of-service?

25 A Yes, it was something we were concerned about

1 and something we looked at.

2 Q Okay. Did you also look at that for between
3 1990 and 1991?

4 A I don't believe I was in the network
5 organization at that time, so I have no idea what they
6 looked at. Okay?

7 Q Okay. Based upon your experience, do you
8 feel there may be a problem in 1991 of handling service
9 reports over 24?

10 A Based on my experience and analyzation, the
11 trend indicates there's a situation that needs
12 attention. I wouldn't say the problem is with
13 out-of-service over 24. The problem would be -- would
14 have to be found out through analysis.

15 Q And what further analysis would you want to
16 do? (Pause) Either on '91 or '88 to '90?

17 A Well, trend analysis, to begin with, and then
18 I would do a comparative analysis from previous years.
19 Then I would look at the Weather Bureau's analysis.
20 And from that I would start working it to a smaller
21 manageable place to analyze.

22 Q All right. When you say "trend analysis,"
23 what kind of trend are you talking about? The one
24 that's being here shown on the graph or is there
25 something else you're looking for?

1 A Well, this would be annualized trend
2 analysis. By trend analysis, I meant would trend this
3 with other indices, such as less than 24 hours.

4 Q Less than 24.

5 A Yes, 2700 would be an initial source. And I
6 would want to look at -- assuming this is Florida, I
7 would want to dissect Florida into three equal parts to
8 find out if all three parts had the same problem. And
9 based on those findings, I would want to go to district
10 and subdistrict, perhaps to turf. But to look at a --
11 I would never look at a graph of Florida and make an
12 opinion from it. It would be a good starting point,
13 though.

14 Q All right. And when you looked at these
15 things, then you would be looking at only
16 out-of-service reports or also -- you said comparative
17 reports. Would that be comparing the out-of-service
18 numbers with the affecting service?

19 A Yes. I would like to see what the opposite
20 of over 24 is. In fact, I would like to see
21 out-of-service over 48. That is also another Company
22 objective.

23 Q And that's in the E-2700, isn't it?

24 A I believe. I haven't seen one in five years,
25 but I believe it is.

1 Q Okay. And would you compare the
2 out-of-service over 24 with the out-of-service under
3 24?

4 A Yes.

5 Q All right. And when you compared or pulled
6 trend analysis data, would you be working with MTAS?

7 A Yes.

8 Q Okay. Would you be working with anything
9 else? Would you do a statistical sample, for instance?

10 A Probably towards the point where I was close
11 to the problem, I would get into detailed statistical
12 trouble-at-a-time analysis.

13 Q Would you look at individual D-L-E-T-H
14 reports, trouble reports?

15 A Probably one of the last processes because of
16 the time-consuming nature and individualized nature of
17 that report.

18 Q If you were given a problem of looking for
19 backing up the time improperly, backing up the time to
20 meet an out-of-service-over-24-hour index, you had
21 heard that this was being done, there was some evidence
22 that it was being done, how would you proceed with your
23 investigation?

24 A As a security investigator or as a staff?

25 Q Both.

1 A Both.

2 Q Let's just take both of those experiences
3 together.

4 A Two different scenarios, but as a security
5 manager, I would use the evidence. I would see what
6 evidence is there.

7 Q All right. What if it's just somebody called
8 in and said "This is going on."

9 A And this person calling in told me which
10 district it was going on in?

11 Q Let's say it's in North Dade

12 A Okay. See, right away they have narrowed it
13 down. I know which district.

14 As a security manager, I would interview that
15 person to get as much factual information as I could.
16 And after I derived all I could from that person, I
17 would use MTAS or another network administrative report
18 to try to prove the allegation. And since I have been
19 away from network staff for so many years, I would
20 involve the staff in my search, in my investigation.

21 Q All right. And what kind of things would
22 they pull up in MTAS, what criteria would you look for
23 that would indicate to you that a report had been
24 backed up, or that reports generically?

25 A From what you told me, that it just centers

1 in one district and I interviewed the person, and got
2 some form of evidence and went to the staff, I would
3 request a MTAS report of all network reports, customer
4 direct. We're out-of-service over 24 hours, I would do
5 two reports: I would do a list report and I would do a
6 detail report and I would sort by close person. The
7 second sort would be a close by disposition code. You
8 know, that type of report.

9 Q Okay. Now if they were backing up the times,
10 would they have exceeded 24 hours? Would it be likely?

11 A Probably be less than 24.

12 Q Probably be under 24.

13 A Yeah.

14 Q And would there be a discrepancy between a
15 clear and close time on those, or between a dispatch
16 time and a clear time, or a commitment time? I mean,
17 what kind of things would you look at within those
18 parameters to see whether or not reports were being
19 consistently backed up?

20 A Cleared and closed would be a good first
21 place to look.

22 Q The final status close, the computer close
23 time or the one at the bottom of the report?

24 A Well, there's two up at the top. I believe
25 one is the actual time close and the other time is when

1 the computer received the report. It's always been a
2 point of a conversation. I would try to compare those
3 times. There shouldn't be a whole lot of difference
4 normally.

5 Q 30 minutes, 15 minutes?

6 A From the way I have been trained, during the
7 middle of the day there might be 30 minutes. Later in
8 the day, maybe 5:30 at night, it could be hours because
9 of the system being down or being not as readily
10 available. Because of the processing there could be a
11 delay. But during the middle of the day, the time
12 should be pretty close.

13 Q Okay. In your experience have you ever
14 looked at a difference between clearing and closing
15 time to see whether or not there were problems?

16 A It seemed like I remember one or two
17 occasions where we looked at it.

18 Q Do you remember the results?

19 A Seemed like the results were negative. I
20 don't remember any findings to indicate any suspicious
21 activity.

22 Q Okay. So if security were to receive, as
23 recently as say 1992 and you were in security in '92, a
24 report from a service tech that his manager had
25 directed him to back up the time on an out-of-service

1 report, but the service tech refused to disclose his
2 name to security, would security pursue this any
3 further?

4 A Yes.

5 Q And what would security do?

6 A In that respect, knowing more now, I would
7 pull field tickets and compare field tickets with
8 tickets closed in the system.

9 Q And how would you compare them? What exactly
10 would you be looking at?

11 A It would be manual analysis. The repairman
12 in the field would show that his trouble cleared at,
13 say, 2:05, and the trouble in the system, in LMOS
14 should represent the same time.

15 Q And is that the only comparison you would
16 make?

17 A I might come up with an MTAS report to
18 compare foreman group by foreman group. And when you
19 do trend analysis of that nature with the same
20 universe, if there was a problem in a foreman group, it
21 would probably show up.

22 Q Okay. And let's add to that. Would you also
23 want to interview -- just as a security manager, would
24 part of your responsibility be to go out and actually
25 interview those groups from that district, the

1 individuals STs?

2 A Yes, it would be part of the investigation.

3 Q All right. Now, as part of security, would
4 you notify the operations manager or general manager
5 that this investigation was being conducted?

6 A Yes.

7 Q Before or after you had done your initial
8 investigation?

9 A Before and after.

10 Q Before and after. And if the operation
11 manager or general manager assured you that there was
12 no problem, that it was just something off the wall,
13 would you proceed or stop?

14 A Proceed.

15 Q Is that recent --

16 A No.

17 Q -- policy or has that always been the case?

18 A As long as I have been there it has been
19 instructed to me that that's the case.

20 Q Okay. Does security operate differently in
21 different areas of Florida? Would the security office
22 down here in South Florida operate differently from
23 one, say, in North Florida?

24 A I don't know the North Florida tactics. We
25 all work for the same guy. I would think not.

1 Q And who is the same guy you work for?

2 A The ADP, his name is Joe Schmidt.

3 Q Okay. And if a problem occurred in North
4 Florida, would you be put on that particular security
5 investigation?

6 A No.

7 Q If it occurred in, oh, middle Florida, in
8 West Palm Beach, up in that area, would you be put on
9 that investigation?

10 A Would I? No. Could I? Possibly.

11 Q All right. Mr. Booker, have you at all been
12 disciplined for any reason in regard to this
13 investigation by the Company into falsification of
14 repair records?

15 A No.

16 Q Okay. Have you had any involvement at all in
17 sales of services to customers for the Company in the
18 last six years?

19 A No.

20 Q Do you know whether or not it's possible to
21 exclude a trouble report, an out-of-service trouble
22 report from the system?

23 A Yes, it's possible.

24 Q Okay. And under what conditions is it
25 permissible to do so?

1 A Under the -- I believe it's 23 conditions
2 stated in the BSP. Don't ask me what those 23 are,
3 though.

4 Q For instance, they really called -- it wasn't
5 an out-of-service, it was to get instructions on any of
6 their MemoryCall services or call forwarding. The line
7 was working, they just didn't understand how to operate
8 the special service.

9 A If the customer calls to cancel his trouble
10 report, and it should not have been a trouble report,
11 it could be excluded.

12 Q All right. Now, other than the allowable
13 exclusions, do you know of anyone who has excluded an
14 out-of-service report in order to meet the PSC index or
15 to keep from missing the index?

16 A No.

17 Q When you do operational reviews, do you check
18 exclude reports?

19 Q Yes. And what do you check for?

20 A When I did operational reviews, going back
21 several years, excluded reports were checked to see
22 that they were properly excluded.

23 Q Okay. Just one of the 23?

24 A Yes.

25 Q Do you recall ever finding any problem with

1 exclusion of trouble reports?

2 A In the base that I looked at it might be a
3 hundred for my sampling. It was normal to find a
4 problem. Meaning a deviation.

5 Q Anything more than what you would consider a
6 minor training problem?

7 A It could either be a training problem or
8 maybe a minor confusion, stupidity. But those types of
9 findings were -- seemed like you'd always find one or
10 two on any sample that you did.

11 Q All right. So when you checked, if it wasn't
12 one of the 23, it was an error. One of the 23
13 narratives or reasons for excluding the report, then it
14 was considered an error?

15 A Yes. And, again, I would like to see a
16 narrative of why it was excluded, just so if it was
17 excluded because the customer canceled his trouble
18 report while he was on the line. Fine, the customer
19 canceled the report, excluded; that would not be shown
20 as an error. That would be proper.

21 Q All right. Are you familiar with
22 autoscreener rules?

23 A Yes.

24 Q Are you familiar with wet and dry rules?

25 A Yes.

1 Q Do you know of anyone who has used wet rules
2 in order to keep from statusing out-of-service reports
3 up front, so that they would be closed out
4 out-of-service on close out?

5 A No.

6 Q Do you know of anyone who has manipulated the
7 autoscreener rules to assist them in making the
8 out-of-service index over 24?

9 A No.

10 MS. RICHARDSON: Well, I have a feeling that
11 I probably have a dozen more questions I haven't asked
12 you, but at this point I think I've run dry. Unless
13 they kick my memory into gear, I think I'm going to
14 stop right now and just say thank you for your
15 participation, and waiting to come. I'm sorry I ran
16 overtime.

17 WITNESS BOOKER: I apologize for coming into
18 the room twice. I was given false signals.

19 MS. RICHARDSON: That's all right.

20 EXAMINATION

21 BY MR. VINSON:

22 Q Mr. Booker, in the security investigation and
23 the report that you issued on about October 30th, 1990,
24 you mentioned in your report which -- this is the one
25 we talked about earlier. This is the North Dade --

1 MR. JOSEFBERG: Just so he knows which one.

2 Q (By Mr. Vinson) -- October 30th, 1990. You
3 mentioned that from your notes and an interview with
4 that 156 troubles were stated incorrectly
5 on or about July 30th, 1990. And her statement
6 indicates that it was a mistake. I was wondering if
7 you could explain a little bit about what you know
8 about that mistake of 156 troubles in one day being
9 stated incorrectly?

10 A We talked about this a little bit earlier in
11 one of your questions.

12 It's sort of the way you explained it. When
13 I interviewed she explained in good detail why
14 it was a mistake. In fact, I think I remember her
15 saying that even some of them were less than 24, which
16 didn't do any good to do what they did. But she held
17 to her convictions that it was a mistake.

18 Q Did you make any attempt to investigate
19 whether or not -- for example, you said they were
20 mixed; some that would be less than 24, some over, to
21 investigate the 156 troubles to try to determine
22 whether it could have been a situation where an
23 intentional manipulation of the "95% 24-hour rule" was
24 at work here?

25 A With I explored it for -- the interview

1 lasted several hours. It seemed to me there might have
2 been five that were less than 24, and same might have
3 been over 24, but the interview lasted for over several
4 hours.

5 Q I was just puzzled how this is different.
6 Could you tell me how this is different, this group of
7 156 troubles, from the troubles that
8 stated incorrectly at the request of

9 A They are the same troubles.

10 Q They are the same troubles?

11 A The same.

12 Q I don't understand. These are a month apart
13 approximately, as I understood it.

14 A Well, I understood differently.

15 MR. ANTHONY: Maybe if you showed him the
16 security report he could refresh his recollection.

17 Q (By Mr. Vinson) Have you had a chance to
18 look at Page 4 and Page 9?

19 A Yes.

20 Q Okay. And you see that in the instance of
21 Page 4 it refers to on or about July 31st, 1990. Page
22 9, on or about August 30th.

23 A Correct.

24 Q And yet you say they are the identical
25 trouble reports?

1 A Yes. The discussion is about the same group
2 of trouble reports.

3 Q Okay. So do we have a typographical error?

4 A It's on or about, they are both on or about.

5 Q But that would be a month apart.

6 A You got it.

7 Q Okay. So you're investigating in August
8 these July trouble reports that was involved
9 in. I gather you're just looking back at the July
10 trouble reports when you're talking about the August.

11 A In statement, she was interviewed in
12 October, and she said, "On or about July 30 when I made
13 a mistake and incorrectly stated 156 trouble
14 reports." That is the same reports that the latter
15 page discusses. "On or about August 31st
16 said she was asked to status test-OK."

17 Q Okay. I don't understand how those could be
18 the same trouble reports. (Pause)

19 A Tell me how you're confused, and maybe I'll
20 get confused with you.

21 Q Okay. At the end of July made
22 errors on 156 trouble reports, and then a full month
23 later was asked to falsify trouble reports
24 at the end of August. Therefore, I do not see how they
25 could be the same trouble reports, having occurred --

1 MR. ANTHONY: It's the date issue?

2 MR. VINSON: Correct.

3 WITNESS BOOKER: The "on or about" captures
4 it.

5 MR. VINSON: Okay.

6 WITNESS BOOKER: These aren't exact dates,
7 but I'm convinced that --

8 Q Okay. If handled these and
9 incorrectly stated them, how could have
10 also handled them and falsified them? How are these
11 two separate maintenance administrators both handling
12 the exact same trouble reports?

13 Apparently, did give them a
14 status. Admittedly, in her words, she made an error in
15 the way that she handled them. And
16 describes having handled them and closed them herself,
17 also. So two maintenance administrators, I would not
18 think, could both close the identical trouble reports.

19 A Perhaps I made a mistake. Maybe they weren't
20 the same type reports. I'm going back to something I
21 did in 1990. I don't know.

22 Q Let me ask, would you have any more extensive
23 notes other than the descriptions of the statements
24 perhaps in your office or in the files of the Security
25 Department? Is there any additional information?

1 A Not to my knowledge.

2 Q Is it a practice to destroy any field notes
3 or any other materials that are gathered in the course
4 of conducting a security investigation like this?

5 A No.

6 Q So would you have files that you would have
7 compiled at the time of conducting the investigation?

8 A Would I or do I? You asked me do I.

9 Q Is it a practice to accumulate files,
10 materials and other documents in the course of
11 conducting an investigation?

12 A Yes.

13 Q And let me just ask the question: Do you
14 recall or do you know that you have such files for this
15 particular investigation?

16 A I don't know.

17 Q Let me ask, in the title page or the summary
18 page of the security report it identifies
19 and as suspects. Let me let you look to that
20 page.

21 A Yeah. If you don't mind, I'd like to review
22 Wanda's statement for a minute.

23 Q Okay.

24 A Maybe if I read on it will come to light.

25 (Pause) I'm not certain that we were talking about the

1 same reports.

2 Q Okay. So it could be a batch from the end of
3 July and a separate batch that was
4 involved in at the end of August?

5 A I'm believing that to be the case now that
6 I'm able to review the investigation.

7 Q Let me ask the question about the designation
8 of and as suspects. How was
9 that designation arrived at? At what point was that
10 designation arrived at?

11 A Probably the initial stage of the
12 investigation when came to me after talking to
13 Linda Isenhour, the general manager, stating that the
14 asked her to status some travel reports.

15 Q Do you recall considering any other employees
16 as potential suspects after having conducted the
17 investigation?

18 A No.

19 Q How do you select the interviewees? I notice
20 that not every North Dade employee has been interviewed
21 or has given a statement in this investigation. How do
22 you select the interviewees?

23 A As they are named, or their area of
24 responsibility comes up in previous interviews.

25 Every name that is offered or department that

1 is offered -- like in this case, I remember they said
2 the screening group, I would ask the interviewee, the
3 screening group is composed of, and they would provide
4 names. And those names didn't mean they were suspects.
5 It just meant those people would probably want to be
6 interviewed. Oftentimes there was an exact name. The
7 manager of the group was an exact name, so it would be
8 right on top of the list of interviewees. If the
9 person in that group, if their name did not come out or
10 nothing came out that would reflect them, they could
11 very well not be able to.

12 Q And a completely separate area, do you recall
13 a network staff review up in North Dade maintenance
14 center in about 1989?

15 A I'd have to see it.

16 Q Okay.

17 A I've done so many.

18 Q Okay.

19 A Go ahead. I didn't let you finish your question.

20 Q I was just going to ask if you recall perhaps
21 being involved in conducting that, but if you don't
22 recall, that's fine.

23 A Not that exact one, without seeing it to
24 refresh my memory.

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

EXAMINATION

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BY MR. GREER:

Q Mr. Booker, I have one.

A Yes, sir.

Q You mentioned a couple of times about how important, or you had mentioned that you liked seeing and doing your reviews and security investigation narratives to support the codes in the interview or whatever you were looking at.

A Uh-huh.

Q In your mind, how important are the narratives in determining whether or not a person has falsified the record or not?

A Well, to me a narrative adds a little bit of extra credibility to it, because first of all, it requires a human to type it. So it's a transaction from brain to figures to fingers, which in just closing out a trouble no-access and hit the send key, there's not the personal interaction there. So the narratives have always been historically very important to support the disposition code you used. Oftentimes I would look at an error and weigh it based on its narrative.

MR. GREER: That's all.

MR. ANTHONY: I don't have any questions.

MS. RICHARDSON: Mr. Josefberg, you have been

1 very quiet. Do you have any redirect or statements?

2 MR. JOSEFBERG: No.

3 MS. RICHARDSON: Short and succinct.

4 MR. ANTHONY: Thank you.

5 MS. RICHARDSON: Thank you, Mr. Booker.

6 (Whereupon the deposition concluded at 5:30 p.m.)

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This is to certify that I, HAMPTON G. BOOKER have read the foregoing transcription of my testimony, Page 6 through 59, given on April 19, 1993 in Docket No. 910163-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

HAMPTON G. BOOKER

Sworn to and subscribed before me this _____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

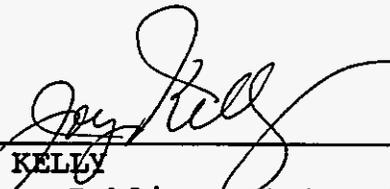
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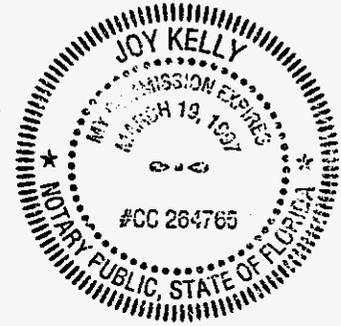
CERTIFICATE OF OATH

I, the undersigned authority, certify that
HAMPTON G. BOOKER personally appeared before me and was
duly sworn.

WITNESS my hand and official seal this 27
day of April 1993.



JOY KELLY
Notary Public - State of Florida



1 STATE OF FLORIDA)
 :
 2 COUNTY OF LEON) CERTIFICATE OF REPORTER

3
 4 I, JOY KELLY, Chief, Bureau of Reporting and
 Registered Professional Reporter,
 5 DO HEREBY CERTIFY that I was authorized to
 and did stenographically report the foregoing
 deposition of HAMPTON G. BOOKER;

6 I FURTHER CERTIFY that this transcript,
 consisting of 59 pages, constitutes a true record of
 7 the testimony given by the witness.

8 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'
 9 attorney or counsel connected with the action, nor am I
 financially interested in the action.

10 DATED this 29 day of April, 1993.

11
 12 Joy Kelly
 JOY KELLY, CSR, RPR
 13 Chief, Bureau of Reporting
 Telephone No. (904) 488-5981

14
 15
 16 STATE OF FLORIDA)
 :
 17 COUNTY OF LEON)

18 The foregoing certificate was acknowledged
 before me this 29th day of April, 1993, by JOY KELLY,
 19 who is personally known to me.

20 Patricia A. Church
 21 PATRICIA A. CHURCH
 Notary Public - State of Florida

22 Notary Public, State of Florida
 My Commission Expires April 20, 1995
 23 Bonded Thru Troy Fain - Insurance Inc.

24
 25

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 4 910163-TL, and find the same to be true and correct,
 5 with the exceptions, and/or corrections, if any, as
 6 shown on the errata sheet attached hereto.

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Hampton G. Booker

 HAMPTON G. BOOKER

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13 Sworn to and subscribed before me this

14 14 day of MAY, 1993

15

Robert Rodriguez

 NOTARY PUBLIC

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18 State of FLORIDA

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My Commission Expires:

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NOTARY PUBLIC STATE OF FLORIDA
 MY COMMISSION EXP. FEB. 20, 1994
 BONDED THRU GENERAL INS. UND.

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