

ATTACHMENT C

DOCUMENT NUMBER-DATE

06358 JUN 11 8

FPSC-RECORDS/REPORTING

FPSC DOCKET 910163-TL
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY
REQUEST FOR CONFIDENTIAL CLASSIFICATION

TRANSCRIPTS OF APRIL 21, 26 & 27, 1993 DEPOSITIONS OF
SANCHEZ, LITTLES, SHANAVER, BERMAN, STALEY, MURPHY, STEPHENS,
ADAMS, HART, BARRY, SOMMER, NORRIS, HILL, COMBS, RYAN

JUSTIFICATION FOR CONFIDENTIALITY REQUEST

1. This information is employee personnel information unrelated to compensation, duties, qualifications and responsibilities. As such, this information is confidential business information pursuant to Section 364.183, Florida Statutes, and is exempt from the requirement of public disclosure of Section 119.07, Florida Statutes.

The following information identified by page and line numbers is considered confidential and proprietary:

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: DINAH D. SANCHEZ

TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 666 N.W. 79th Avenue
Room 640
Miami, Florida

TIME: Commenced at 8:45 a.m.
Concluded at 10:05 a.m.

DATE: Wednesday, April 21, 1993

REPORTED BY: SYDNEY SILVA, CSR, RPR
Official Commission Reporter



1 APPEARANCES:

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3 III, 150 South Monroe Street, Suite 400, Tallahassee,
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5 of Southern Bell Telephone and Telegraph Company.

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12 Services, 101 East Gaines Street, Tallahassee, Florida
13 32399-0863, Telephone (904) 487-2740, on behalf of the
14 Commission Staff.

15 MS. JEANNE BAKER, of Baker & Moscovitz, 3130
16 Southesat Financial Center, 200 South Biscayne
17 Boulevard, Miami, Florida 33131-5306, on behalf of the
18 witness, Dinah D. Sanchez.

19 ALSO PRESENT:

20 STAN GREER, FPSC Division of Communications.

21 TERRILL BOOKER, FPSC Division of Communications.

22 WALTER BAER, Office of Public Counsel.

23

24

25

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WITNESSName:

DINAH D. SANCHEZ

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ERRATA SHEET

DOCKET NO. 910163-TL
NAME: DINAH D. SANCHEZ
DATE: April 21, 1993

[illegible]

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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.

1 DINAH D. SANCHEZ

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

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q Ms. Sanchez, the first thing we ask you to do
7 is to state your name and to spell it so that the court
8 reporter will make sure we have it correct.

9 A My name is Dinah D. Sanchez, D-I-N-A-H, D.,
10 S-A-N-C-H-E-Z.

11 Q And your address?

12 A Do you want my mailing address or my home
13 address.

14 Q Your home address.

15 A

16 Q And that is Miami?

17 A

18 Q And your phone number?

19 A Okay.

20 Q Okay. And have you spoken to anyone other
21 than your attorney or Company counsel about your
22 deposition here today?

23 A No.

24 Q Okay. Has anyone given you any assurance
25 that you would not be disciplined based upon what you

1 said here today?

2 A Uh-huh.

3 Q Okay. And has anyone discussed with you the
4 criminal penalties for perjury that may apply to this
5 deposition?

6 A Uh-huh.

7 Q All right. And what is your position, Ms.
8 Sanchez, with the Company?

9 A I'm a maintenance administrator.

10 Q And which IMC are you located?

11 A South Dade.

12 Q And how long have you been there?

13 A About three years. Not quite three years.

14 Q 1990?

15 A I came back from Charlotte, I think it was
16 '89, December of '89, so that's when it was. Hugo was
17 the last hurricane, so when I came back from there, I
18 think it was '89. I worked in Charlotte for Hugo; and
19 then when I came back from there, I think it was '89.

20 Q So your experience there must have helped a
21 great deal down here with Hurricane Andrew.

22 A Yes, I've worked four hurricanes in different
23 positions.

24 Q All right. How long have you been in a
25 Southern Bell, Florida Southern Bell employee?

1 A A little over 30 years.

2 Q Okay. So were you just on loan to Charlotte,
3 North Carolina for Hugo?

4 A Uh-huh.

5 Q And was that for a year, two years?

6 A No, it was like September through December.
7 I guess that's three months.

8 MS. BAKER: May I just interrupt for one
9 minute. I notice that you're not always saying "yes"
10 or "no" to the questions. You're just kind of saying
11 "uh-huh." I think it would be much better for the
12 court reporter to say "yes" or "no," and not, just use
13 sounds.

14 MS. RICHARDSON: That will be hard to
15 remember, and we will try to remind you. And if we
16 don't succeed, I hope Sydney will help remind you to
17 say "yes" or "no."

18 WITNESS SANCHEZ: Okay. I think --

19 MR. BEATTY: Why don't we have a break. I
20 don't think the appearances have been made on the
21 record, have they?

22 MS. RICHARDSON: Okay.

23 MS. BAKER: I would probably have a running
24 appearance from yesterday.

25 MR. BEATTY: Okay. I do not. I'm Robert

1 Beatty. I'm here on behalf of BellSouth
2 Telecommunications, Inc., doing business as Southern
3 Bell.

4 There are a few stipulations that I do need
5 to put on the record. The first is that the deposition
6 is taken pursuant to proper notice; that we, the
7 parties, have stipulated and agreed that we will not go
8 off the record without the witness consent; that we
9 reserve all the objections except as to form and
10 privilege; and we do not waive reading or signing of
11 the deposition. Thank you.

12 MS. RICHARDSON: That's fine.

13 Q (By Ms. Richardson) You said you started --
14 you've been with Southern Bell for 30 years and you
15 have been a maintenance administrator in South Dade for
16 the past three. Who is your present supervisor?

17 A Larry Gili.

18 Q Is he a first level supervisor?

19 A Foreman. He's acting, I think he has an
20 acting title but that's who I report to.

21 Q And would you spell his last name?

22 A G-I-L-I.

23 Q All right. And how long has Mr. Gili been
24 your supervisor?

25 A I think it's about a year.

1 Q So 1992?

2 A Yeah.

3 Q And who was your first level supervisor
4 before Mr. Gili?

5 A His name was Tony, but I forget his last
6 name.

7 Q Ferrer, or something like that?

8 A Yeah, yeah, it was Ferrer, I think.

9 Q Ferrer?

10 A Yeah.

11 Q Okay. And do you know who it was before him?

12 A Ed Lubert.

13 Q And I'll ask you to keep going back.

14 MS. BAKER: May I ask for clarification,
15 going back but still within South Dade?

16 MS. RICHARDSON: Well, she was in South Dade
17 for three years.

18 Q (By Ms. Richardson) Where were you before
19 you were in South Dade, December '89 and before
20 Charlotte, then?

21 A I was in the Gables before that. And before
22 that I was in the South Dade maintenance center -- I
23 mean South Miami maintenance center. It doesn't exist
24 any more.

25 Q Okay. So you were in Gables from

1 approximately when to September of '89?

2 A It was like about three years. I don't
3 really know the dates, you know, I can't --

4 Q So the mid-'80s?

5 A Yeah, something like that. I can't give you
6 an exact date.

7 Q Okay. And then did you say central?

8 A No, it used to be South Miami maintenance
9 center. It no longer exists.

10 Q All right. And approximately periods of time
11 when you were in South Miami?

12 A From I think it was '83.

13 Q To the time you went to Gables?

14 A Right.

15 Q Okay. And were you an MA in all of these
16 positions?

17 A Uh-huh.

18 MS. BAKER: "Yes" or "no"?

19 A Yes. I'm sorry.

20 Q And Mr. Tony Ferrer was your first level
21 supervisor in South Dade?

22 A Yes.

23 Q All right. And Ed Lubert was your first
24 level supervisor where?

25 A South Dade.

1 Q In South Dade?

2 A Yes.

3 Q Did you have any other first level
4 supervisors in South Dade?

5 A Yeah, but I don't remember which ones because
6 they changed them so often.

7 Q Okay. Who is your present second level
8 supervisor?

9 A April Ivy.

10 Q All right. And do you remember the second
11 level supervisor in South Dade before Ms. Ivy?

12 A Cherie Calvert.

13 Q And do you remember any ones before her in
14 South Dade?

15 A Shirley Perring. I think that's it.

16 Q Okay. And is that all of them?

17 A That's all of them there.

18 Q Okay.

19 A In that center.

20 Q And what about in the Gables, do you remember
21 your first level supervisor in the Gables?

22 A My first, the first one I had?

23 Q Uh-huh?

24 A No, I don't. I think it was Mr. Brown, but
25 I'm not sure.

1 Q Okay. Do you remember any of your first
2 level supervisors in the Gables when you were there?

3 A They changed hands so much, I couldn't -- I
4 wouldn't, you know, I can't tell you which ones -- who
5 I reported to.

6 Q Okay. What about second levels in the
7 Gables, do you remember any of them?

8 A After Mr. Brown left, April Ivy came in.

9 Q As a first level or second level?

10 A Oh, no, second level.

11 Q Second level?

12 A Uh-huh.

13 Q Okay. And do you remember any of the others?

14 A Robert Swarez.

15 Q And can you make an effort at spelling his
16 name for the court reporter and myself?

17 A S-W-A-R-E-Z.

18 Q Okay.

19 A I think that's how you spell it.

20 Q Okay. And do you remember any other managers
21 from Gables?

22 A That I reported to?

23 Q Uh-huh.

24 A No, I can't remember.

25 Q Okay. What about South Miami, first and

1 second levels, do you remember any of those managers in
2 South Miami that you reported to?

3 A Jim Nance.

4 Q Was he a first level?

5 A Yeah, at that time, yes. I had others, but I
6 don't remember which ones they were.

7 Q Okay. Who is your present operations
8 manager?

9 A Ted.

10 Q Rubin?

11 A Ted Rubin.

12 Q And who is your present general manager?

13 A Linda Isenhour.

14 Q Okay. And do you know who the operations
15 manager was before Mr. Rubin?

16 A His name was George, but I don't know his
17 last name because I never met -- I saw him but I don't
18 know him.

19 Q Was it Mr. Lewis?

20 A Yes.

21 Q George Lewis? And do you remember the
22 operations manager before Mr. Lewis?

23 A I wasn't there.

24 Q Okay. What type of duties have you performed
25 as an MA?

1 A Could you clarify, like do you want to know
2 in South Miami or West Miami or which --

3 Q That would be helpful. What did you do in
4 South Miami, what kind of functions?

5 A I colored RBORs. Are you familiar with what
6 an RBOR.

7 Q No. Would you please explain an RBOR to me.

8 A Before we went on computers as they are
9 today, they had printed troubles out on paper. There
10 were two of us that sat at a table and we colored the
11 tops, but we don't -- they would just bring stacks,
12 okay? We were not formally trained MAs, okay. I don't
13 know what the colors meant; I don't even remember what
14 colors I used; but this was my function.

15 Q Then you colored trouble reports, copies of
16 trouble reports? I don't understand what you're
17 coloring.

18 A See, I don't even know -- okay, I just know
19 they were paper. But I know they were like people
20 called in and reported the trouble, so whether it was
21 the trouble report or the DLR, I'm not sure. But they
22 were laid there; I can't tell you who did it, because
23 it was a big room. And when we came in in the morning
24 there were stacks. And what they meant, I can't tell
25 you what the colors meant.

1 Q Do you have any idea how they were used?

2 A Nope.

3 Q Okay. And was that all you did in South
4 Miami, or were you given other duties?

5 A Well, that was the main one. And what else I
6 did, I really can't tell you because I don't -- I mean,
7 they started to train, started to train, and I always
8 got sidetracked with something. But that was the main
9 thing I did until I went to the Gables. I mean, they
10 started to train us as screeners, actual formal MAS,
11 but the process was never really completed until I went
12 to the Gables and learned how to screen.

13 Q Do you know what "R" stands for in R boards?

14 A An R board? That's --

15 MS. BAKER: Do you want to spell that phrase
16 for us? Because I'm missing it, too.

17 A R-B-O-R.

18 Q .. Okay. And B-O-R is a written trouble report,
19 isn't it?

20 A Uh-huh.

21 Q And do you remember what the "R" stand for in
22 that? I'm sorry.

23 A No.

24 Q Thank you.

25 A Sorry.

1 Q Okay. Then your duties in the Gables would
2 include what?

3 A That's where I learned to screen and dispatch
4 out.

5 Q And when you say you "learned," how were you
6 taught?

7 A I was sent to school. I was on-the-job
8 training.

9 Q All right.

10 A I don't know what else you want me to say,
11 because I don't, you know, it was on-the-job training
12 after --

13 Q All right -- I'm sorry?

14 A After school -- I mean after we got out, we
15 were learning on the job. We went to school, then we
16 came back, and we went to school several times for
17 various different parts of being an MA.

18 Q And your primary duties, then, were screening
19 and dispatch?

20 A That's right.

21 Q And what about your duties in South Dade?

22 A I have mainly worked on the cable desk.

23 Q And could you explain what you mean by
24 working on the cable desk, what kinds of things did you
25 do there?

1 A Are you familiar with the word CF on the
2 service order?

3 Q CF, what does that mean?

4 A Okay. An ST will go out to give a person new
5 end service, or service, and there's not pairs to give
6 them service. So he will send it to the cable desk
7 with the service order, and the cable man either goes
8 out and finds a pairs or clears a pairs, and that's --
9 we handle the making sure it gets out, closing it out.
10 If it has to go back to engineering, if the service
11 order has to go back to engineering, we send it back to
12 the engineer.

13 Q Okay. Does this cable desk at all deal with
14 repair work on --

15 A Yes, we handle the troubles and failures.

16 Q Okay. Do you handle the closing out of cable
17 repair troubles?

18 A Yes.

19 Q Do you also screen in the cable repair and
20 dispatch?

21 A Occasionally, if it's a slow time. But
22 there's not much slow time these days.

23 Q All right. Now, tell me what you do when you
24 screen a trouble.

25 A I pull up the trouble. I look at the report

1 to see what the customer is reporting. I test it and
2 then I call the customer.

3 Q Okay.

4 A And I base my decision on what I do with what
5 the customer says.

6 Q All right. And your decision, what decision
7 is it that you make?

8 A Well, it depends on what the customer is
9 saying. If the customer -- you dial the number, for
10 instance, and it rings twice and trips, the customer
11 has no service. It doesn't matter what that test is,
12 the customer has no service.

13 Q All right. And so what do you do on the
14 report, then, to show that they don't have service?

15 A Okay, I would status that out-of-service,
16 because the customer is saying he has no dial tone or
17 he has no service. And I'm testing it, not by just
18 testing of it, but by dialing the number it's tripping.
19 Do you understand what "tripping" means?

20 Q No.

21 A Okay. It rings twice and it will go into a
22 dial tone. And I do that myself. I'll do it maybe
23 twice just to make sure I've dialed the number
24 correctly.

25 If there's a contact number, I'll let them

1 know that I'm going to send somebody out. If there's
2 no contact number, I take the responsibility of saying
3 that they're out of service and they need somebody to
4 be dispatched out.

5 Q Then do you dispatch? Is it your
6 responsibility then to dispatch?

7 A I just screen it and it flows through the
8 system. And they have -- like it's automated, it will
9 pop in a guy's log. They have what they call CATS.

10 Q That's C-A-T?

11 A Yeah. And unless somebody else dispatches it
12 personally, I don't know. I don't do it myself.

13 Q So you screen it and hit the send key and
14 somehow the computer sends it out for dispatch?

15 A Correct.

16 Q All right. Has anyone ever instructed you
17 not to status out-of-service on trouble reports on any
18 particular day?

19 A Never. (Pause) That's to the best of my
20 knowledge.

21 MS. BAKER: Just relax.

22 MS. RICHARDSON: Let me take a minute here.
23 I'm going to pull a piece of paper and show it to you
24 and we'll go from there.

25 MR. BEATTY: Let me see what you're showing.

1 (Discussion off the record.)

2 MS. RICHARDSON: Back on the record briefly.
3 I'm going to be showing you Southern Bell's response to
4 Citizens Third Set of Interrogatories. An
5 interrogatory is a written question that we have asked
6 the Company and the Company has given us a written
7 response or a written answer back. And it's dated June
8 6, 1991, that the Company responded.

9 And our question just essentially asked the
10 Company to give us the names of individual employees
11 who have some knowledge about recording out-of-service
12 reports as affecting service on repair forms. Okay.
13 And the Company has indicated that there are some
14 individuals who may have information about not
15 statusing out-of-service reports,

16
17 So I'm going to show you this document, we'll
18 go off the record, you'll have a chance to read it,
19 discuss it with your attorney, Mr. Beatty will have a
20 chance to look at it before we get back on the record
21 and I continue to ask you questions.

22 WITNESS SANCHEZ: Okay.

23 MS. RICHARDSON: Now, there will be pieces of
24 this, as you can see, that are covered up. It is
25 covered up because the Company has a claim of

1 confidentiality for this information.

2 I assume you're not to
3 disclose it; but that will be up to the Company to give
4 you proper directions on that. Okay. The Commission
5 will be the one who decides whether it is really
6 confidential or not.

7 MR. BEATTY: If I can just interrupt and
8 interject --

9 MS. RICHARDSON: Do you want to put something
10 in?

11 MR. BEATTY: Yes, please. The Company would
12 request that, upon your viewing the document she's
13 going to show you, that you please keep that document,
14 the information contained in that document that you
15 see, confidential. Will you do that?

16 WITNESS SANCHEZ: Yes.

17 MS. RICHARDSON: Can we go off the record
18 now?

19 MR. BEATTY: Yes.

20 (Discussion off the record)

21 MS. BAKER: We're ready to go back on the
22 record.

23 Q (By Ms. Richardson)

24

25

1 A Uh-huh.

2 MS. BAKER: Say "yes" or "no."

3 A Yes.

4 Q Okay. Thank you. Now, let me ask you again,
5 are you -- do you have any knowledge -- I'm rephrasing
6 the question. Do you have any knowledge of anyone
7 requesting you at any time not to status troubles as
8 out-of-service?

9 MR. BEATTY: I object to the form of the
10 question. Are you asking her whether or not this
11 document causes her recollection to be refreshed?

12 MS. RICHARDSON: Well, we can start with
13 that.

14 Q (By Ms. Richardson) Ms. Sanchez, after
15 having reviewed Southern Bell's response to Citizens
16 Third Interrogatory, do you have any recollection of
17 statusing or not statusing out-of-services?

18 A Not today.

19 Q Not today?

20 A Can I elaborate?

21 Q You may.

22 A All right. When I was interviewed, I was
23 very nervous, okay? I was -- I didn't know what was
24 going to happen. I felt -- I was a nervous wreck,
25 okay? I can't tell you what I said then. I don't

1 remember. Okay?

2 Today, it's not that I know any different,
3 it's that I don't remember anybody telling me to status
4 anything out-of-service. If I knew, I would say
5 something, but I don't remember, okay?

6 MS. BAKER: That's okay.

7 Q (By Ms. Richardson) All right. Let me ask
8 you this. Some employees have indicated to us that
9 there's something like a message board or and
10 electronic marquee --

11 MR. BEATTY: I object.

12 MS. BAKER: I'm going to object also, because
13 you have not -- and let me try to be helpful here. You
14 have not established through questions that you have
15 asked nor, indeed, even assumptions in the question
16 you're asking, where and when. And I want to just
17 remind you that this particular craftsperson has only
18 been in South Dade for three years.

19 MS. RICHARDSON: I understand that. Let me
20 finish my question, please.

21 Q (By Ms. Richardson) I would like to know is,
22 where you are working, is there some kind of electronic
23 message board or billboard where messages are flashed
24 across the room where you work?

25 A Yes, but it doesn't face me.

1 Q It doesn't face you?

2 A Not at all.

3 Q Okay.

4 MS. BAKER: For clarification, that's where
5 she works presently. Is that correct?

6 WITNESS SANCHEZ: That's correct.

7 Q (By Ms. Richardson) Now, those messages, are
8 any of those messages directed toward just MAS
9 generally?

10 A I don't know, because I don't see what goes
11 up there.

12 Q So you never look at the Board?

13 A I can't unless I actually get up out of my
14 chair, okay? They are for the MAS who are out there
15 doing screening and dispatch. I'm in the cable side.
16 That's a big difference.

17 THE REPORTER: I'm sorry. You're in the
18 what?

19 WITNESS SANCHEZ: Cable side of the house or
20 cable section, it's behind what she's asking me about.
21 When the messages go up there, they can say "Merry
22 Christmas," I don't see it.

23 Q (By Ms. Richardson) All right. Let me ask
24 you this. Does that board have a particular name? Is
25 it called something in particular?

1 A I don't even know. I've never had a reason
2 to ask about because it doesn't involve my job, what I
3 do, okay?

4 Q At present?

5 A At present. If somebody asked me to do
6 something, they would have to come over and ask me to
7 do it verbally, because it wouldn't pertain to -- the
8 cable part is a smaller section of the maintenance
9 center.

10 Q All right. In dealing with the cable desk --
11 and I'd like to work on just the repair part of dealing
12 with the cable desk at this point.

13 A Uh-huh.

14 Q I believe you said that you were responsible
15 for screening, dispatch and closeout for cable?

16 A My primary job at the cable was working with
17 service orders. If we get overloaded, we cross, okay?
18 And when I say that, we overlap, I guess that's a
19 better word, okay? Do you understand what I mean by
20 that?

21 Q Yes. You help other people with their
22 particular jobs, which includes screening, dispatch and
23 closeout?

24 A Correct.

25 Q So you're a backup?

1 A In that sense, yeah, when I have the time.

2 Q So you know how those three function operate,
3 then?

4 A Correct.

5 Q All right. Let me just go ahead and get
6 these out of your way.

7 When you are working with repair and you're
8 doing backup work for these people and the cable
9 trouble comes to you, does it already come to you
10 statused either out-of-service or affecting-service?

11 A It depends. The trouble -- now are you
12 talking about trouble or a failure? Because there's a
13 difference.

14 Q All right. Tell me the difference between
15 the two, please.

16 A All right. A man can be working on a
17 trouble, a cable man, so I want to make it clear who we
18 are talking about.

19 Q Thank you.

20 A Okay. A cable man can be working on a
21 trouble. He will pick up the trouble in his CAT, and
22 it's already statused. Whether it's out-of-service or
23 not out-of-service. Where I come in with that, I don't
24 touch that until he might call in and ask for
25 information or he may call in and close out. I don't

1 touch that. And the only reason we do that is if his
2 CAT is down or he doesn't have a CAT.

3 Q All right. What would the screening function
4 in the cable repair part handle, then, if it is not
5 deciding when it's out-of-service or not
6 out-of-service?

7 A When I say "screening," I -- maybe we're
8 mixed up what we're talking about.

9 Q I could be confused.

10 A Okay. Because when I screen -- you asked me
11 if I screened -- yeah, that's the other -- that's like
12 if I was on the side where the light is going off.

13 Q The message board that we talked about?

14 A The message board, right. The cable side of
15 the house, the function of working on the cable side is
16 not necessarily screening per se, unless you're talking
17 about failures, and that's a separate subject. But
18 just to sit and screen is like, I don't want to confuse
19 you, but it's like a separate entity.

20 Q All right. But you do perform that function
21 as a backup person?

22 MS. BAKER: Time frame.

23 A When I have the time. Since we've had the
24 hurricane, there's been very little time I have had to
25 screen.

1 Q But you are familiar with that function?

2 A Know how to screen?

3 Q Yes.

4 A Yes.

5 Q All right. And then dealing with cable
6 failures themselves, as opposed to just cable troubles,
7 is that the distinction we're making?

8 A Right. There's a difference in cable
9 troubles and cable failures.

10 Q All right. On the cable failure, it comes
11 across to you already statused, you said, and does it
12 already --

13 A Are you talking about failures now?

14 Q Yes.

15 A Okay. Now, that's another subject. That's
16 what I was just taking to you about was a cable
17 trouble.

18 Q Okay. Cable troubles are already statused
19 when they come to you, cable failures are not?

20 MS. BAKER: Object to the compound question.

21 Q (By Ms. Richardson) Please straighten me
22 out.

23 A The cable trouble is statused. Now, cable
24 failures is another subject.

25 Q All right. Can we talk about cable failures,

1 then, how do they come to you?

2 A Sure. Okay. They're made up on the
3 computer.

4 Q Is that through the tracker?

5 A Through the tracker. Now, those are the ones
6 I handle when I handle the failures. Sometimes a
7 person will call in and talk, you know, about a
8 failure, to build a failure. I know how to build it,
9 okay? But we have other people that are in the cable
10 part that do that, okay?

11 What happens on the close out, the man is out
12 there doing a failure. When he calls in, we test it.
13 If the test doesn't look right, we call every customer
14 that needs to be called. We either tell the man he has
15 to go check the troubles that aren't fixed or, if
16 everything is okay, we say to him, "Okay, everything is
17 fine?" "Yes."

18 I ask him, "Are the customers out of service
19 or not? Are there any that need to be not
20 out-of-services." Maybe you might have a failure, some
21 that are jacks. They don't belong in the failure.
22 They need an ST. You detach it, and you send it or
23 give it back to an ST. Are you familiar with what I'm
24 saying?

25 Q Yes.

1 A Okay. You take anything like that, a drop or
2 a jack, and we give it back to an ST to go out. The
3 rest of the failure, I say to the man, "Are these
4 customers out of service, were they customers out of
5 service or are they -- was it a transmission problem?"
6 Something to that effect. He says, he will tell me
7 they're all out of service. We status it then. And I
8 put in my remark per whoever is telling me this that
9 all of the customers were out of service. I put that
10 in my extra narrative, okay? Not on the bottom but
11 right -- are you familiar with what it looks like?

12 Q Uh-huh.

13 A Okay. I put per whoever that the customers
14 I'm closing out are out of service. Or whoever is
15 telling me. I'm not taking the responsibility myself;
16 I'm not out there doing the job. Then I close it out
17 with, whatever he says, codes and remarks.

18 Q All right. Is that a bulk close on the lead
19 ticket?

20 A You mean does it close out the whole thing?

21 Q Uh-huh.

22 A Yes, it does.

23 Q All right. And when you status the lead
24 ticket as out-of-service, does that automatically
25 status all the attached tickets as out-of-service?

1 A That's correct. Because I've asked him if
2 every trouble that's left -- because I've detached all
3 the jacks and drops, there are no dial tones, can't be
4 called, or something to that a effect. I've asked him
5 that, and I'm taking his word because he's the one who
6 fixed it. And I've statused that out-of-service, and I
7 put the remarks per him, "All subs out of service."

8 Q Okay. Have you followed that procedure the
9 entire time that you worked with cable, on the cable
10 desk?

11 A Yes. Yes.

12 Q If you statused the lead ticket as not
13 out-of-service on closeout and there were, for whatever
14 reasons, some out-of-services still attached, would
15 that change the status or affect it in any way, the
16 attached ones?

17 A Okay, let me clarify something. A customer
18 might come in with a remark of transmission, and it
19 could be a cut cable. My man is telling me that
20 customer never had service. I'm believing him. It's
21 going to get stroked out-of-service because he's told
22 me that customer had no service. No matter what that
23 remark is, like a cut cable, okay? I'm taking what the
24 man is telling me to close out a failure.

25 Q Okay. I understand. I understand that part.

1 A Okay.

2 Q Now, let me give you an example. This will
3 be hypothetical, okay? You have built a cable, there's
4 your lead ticket and --

5 MS. BAKER: I think you might have misspoke.
6 You said "built a cable"?

7 MS. RICHARDSON: I'm sorry.

8 Q (By Ms. Richardson) There is a cable failure
9 that you're working on that has been built and you're
10 working with it. You have a lead ticket that is not
11 out-of-service. You have ten attached tickets. One of
12 those is an out-of-service ticket that was not removed
13 or detached with an ST sent. It was kept in the cable
14 failure. All right? The ST calls you and says this
15 was an affecting-service, not out-of-service, please
16 close it out, you do so. You close the lead ticket out
17 not out-of-service.

18 A Correct.

19 Q Does that at all affect the one ticket that
20 was already statused out-of-service?

21 A Okay. I would detach the lead trouble and
22 close that separately, even with that ticket, sub not
23 out of service per whoever told me, per the man. And
24 then close out the rest of the failure statused
25 out-of-service per whoever told me, which would be the

1 same man. Is that what you're asking me?

2 Q That's fine. Are you familiar with any
3 particular disposition -- well, let's start off with
4 what's a disposition and a cause code, just generally?

5 MS. BAKER: If you know.

6 Q (By Ms. Richardson) If you know.

7 A The codes the guys close them out with.

8 Q All right. And what does the disposition
9 code describe on a report, a trouble report?

10 A I assume it tells what they did.

11 Q Okay.

12 A I assume that the narrative explains what
13 codes he did. That's my assumption.

14 Q All right. Are there certain disposition
15 codes that are used just by cable?

16 MS. BAKER: If you know.

17 A I don't know if they are used by anybody
18 else, let me put it that way. I know what the guy
19 gives me, that's what I close out to. Whoever else
20 uses them, I don't know.

21 Q When a cable repairman calls you for
22 closeout, does he give you just a code number like a
23 340 or a 400, or does he tell you this is a defective
24 cable or a cut sheath or whatever and you apply the
25 code number?

1 A No, he gives me the codes.

2 Q The actual number?

3 A The actual number.

4 Q Okay. So you're unfamiliar with what those
5 numbers mean?

6 A I have no idea.

7 Q Do you know what a cause code is?

8 A I know it's a number.

9 Q You know it's a number. Do you have any
10 information as to what a cause code purports to relate
11 to on a trouble report?

12 A Not really. I know it must be an important
13 code because we have to put it in our narrative now.
14 But what it actually means, I've never -- I haven't
15 asked.

16 Q Okay. Are you familiar with the requirement
17 that the Company clear out-of-service reports within 24
18 hours at least 95% of the time?

19 MS. BAKER: Object to lack of time frame.
20 Wait, wait, don't just shake your head. You're just
21 saying "yes" or "no", the reporter has to know.

22 WITNESS SANCHEZ: You're asking me what now?
23 That's what I'm saying, I don't understand what you're
24 saying.

25 MS. RICHARDSON: I'll repeat it.

1 MS. BAKER: Thank you. Thank you.

2 Q (By Ms. Richardson) Are you familiar with a
3 requirement that the Company repair out-of-service
4 reports within 24 hours at least 95% of the time?

5 A No, I'm not..

6 MS. BAKER: My same objection.

7 Q (By Ms. Richardson) Were you ever familiar
8 with that requirement?

9 A No.

10 Q Do you know whether or not there are any
11 specific disposition and cause codes that might affect
12 out-of-service reports differently from
13 affecting-service reports?

14 A No, I don't.

15 Q Do you know whether or not if a particular
16 customer's service was out of order, out of service for
17 over 24 hours, whether that customer would be due a
18 rebate today?

19 MS. BAKER: Object.

20 WITNESS SANCHEZ: Would you say the question
21 again?

22 Q (By Ms. Richardson) Yeah. I can say the
23 question again, and I'll try to rephrase it, maybe.

24 Do you know if a customer's phone is out of
25 service for more than 24 hours, does that customer get

1 any kind of credit or rebate?

2 A Since this started I just found out they do.

3 Q All right. But before this --

4 A I had no idea.

5 Q What do you mean by "this"?

6 A The investigation.

7 Q All right. And that would be what time or
8 year frame?

9 A Last year, two or whatever.

10 Q 92, '91?

11 A Yeah.

12 Q Okay. Have you ever heard the terms "backing
13 up the time," Ms. Sanchez?

14 A I've heard the term.

15 Q Okay. And where have you heard it?

16 A I can't tell you. I don't know. I don't
17 mean I don't -- nobody has ever come to me and said
18 anything like that to me.

19 Q Okay. Do you know what it's in relation to?
20 Is it in relation to trouble reports or anything else
21 within the Company that comes into your job?

22 A I don't know where it goes, okay? I've heard
23 the term, but I don't know where it applies or who uses
24 it.

25 Q Can you tell me where you heard the term?

1 A Since this investigation.

2 Q Started? Okay. Do you know or have you used
3 a disposition code or cause code, I'm not sure which
4 one it is, for cable that's a 320 code, multiple cable
5 failure? Are you familiar with that code?

6 A I'm not familiar. I wouldn't say I didn't
7 use it, I don't know. Whatever the guy gave me is what
8 I used.

9 Q Okay.

10 A I only go by what the outside person tells
11 me, okay? If it's wrong, I feel that's his
12 responsibility.

13 Q Okay. Are you familiar with autoscreener
14 rules?

15 A Autoscreener rules? I'm not quite sure what
16 you're asking me. If a trouble comes up and I screen
17 it, is that what you're trying to ask me?

18 Q All right. Let me ask you about when you're
19 doing cable failures. Do you see a handling code on a
20 cable failure?

21 A A handling code?

22 Q On when the screen comes up and it's an
23 H-N-D-L code, CAB fail, C-A-B F-A-I-L?

24 A What means would that be on -- or is it on
25 the trouble itself? I don't really recall. I'm sure

1 it must be there if you're saying that, but I don't
2 remember it.

3 MS. BAKER: Don't make assumptions, just do
4 the best you can to remember.

5 A I don't remember seeing it.

6 Q (By Ms. Richardson) All right. Let me ask
7 you this, then. Are there certain reports that are
8 screen automatically by the system and dispatched
9 automatically without ever coming to you?

10 A Yes, the system screens -- I don't know what
11 kind of troubles. The failures can be made up from
12 troubles, depending how they do it, but I don't know
13 how they do it.

14 Q Okay. Have you ever heard the terms "wet
15 rules and dry rules"?

16 A No.

17 Q Okay. I'm going to show you another
18 document, it won't be an exhibit but I want to
19 introduce it to the record. And then we'll go off the
20 record and we'll give you and your attorney a chance to
21 look at it; okay?

22 This was filed April 1st by the Company in
23 the consolidated rate case docket. It's Southern Bell
24 Telephone and Telegraph Company's response to
25 Preliminary Order No. PSC-93-0263-PCO-TL entered on

1 February 19th, 1993. And your name, I believe, I need
2 you to verify that it is your name, appears on a list
3 of approximately 650 people as someone who may have
4 knowledge about various matters that are listed here by
5 number.

6 And I'll give you a chance to look at this,
7 discuss it with your attorney, and then I'd like to ask
8 you a few questions about it. Do you need to make any
9 comment before we go off the record?

10 MR. BEATTY: Just that whatever you see is --
11 I'm not sure this is confidential.

12 MS. BAKER: It is not.

13 MS. RICHARDSON: It is not. It has been
14 distributed to everyone in the 260 docket.

15 MR. BEATTY: Okay. And you intend to show
16 her the entire document without any limitations at all?

17 MS. RICHARDSON: No limitations, and the
18 Company has not claimed -- there is no claim on here of
19 confidentiality by the Company.

20 MS. BAKER: She's already seen this document,
21 if that will help any.

22 MR. BEATTY: I'm not familiar with the
23 document. Could I see the document, Ms. Richardson,
24 before you do that?

25 MS. BAKER: Go off the record.

1 (Discussion off the record.)

2 MS. RICHARDSON: We're ready?

3 WITNESS SANCHEZ: I don't know why my name is
4 on this list for this subject, because I don't know
5 what it means.

6 MR. BEATTY: Let me also make a statement on
7 the record, please. Apparently, this document that has
8 just been shown to the witness, apparently, it is not
9 under a confidentiality request. At this juncture, it
10 is not at all clear to me whether that status will
11 change. Accordingly, I would appreciate it if you
12 would keep confidential what you have read in this
13 document. Will you do that?

14 WITNESS SANCHEZ: Yes.

15 MR. BEATTY: Thank you.

16 Q (By Ms. Richardson) All right. Ms. Sanchez,
17 have you ever, throughout your period as an MA and your
18 training, whether formal or informal, been requested to
19 back up a clearing time from the actual computer time
20 shown on a trouble report?

21 MR. BEATTY: I would object. It has been
22 asked and answered. You asked the question about
23 backing up time.

24 MS. RICHARDSON: I asked her if she had heard
25 the term of "backing up time," but I didn't ask it in

1 the specific context in which I'm asking it.

2 MR. BEATTY: Okay.

3 WITNESS SANCHEZ: Say it again. Have I?

4 Q (By Ms. Richardson) Have you?

5 A Never.

6 Q Have you ever heard of anyone else doing
7 that, taking the clearing time and instead of using the
8 actual computer time that was shown, moving it back by
9 15, 30 minutes?

10 A I didn't hear about this kind of stuff until
11 this investigation started. And I can't tell you if I
12 heard it before then or not, but nobody ever asked me
13 to do it.

14 Q All right. Going to the document that I've
15 shown you the list of, I think, 650 names, on that
16 list, it gives under your name No. 11, which indicates
17 you may have some information about improper
18 preparation of trouble reports.

19 MS. BAKER: So the record is clear, I am
20 showing the witness in writing No. 11 on the list.

21 A Somebody may have asked me that question, but
22 to my knowledge, I have never done it.

23 Q Okay.

24 A If they asked me the question -- somebody may
25 have asked me a question, I don't remember. And I may

1 have said, "Yes," "No," or whatever, I don't remember.

2 But I haven't done that.

3 Q All right. And have you ever heard of anyone
4 else doing that?

5 A No, I had not heard about this until this
6 investigation started.

7 Q All right. And then also on that list is No.
8 17, which indicates some information about intimidation
9 or pressure?

10 A It depends on the person as to what
11 intimidation and pressure is. I explained to my lawyer
12 that they --

13 MS. BAKER: Well, let me ask you not to
14 actually report on a conversation we had, because
15 that's covered by the attorney-client privilege. But I
16 would like you to answer the question of what comes to
17 your mind when you look at No. 17, which is phrased
18 "intimidation or pressure."

19 A I was covered several times on things, such
20 as to make sure I knew what -- like screening, let's
21 say, they may wanted to make sure you knew what were
22 out-of-service and what were not out-of-service as far
23 as VER codes go, things like that. It wasn't pressure,
24 it wasn't intimidation, but I guess I felt nervous.
25 So, yes, that's probably why I said that.

1 Q Okay. And when you said which "VER codes to
2 use"?

3 A No, you know, like they say by the tests,
4 okay? "Do you know what these VER codes mean or when
5 to use them properly?" It was reviewed and reviewed
6 and reviewed. And nobody said I was doing it right or
7 wrong, they just wanted to make sure I had a clear
8 understanding of what they were and when to use them
9 properly.

10 Q Okay. At any time did you feel that you were
11 being asked to do something that was improper or
12 against Company practice?

13 A No.

14 MS. BAKER: I'm going to object to the form.
15 It's okay that you have answered.

16 Q All right. Also down there is No. 18,
17 discipline, grievances; you may have some information
18 about that. Again not what you told your attorney,
19 specifically, but what information you, personally, may
20 have about this.

21 A There was a grievance filed about handling a
22 red phone. Are you familiar with what that is?

23 Q Is a red phone when an irate customer calls
24 about not getting their service or trouble repaired?

25 A That's correct. There was -- what it was was

1 that as MAs -- and this is going back a long way but I
2 will give you the best of my recollection -- we felt a
3 manager should handle it because the irate customer
4 wants to talk to a supervisor. We filed a grievance on
5 it and lost, and the MAs are handling the red phone.
6 Managers do step in, you know, to assist and stuff like
7 that. But there was a grievance handled on it. And I
8 don't know what else to tell you.

9 Q Were MAs being disciplined for improperly
10 handling the red phones?

11 A Oh, no. We just didn't want to talk to the
12 irate customers.

13 Q All right. I'd like to ask you, I guess
14 maybe going back to cable areas, working in that
15 particular area, is there such a thing as routining or
16 routine maintenance that has to be done after a service
17 has been restored?

18 A Okay. A man can do routine work. Do you
19 know what routine work is?

20 Q Would you define it for me for the record?

21 A All right. A man may have gone out and given
22 service, but he's got to go fill up the hole or clean
23 up the yard or whatever he has to do. I don't know
24 what it entails. Depending on what he says is what we
25 put in the remarks. There's a lot things he can do.

1 Okay?

2 So whatever he is doing, we make up a routine
3 ticket and we will say who is doing what, where and
4 why.

5 Q All right. Now, how does that relate to the
6 individual trouble ticket for that individual customer?

7 A Oh, it doesn't necessarily relate -- let's
8 see, how can I say it? The routine ticket is the
9 question, right?

10 Q Uh-huh.

11 A Okay. They say there's a cut cable.

12 Q All right.

13 A Okay. We don't know if the customer is out
14 of service, it might be a dead cable, all right? We
15 send a man out to check that cable to see if it is
16 alive or whatever. We make up a routine ticket and put
17 it in his log that he is checking whatever, wherever
18 and why. And that covers his time. Okay?

19 Q Okay.

20 A Does that clarify what you want?

21 Q All right. Is there any distinction, then --
22 if you know -- how he records his work hours between
23 the repairing of the trouble and the routine?

24 A I don't know anything about his time.

25 Q Okay. Have you ever heard the expression

1 used that there would be a -- that this today would be
2 a "no-routine day"?

3 A Never heard that.

4 Q Okay. What is the longest period of time
5 that you are aware of between -- on cable failure --
6 between a clearing time given and the actual close time
7 given?

8 MS. BAKER: Object to the form.

9 THE WITNESS Will you say that again?

10 MS. RICHARDSON: Sure.

11 Q (By Ms. Richardson) All right. On a cable
12 trouble when you're closing it out, the ST calls you, I
13 believe you said, is that correct?

14 A The cable man, not the ST.

15 Q The cable plan calls you; is that correct?

16 A Yes.

17 Q All right. And the cable man, I believe you
18 said, gives you a disposition and cause code? Is that
19 correct?

20 A Correct.

21 Q All right. And then the cable man also tells
22 you the time he restored service?

23 A That's correct.

24 Q And is the time he restored service the
25 clearing time?

1 A Okay. He can give service at one time and
2 complete out at another time. Is that what you're
3 asking?

4 Q All right. When he gives service is that
5 considered the clearing time on the trouble report, the
6 CCA time?

7 A Yes, as far as I know.

8 Q All right. And when he completes the work,
9 is that considered the close time on the report?

10 A Yes, as far as I know. So they can have two
11 different times or they can have the same.

12 Q All right. Now, to your knowledge, what is
13 the longest period of time between a clearing and a
14 close that you have ever experienced?

15 MS. BAKER: Object to the form. Go ahead and
16 answer.

17 A There have been -- it depends on the failure.
18 We've had some big failures and we've had some little
19 failures. I can't really -- there's been some that
20 have been days, some that have been short. I can't
21 give you a specific number of days if that's what
22 you're trying to ask me.

23 Q Okay. Have you ever been aware on a cable
24 failure of those that have gone out-of-service-over-24
25 not being closed as out-of-service because it's been

1 longer than 24 hours?

2 A Say that again?

3 Q Do you know of any cable repairman who has
4 indicated to you that because it took them longer than
5 24 hours to clear the trouble that they want that
6 report closed as not out-of-service?

7 A They have never indicated that to me. I only
8 asked them what time they cleared it and -- what time
9 they gave service and what time they cleared it. If
10 they have that in mind, I don't know about it because
11 they have never discussed it with me.

12 MS. RICHARDSON: Okay. Ms. Sanchez, I want
13 to thank you for your time and the clarity of your
14 answers. I will let the Commission, perhaps, may have
15 some questions for you. Mr. Beatty may have some more.
16 Your attorney may want to put something on the record.
17 Then I think we'll probably be through. Thank you.

18 EXAMINATION

19 BY MR. GREER:

20 Q Ms. Sanchez, I have got a couple. Do the
21 cable men have CATS?

22 A Most of them do but not all of them.

23 Q Okay. And those, the ones that don't, would
24 be the ones you would be handling closing the troubles
25 and those kind of things?

1 A Yes. And also a lot times the CATS goes down
2 or the system goes down, okay?

3 Q Okay. I believe you said earlier that on a
4 cable trouble -- if I get it wrong, let me know. On a
5 cable trouble it comes to you already statused?

6 A On the cable trouble, yes. To my knowledge,
7 yes.

8 Q Who statused that? The other side of the
9 house?

10 A It might be automatic. It might be automatic
11 or it might be manual. The person in the office might
12 have screened it and sent it to cable or the system has
13 sent it.

14 Q So, say, a trouble comes in and it goes to
15 the other side of the house, the ones they can see the
16 billboard. And they say, "It looks like it's a cable
17 problem," and they'll send it to you all's section to
18 handle it; is that correct?

19 A Not necessarily. Usually that will --
20 usually. There's exceptions to every rule.

21 Q Sure.

22 A The trouble will go out to an ST. The ST
23 will decide that is a cable problem. He will call in
24 to the MA and say, "Send this to the cable department."

25 MR. GREER: Okay. That's all I have.

EXAMINATION

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BY MS. WILSON:

Q Let me ask you one question. Did you say that sometimes you backed up on the other side, that is, you did receive clearing times from the service technicians or --

A Never.

Q Never?

A Never.

MS. WILSON: Thank you for clarifying that.

MS. RICHARDSON: I did remember one thing, since I know you want the last word.

MR. BEATTY: Sure.

FURTHER EXAMINATION

BY MS. RICHARDSON:

Q At any point in time were you ever involved in sales for the Company?

A Yes.

Q At which point?

A Periodically, South Miami and in the Gables.

Q All right. And was this part of the Company sales campaign?

A Yes.

Q And which particular campaign was that, do you remember?

1 A I don't know. I really don't know.

2 Q And what was your role in sales, what would
3 you do?

4 A I took service orders and called the
5 customers. The only thing I would, you know, ask them
6 if -- a lot of times if they didn't speak English, I
7 would get somebody to translate it, but that was -- and
8 I wrote it down who I talked to on the sales thing.

9 Q Okay. What were you selling?

10 A The maintenance plan and Touch-Tone. I
11 didn't like to get into -- I think Call Waiting maybe.
12 But I didn't get into anything else because I really
13 didn't know -- I wanted to be able to explain to the
14 customer what it was, because it took time to do.

15 Q Were you given any training in sales?

16 A Professional training?

17 Q Uh-huh.

18 A No.

19 Q And did you accumulate points that would have
20 gone toward, aggregated toward, an award or a prize for
21 sales?

22 A Yes. That wasn't why I did it, though.

23 Q But you did receive points. Did you ever
24 receive any awards or prizes for your sales?

25 A Yes.

1 Q And what prizes did you receive?

2 A I can't -- I don't remember, I'll tell you
3 that, okay?

4 Q Okay.

5 A It was a long time ago.

6 Q Were any of these monetary bonus awards?

7 A You mean like money?

8 Q Uh-huh.

9 A No, I didn't ever get money.

10 Q Okay. But prizes and awards?

11 A Yeah.

12 Q All right. And how did you keep track of
13 your time when you were doing sales?

14 A My supervisor would be the one that would
15 give me the time. I didn't take time -- I guess in
16 slow periods is I would do it. When I was in the
17 Gables, I had made a stipulation that I wanted no
18 points because I said I like talking to people, okay?
19 And I don't mind doing my job as long as there's no
20 pressure. They never put pressure on me. And I said,
21 "But I do not want any points; you can give it to
22 somebody else or whatever, but I do not want any gifts
23 or anything, but I will be glad to sell." But that was
24 the stipulation set down.

25 Q All right. And as an MA, do you have -- are

1 you familiar with a time recording mechanism? Do you
2 have to report the amount of hours that you spend on
3 repair work or the amount of hours that you are
4 spending on service and helping people with obtaining
5 new service? No?

6 MS. BAKER: You have got to answer for the
7 record.

8 A Oh, no.

9 Q Okay. So your supervisor, did your
10 supervisor ever ask you to keep track of the amount of
11 time that you were doing sales as opposed to the amount
12 of time that you were helping a customer install new
13 service or work on the clear work?

14 A No. Usually when it was was when it was a
15 slow time, that's when they would ask several of us did
16 we want to do it? We didn't have to do it. We could
17 do it, you know, that's how it was done. As far as how
18 it was put on paper, I have no idea.

19 Q Okay. And did somebody just give you some
20 names and numbers to call, or did you go to the phone
21 book, or how did you know to do that?

22 A No, I would take service orders.

23 Q Okay. You mean on paper?

24 A Yeah.

25 Q Paper service orders, somebody had already

1 talked to the customer initially --

2 A Yeah, right.

3 Q -- and said they want this kind of service --

4 A Right, right, right.

5 Q -- and then that paper order would come to
6 you?

7 A Right, right, right.

8 Q Okay. And then what would you do?

9 A I would look and see if the business office
10 had asked them things. And, like I said, I only had
11 the maintenance plan, Touch-Tone and Call Waiting. I'm
12 not sure about the Call Waiting, but those were the
13 only three things. If they already had it on the
14 order, you know, there was no reason for me to call
15 them because I didn't sell anything else.

16 Q Okay. And did you ever make a sale without
17 contacting the customer personally?

18 A No, I did not. Now, if they did not speak
19 English, which we have a lot of people that don't, I
20 would have somebody translate because I don't speak
21 Spanish.

22 Q Okay. Were you ever involved in a boiler
23 room operation?

24 MS. BAKER: Object to the form.

25 A What is a boiler room?

1 Q That's why your attorney is objecting, okay?
2 Have you ever heard of a group of employees being put
3 in a room with a bank of phones and being told to call
4 customers and sell services?

5 A No.

6 Q You were never involved in that kind of
7 operation?

8 A I was never involved and I've never heard of
9 that.

10 MS. RICHARDSON: That ends my questions.

11 EXAMINATION

12 BY MR. BEATTY:

13 Q At this time, I just have possibly one line
14 of questioning. You indicated that with regard to your
15 sales activities that you have received no professional
16 training. Is that correct?

17 A That's correct. Nobody told me how to sell.
18 I have done selling in other outside fields. I have no
19 experience personally. But nobody told me what to say
20 or how to act, so I just did it.

21 Q What instructions, if any, did you receive
22 with regard to what you were going to do, generally, in
23 terms of sales? Did you receive any instructions at
24 all?

25 A You mean like how to do it?

1 Q Correct.

2 A No, the thing they said was to write down the
3 person that you talked to and the date. So I know that
4 every sales thing I did I wrote down the name I talked
5 to and the date. And that's about as much as I
6 remember.

7 Q Was there someone who came to you and asked
8 you to start selling for the Company?

9 A It was like on a volunteer basis, they asked
10 who would like to help.

11 Q And as best you can recall, tell us what they
12 told you.

13 A It was like a fill-in thing to be done like
14 when we were told that we could do it. Like, say,
15 screening was low or like a Sunday or a slow day that
16 it could be done. And they would tell us when we could
17 do it and when we couldn't.

18 Q You've indicated that there was a document
19 that you received prior to making the customer contact,
20 is that correct?

21 A Yes, there was a form.

22 Q Did anyone explain to you that you would
23 receive that form and what that form was to be used
24 for?

25 A I really don't remember other than that we

1 had to write down the person we talked to and the date.

2 Q What I'm getting to is that I'm assuming that
3 there was someone who told you about the procedure that
4 you were going to have to follow to make the sales.

5 A Oh, yeah, to talk to the customer. That was
6 the big thing.

7 Q And the manager, was it a manager who
8 instructed you as to how to do that?

9 A Yeah.

10 Q Or that you needed to talk to the customer?

11 A Yeah.

12 Q Do you recall who that manager was?

13 A No, I don't.

14 Q And other than the instruction that you must
15 talk to the customer before concluding the sale, was
16 there any other instruction that you received?

17 A Not that I remember.

18 Q Were you ever instructed that the document
19 that you were to review before you contacted the
20 customer, that that document was to be used in making
21 the sale?

22 A It was sort of like a receipt to me. In my
23 opinion, it was a receipt. You know, I was signing, I
24 mean, my initials showed up there, but I was signing
25 like it was a sales receipt, to me. That's what I

1 interpreted it as. That was my idea. There were, you
2 know, several pieces of paper, form paper, and so I
3 figured those copies went different places, I don't
4 know. All I did was put them on the supervisor's desk
5 and he took care of it

6 MR. BEATTY: Nothing further.

7 MS. BAKER: I have no further questions.

8 (Whereupon, deposition concluded at 10:05
9 a.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, DINAH D. SANCHEZ, have read the foregoing transcription of my testimony, Pages 6 through 50, given on April 21, 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.

DINAH D. SANCHEZ

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

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2
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4
5 F L O R I D A)
6 :
7 COUNTY OF LEON)

CERTIFICATE OF OATH

8 I, the undersigned authority, certify that
9 DINAH D. SANCHEZ personally appeared before me and was
10 duly sworn.

11
12 WITNESS my hand and official seal this 14th
13 day of May, 1993.



Sydney C. Silva
SYDNEY C. SILVA
Notary Public - State of Florida
My Commission No.
Expires:

1 STATE OF FLORIDA)

2 :

CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4 I, SYDNEY C. SILVA, Official Commission
Reporter and Registered Professional Reporter,
5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
deposition of DINAH D. SANCHEZ;

6 I FURTHER CERTIFY that this transcript,
consisting of 60 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,
9 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.

10 DATED this 14th day of April, 1993.

11 Sydney C. Silva

12 SYDNEY C. SILVA, CSR, RPR
13 Official Commission Reporter
Telephone No. (904) 488-5981

14
15
16 STATE OF FLORIDA)

17 :

18 COUNTY OF LEON)

19 The foregoing certificate was acknowledged
before me this 14th day of May, 1993, by SYDNEY C.
SILVA, who is personally known to me.

20 Pamela A. Canell

21 Pamela A. Canell
22 Notary Public - State of Florida



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

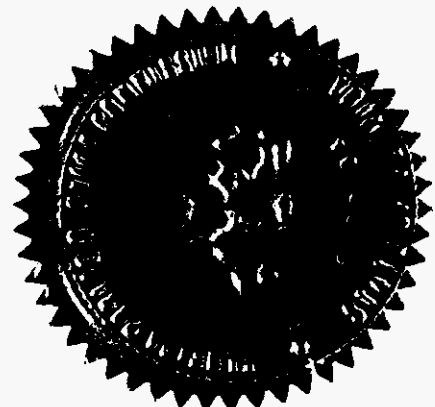
DEPOSITION OF: GERALDINE H. LITTLES
..
TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 666 N.W. 79th Avenue
Room 640
Miami, Florida

TIME: Commenced at 10:10 a.m.
Concluded at 10:35 a.m.

DATE: Wednesday, April 21, 1993

REPORTED BY: Pamela A. Canell
Official Commission Reporter
..



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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

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CERTIFICATE OF REPORTER	24

WITNESSName:

GERALDINE H. LITTLES

Examination by Ms. Richardson	6
Examination by Ms. Wilson	19

ERRATA SHEET

DOCKET NO. 910163-TL

NAME: GERALDINE H. LITTLES

DATE: April 21, 1993

[illegible]

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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.

GERALDINE H. LITTLES

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

EXAMINATION

BY MS. RICHARDSON:

Q And, Ms. Littles, I would like for you to state your name for the record and to spell it to make sure that we get it correct.

A My name is Geraldine Littles, G-E-R-A-L-D-I-N-E, last name, L-I-T-T-L-E-S.

Q Thank you. And what is your present position with the Company?

A I am an electronic technician.

Q Electronic technician. And can you tell me where you're located?

A I'm located at 666 Northwest 79th Avenue.

Q And is that an IMC or a center?

A It's a network operation center.

Q Okay. And let me back up just a moment, if I can. I need your address for the record.

A Here? I mean where I work?

Q Your home address.

A Right now I'm at

Florida.

- 1 Q And the zip code?
- 2 A ..
- 3 Q And your phone number.
- 4 A
- 5 Q And what does an electronic technician do?
- 6 A My job is to mostly watch central office
- 7 alarms and test lines because I work the midnight to
- 8 8:00 shift, so they do different things on the day
- 9 shift than on the night.
- 10 Q " Okay. How long have you had this position
- 11 with the Company.
- 12 A .. About three years, several.
- 13 Q So '91, '90?
- 14 A '89.
- 15 Q 1989?
- 16 A No, not '89.
- 17 Q Oh, do you want to change that?
- 18 A Going on four years now, I would say.
- 19 Q So 1989 is right?
- 20 A " Uh-huh.
- 21 Q Okay. And what position did you hold with
- 22 the Company prior to 1989 then?
- 23 A I was a maintenance administrator.
- 24 Q And where was that?
- 25 A 115 --

1 Q No, I mean which IMC, not the address.

2 A In Coral Gables.

3 Q .. Coral Gables. How long did you hold that
4 position? You can do it proximates if you don't know
5 the exact year, just about.

6 A At that location about 3 years.

7 Q And where were you before that?

8 A I was in at the South Miami test center.

9 Q And that would have been what? About how
10 long?

11 A That would have been about three, two to
12 three years.

13 Q .. So we're talking about mid '80s?

14 A Uh-huh.

15 Q ... Somewhere in the mid '80s?

16 A I also went to the -- I think it's called
17 North Dade.

18 Q Central Dade maybe?

19 A Central Dade.

20 Q Okay.

21 MR. BEATTY: I object to the form of your
22 question. There is a difference between the two.

23 Q " (By Ms. Richardson) Okay. Do you know which
24 one?

25 A .. I was only there a couple of months.

1 MR. BEATTY: What's the location?

2 WITNESS LITTLES: Little River.

3 MR. BEATTY: Central?

4 WITNESS LITTLES: Central.

5 Q (By Ms. Richardson) Okay. And do you know
6 which months that you were in Central Dade, which year
7 those couple of months occurred.

8 A It was around Thanksgiving and Christmas.
9 I'm bad with years.

10 Q Was that before South Miami?

11 A That was -- no, it was South Miami then
12 Central then Gables.

13 Q Okay. Somewhere mid to late '80s then?

14 A Uh-huh.

15 Q Okay. And was your position in Central Dade,
16 was that a maintenance administrator position?

17 A Yes.

18 Q And were you an MA in South Miami also?

19 A We were dispatchers first and then they
20 changed it to MA, yeah.

21 Q Okay. And were you an MA in the Gables IMC?

22 A Uh-huh.

23 Q And I know this is going to ask a lot, but
24 can you recall who your manager in Central Dade was?

25 A I see his face. I can't remember. I was

1 only there a couple of months. I don't even remember
2 his name.

3 Q Do you remember your manager in South Miami?

4 A Yeah, we had several managers.

5 Q All right. Can you tell me who they were?

6 A We had P. J. Johnson. We had Charlie
7 Carroll.

8 Q And can you make a stab at spelling Carroll?

9 A I think it's C-A-R-R-O-L-L.

10 Q All right.

11 A Jim Nance.

12 Q Jim Nance?

13 A Nance, N-A-N-C-E.

14 Q Okay.

15 A Tim Scofield.

16 Q And that's S-C-O-F-I-E-L-D?

17 A I-E-L-D. Jose Arugama.

18 Q And that's J-O-S-E, A-R-U-G-A-M-A?

19 A Yes. We had a Marcie, but I don't remember
20 her last name.

21 Q Soto?

22 A Uh-huh.

23 Q M-A-R-C-I-E, Marcie, Soto, S-O-T-O?

24 A Yes.

25 Q Okay.

1 A We had a Bill Morrison.

2 Q You're doing great. What a memory.

3 A " We had a Roy Whitsett.

4 Q And can you spell Roy's last name?

5 A " I think it's W-H-I-T-E -- no,

6 W-H-I-T-S-E-T-T, I think.

7 Q Okay.

8 A And Jeff Leibrich.

9 Q And will you please help me with Leibrich?

10 A I think it's L-E-I-B-R-I-C-H, I think.

11 Q All right.

12 A That is all I can remember.

13 Q " And your memory is so good, I'm going to ask
14 you to do this for the Gables. Who were your managers
15 in the Gables?

16 A In the Gables, Prudence Taylor, Dottie
17 Ketchum. There was a Bill Morris, I think it was Bill
18 Morris. I see the people, but I'm going blank. I can
19 see the people, but I can't --

20 Q You can't recall anybody else?

21 A I don't know.

22 Q That is fine. I'd like to ask for just a
23 minute. " In your present position you said something
24 about CO alarms. Is that central office alarms?

25 A Uh-huh.

1 Q And what is a central office alarm?

2 A It's like the equipment in the central
3 office, you know. We can tell from this center here
4 whether the equipment is getting -- going bad, getting
5 defective or whether there are fuses blown or what is
6 getting too hot inside a central office, you know, like
7 that. It's monitoring the alarms that are hooked up
8 the equipment inside the central office.

9 Q All right. And does that have anything to do
10 with customers losing service?

11 A Yes.

12 Q If an alarm goes off, does that mean that at
13 least one customer has lost service?

14 A Depending on what alarm.

15 Q Okay. And when you say you work with CO
16 alarms, what do you do with them? I don't know exactly
17 what you do?

18 A Okay. We have a screen.

19 Q A computer screen?

20 A Uh-huh.

21 Q All right.

22 A And it like lists the equipment in the
23 central office on certain pages that we can look at.
24 And when something happens to that equipment in the
25 central office, then a light will appear with an alarm,

1 alerting you that something is wrong.

2 Q All right. I'm with you, I think.

3 A It could be service-affected and it might not
4 depending on which equipment is highlighted.

5 Q All right. On this screen, does the screen
6 identify specific customer lines that are attached to
7 whatever that problem is?

8 A No.

9 Q .. All right. Do you deal at all in your
10 present position with individual customer troubles?

11 A .. No, I don't.

12 Q You don't. Are you responsible for assisting
13 with the repair of whatever is wrong in the central
14 office once you receive the alarm?

15 A Uh-huh.

16 Q What is your responsibility with repairing
17 it?

18 A Okay. We would test the equipment. And if
19 we can restore the equipment, we restore the equipment.

20 Q You, personally, or do you send it out to a
21 repairman to do it?

22 A No, I personally restore it. And if I can't
23 restore it, then I send a ticket to the central office
24 personnel that can, you know, get hands on the
25 equipment and they will repair the trouble.

1 Q Okay. In your position you said you also
2 test lines. What do you mean by testing lines?

3 A Like if the dispatch -- no, say, for
4 instance, like we get a call from centralized, this
5 CRSAP, centralized repair, and the customer's line is
6 not working for some reason, they would have us test it
7 to see if there is a short on it or there's an open on
8 it. And then we just -- or if it's testing okay, and
9 there might be some other problem. So we let them know
10 that, you know, what our results are, what our testing
11 results are.

12 Q All right. So you run the mechanized line
13 test, the MLT?

14 A We put up the number up on the test position.
15 I don't know if that's -- I don't think that's -- I
16 don't know if that is the same as MLT or not. We don't
17 refer to it as MLT.

18 Q Okay.

19 A We put the number up on what we call a line
20 of station work -- line of station work center. And we
21 put the number in the computer, and then it tests the
22 number automatically, but we don't call it MLT testing.

23 Q All right. Is part of your function to get
24 the V-E-R, VER code for that particular line test or is
25 that just --

1 A No, we don't get VER codes. It just tells us
2 -- we do type in a code key command for a certain type
3 of test, and it just tells us, you know, with me, it
4 just -- I just tell whether it's open. I put in an
5 open test or a short test, you know, because I haven't,
6 you know, been doing this long, so I don't -- my
7 testing abilities are, you know, limited. Most my
8 timing has been in school.

9 Q Okay. Let's go to your position as a
10 maintenance administrator. Throughout the period of
11 time that you've been an MA, what kind of duties have
12 you performed as a maintenance administrator?

13 A I screen troubles.

14 Q All right.

15 A Dispatch troubles to the repairmen, you know,
16 I work -- I guess the cablemen can be considered the
17 same thing as working with the repairmen, but --

18 Q So you've dispatched cable troubles also?

19 A Uh-huh.

20 Q Okay.

21 A And screening, you know, that's where we get --

22 Q Okay. Are you responsible for clearing and
23 closing troubles?

24 A Yes.

25 Q Okay. Other than your attorney and company

1 counsel, have you discussed this deposition today with
2 anybody?

3 A Well, my boyfriend. I told him I had to go
4 to a deposition.

5 Q Okay. Did you discuss the substance of the
6 questions that you might be asked here or answers that
7 you might give with him?

8 A No. He wouldn't know anyway what I was
9 talking about.

10 Q All right. Have you been given any assurance
11 that you would not be disciplined for any answers that
12 you might give here today?

13 A Yes. Again, I can't remember his name. The
14 Southern Bell attorney.

15 MR. BEATTY: All you need to do is just
16 answer the question yes or no.

17 A Yes. Okay. Yes.

18 Q (By Ms. Richardson) Okay. Has anyone
19 discussed with you the possibility of criminal
20 penalties if you commit perjury here today?

21 A No.

22 Q I would like to ask you at this time,
23 Ms. Littles, what you know about the falsification of
24 customer trouble records?

25 MR. LEVARTY: Okay. At this time, she's

1 going to invoke her Fifth Amendment right.

2 .. MS. RICHARDSON: And I neglected to do this
3 earlier, Mr. Levarity. Do you want to put in an
4 appearance on the record?

5 MR. LEVARITY: Yes. I'm Keith Levarity on
6 behalf of Geraldine Littles.

7 At this time, she's going to invoke her Fifth
8 Amendment right as to any questions at this point.

9 MS. RICHARDSON: And if it's permissible for
10 you, may I just have her testify to that?

11 MR. LEVARITY: Yes. She will say the same.

12 Q .. (By Ms. Richardson) Okay. Ms. Littles, are
13 you refusing to answer my question based upon your
14 attorney's advice to claim the Fifth Amendment?

15 A Yes, I am.

16 Q Okay. Ms. Littles, in terms of your claim of
17 the Fifth Amendment, does that apply to any questions
18 that I might ask you from this point on dealing with
19 improper handling of customer trouble repair records?

20 MR. LEVARITY: Yes.

21 A Yes, it does.

22 .. MS. RICHARDSON: Okay. Then I think what
23 we'll do is probably just stop at this point because
24 any questions I have from this point on would deal with
25 that with one exception.

1 Q (By Ms. Richardson) Let me ask you this.
2 Have you ever been involved in sales for the Company?
3 And if you need to take time to ask your attorney a
4 question, we will go off the record and you may have
5 the time.

6 MR. LEVARTY: Well, at this time, she's
7 going to -- even to that question, she's going to
8 invoke her right at this time, so she won't answer that
9 question either.

10 Q (By Ms. Richardson) Okay. Again, for the
11 record, Ms. Littles, are you taking your attorney's
12 advice to plead the Fifth Amendment to any questions I
13 may ask you about your participation in sales for the
14 Company?

15 A .. Yes, I am.

16 Q Okay. This has nothing to do with either
17 sales or improper acts with trouble reporting. Well,
18 let's just put it -- it's a technical question. Okay.
19 If you want to plead the Fifth, that's fine.

20 MR. BEATTY: I do object to the form of the
21 question.

22 MS. RICHARDSON: I haven't asked it yet, but
23 my preparation for it?

24 MR. BEATTY: I object to the form of the
25 question as it is becoming constituted, and I'm

1 assuming that the prelude is part of your question.

2 MS. RICHARDSON: Okay. That's fine.

3 Q (By Ms. Richardson) Where you have worked in
4 South Miami, Central Dade and Gables as an MA, did you
5 ever notice an electronic kind of billboard or message
6 board where messages would pass across a screen? I'm
7 trying to get the name of that. If you have ever seen
8 one, what it's call?

9 A I know what you're talking about, but I'm
10 trying to think. I can't recall right now.

11 Q Okay. Well, then all the other questions I
12 have for you deal with things where you've taken the
13 Fifth.

14 The Public Service Commission would maybe
15 have one or two questions for you or whatever. And I
16 don't know if Mr. Beatty does or not, and I don't know
17 if your attorney may want to put something else on the
18 record, but thank you very much for your time.

19 EXAMINATION

20 BY MS. WILSON:

21 Q Ms. Littles, my name is Jean Wilson. I
22 represent the Staff of the Florida Public Service
23 Commission.

24 If I were to ask you questions, the question
25 is would you have any information relating to the

1 mishandling of trouble reports, would your answer be
2 the same?

3 MR. LEVARTY: Yes. I You can answer yes.
4 You can answer on the record that you'll be taking the
5 Fifth Amendment.

6 A Yes.

7 Q (By Ms. Wilson) Did you give a statement to
8 the Company's security investigator in connection with
9 information relating to the mishandling of trouble
10 reports?

11 MR. LEVARTY: I am going to instruct her not
12 to answer that, either.

13 MS. WILSON: The fact of whether or not she
14 gave a statement?

15 MR. LEVARTY: Yes.

16 Q (By Ms. Wilson) Have you given a statement
17 to the Attorney General?

18 MR. LEVARTY: I'm going to, on the record,
19 instruct her not to answer that.

20 Q (By Ms. Wilson) So, you do have information
21 responsive to my questions, but you are not answering
22 based on --

23 MR. LEVARTY: She's not saying she has
24 information. I'm just instructing her as her attorney
25 not to answer the question at this point. So I want to

1 make it clear that she's never stated that she has
2 information. She's just been instructed by me not to
3 answer the question.

4 MR. BEATTY: I have no questions.

5 MS. RICHARDSON: Okay. Did you have anything
6 else you wanted to --

7 MR. LEVARTY: No.

8 MS. RICHARDSON: Thank you and have a good
9 day.

10 (Thereupon, the deposition was concluded at
11 10:35 a.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, GERALDINE H. LITTLES, have read the foregoing transcription of my testimony, Pages 6 through 21, given on April 21, 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.

GERALDINE H. LITTLES

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

1 ..
2
3 ..
4
5 F L O R I D A)
6 :
7 COUNTY OF LEON)

CERTIFICATE OF OATH

8 I, the undersigned authority, certify that
9 GERALDINE H. LITTLES personally appeared before me and
10 was duly sworn.

11 .. WITNESS my hand and official seal this 18th
12 day of May, 1993.
13 ..
14

15 Pamela A. Canell
16

17 PAMELA A. CANELL

18 Notary Public - State of Florida
19
20



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 18, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

1 STATE OF FLORIDA)

CERTIFICATE OF REPORTER

2 COUNTY OF LEON)

3 I, PAMELA A. CANELL Official Commission
4 Reporter,

5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
deposition of GERALDINE H. LITTLES;

6 I FURTHER CERTIFY that this transcript,
7 consisting of 21 pages, constitutes a true record of
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,
9 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.

10 DATED this 18th day of May, 1993.

11 Pamela A. Canell

12 PAMELA A. CANELL
13 Official Commission Reporter
Telephone No. (904) 488-5981

14
15
16 STATE OF FLORIDA)

17 COUNTY OF LEON)

18 The foregoing certificate was acknowledged
19 before me this 18th day of May, 1993, by PAMELA A.
CANELL, who is personally known to me.

20 Sydney C. Silva

21 Notary Public - State of Florida



FLORIDA PUBLIC SERVICE COMMISSION

BEFORE THE

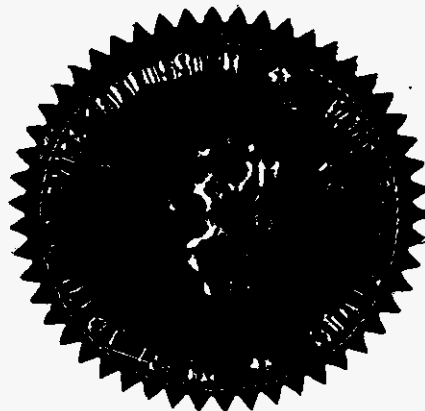
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of	:	DOCKET NO. 910163-TL
Investigation into the	:	
integrity of SOUTHERN BELL	:	
TELEPHONE AND TELEGRAPH	:	
COMPANY'S repair service	:	
activities and reports.	:	

DEPOSITION OF: FRANCES T. SHANAVER

TAKEN AT THE INSTANCE OF: Florida Public Service
CommissionPLACE: 666 N.W. 79th Avenue
Room 640
Miami, FloridaTIME: Commenced at 10:50 a.m.
Concluded at 12:15 p.m.

DATE: Wednesday, April 21, 1993

REPORTED BY: PAMELA A. CANELL
Official Commission Reporter

FLORIDA PUBLIC SERVICE COMMISSION

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19 Shanaver.

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ALSO PRESENT:

3

STAN GREER, FPSC Division of Communications.

4

CARL VINSON, FPSC Division of Research &

5

Regulatory Review.

6

TERRILL BOOKER, FPSC Division of

7

Communications.

8

WALTER BAER, Office of Public Counsel.

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WAYNE TUBAUGH, Southern Bell.

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I N D E X

Page No.

ERRATA SHEET

5

STIPULATION

6

AFFIDAVIT OF DEPONENT

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CERTIFICATE OF OATH

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CERTIFICATE OF REPORTER

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WITNESS

FRANCES T. SHANAVER

Examination by Ms. Richardson

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Examination by Ms. Wilson

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Examination by Mr. Beatty

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Examination by Ms. Baker

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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.

FRANCES T. SHANAVER

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

EXAMINATION

BY MS. RICHARDSON:

Q And would you please state your name and spell it so the court reporter has it correct?

A Okay. It's Frances with an "e," T, Tom, and the last name is Shanaver, S-H-A-N-A-V-, like Victor, -E-R.

Q Thank you. And your address?

A

Q The zip code?

A

Q And a phone number?

A

Q All right. And what is your present position?

A Maintenance administrator.

Q And which IMC are you located?

A South Dade.

Q And how long have you been there?

A Nine years.

Q Nine years. Okay. And have you been a maintenance administrator that entire time?

- 1 A Uh-huh.
- 2 Q And who was your present first level manager?
- 3 A Dottie Ketchum.
- 4 Q " And how long has she been your first level
5 manager?
- 6 A Maybe two years, maybe three.
- 7 Q 1990, '91, somewhere in there?
- 8 A Yeah.
- 9 Q Okay. And who is your first level manager
10 before Ms. Ketchum?
- 11 A I don't know.
- 12 Q Okay. Do you recall any other first level
13 managers that you've worked under?
- 14 A " I shouldn't say, "I don't know." I don't
15 recall who it was.
- 16 Q Okay. Do you recall any other first level
17 managers that you've worked with in your nine years
18 here?
- 19 A I know Jerry Armstrong.
- 20 Q I'm sorry, Jerry?
- 21 A Armstrong.
- 22 Q G-E-R --
- 23 A J-E-R-R-Y.
- 24 Q " All right.
- 25 A Brenda Mitchell. Brenda would have been

1 before Dottie. Maria Munoz. I can't remember who was
2 in front of those -- in back of them. I don't know.

3 Q All right. So that would have been from,
4 what, mid '80s, late '80s, forward or --

5 A From '84.

6 Q From 1984 forward?

7 A " Yeah

8 Q In approximately the order: Munoz, Mitchell,
9 Armstrong, Ketchum?

10 A It would have been Armstrong, Munoz,
11 Mitchell, Ketchum.

12 Q All right. Now, I would like for you to do
13 the same thing for the second level managers that
14 you've work under.

15 A Hampton Booker.

16 Q He was your first one?

17 A " I think he was my first one, yes.

18 Q Okay.

19 A " And then it was Shirley Perring; she was my
20 second one. And then it was -- I can't think of his
21 name. He was always wiggling his tie. I can't
22 remember the third one's name. I will have to think
23 about it for a minute. Then we went back to Shirley
24 Perring, and then we got Cherie Calvert.

25 Q And presently it is?

1 A April Ivy.

2 Q Okay. The gentleman you couldn't remember,
3 was that Mr. Rorrer?

4 A Yes, Larry Rorrer. I guess Larry came before
5 Evana -- no, came before Cherie. Then it was Cherie,
6 then April.

7 Q And who it was operations manager right now?

8 A Mr. Rubin.

9 Q Okay. And about how long has he been your
10 operations manager?

11 A Three years. It will be three years around
12 December.

13 Q Okay. Do you know who it was before
14 Mr. Rubin?

15 A Uh-huh.

16 Q George Lewis?

17 And can you go back one step further then Mr.
18 Lewis?

19 A Yes, but I can think of his name, either. I
20 can see him. He was Hispanic.

21 Q Mr. Perera?

22 A Yes. Issy.

23 Q Issy Perera?

24 A Yeah. And I think before him was McKinney.

25 Q McKinney, M-C-K-I-N-N-E-Y?

1 A Yeah.

2 Q Do you happen to know a first name?

3 A Gerald.

4 Q Gerald. Okay. And who is your general
5 manager right know?

6 A Linda Isenhour.

7 Q Okay.

8 MR. BEATTY: Excuse me. Could we go off the
9 record for just one second?

10 (Discussion off the record.)

11 MS. RICHARDSON: All right. I guess we are
12 back on the record now.

13 MR. BEATTY: Yes, I apologize for the
14 interruption.

15 Q (By Ms. Richardson) Ms. Shanaver, would you
16 please give me a brief description of the kinds of
17 tests or duties that you performed as a maintenance
18 administrator?

19 A You want a brief description of what I do?

20 Q Yes.

21 A Okay. A customer calls centralized repair,
22 they generate a trouble report, it comes to our office.
23 I will take that trouble report and I will test his
24 line, call him back, and ask him if he has a problem.
25 And from there it's determined what you do with the

1 trouble.

2 Q All right. And is it you personally that
3 determines what you do with the trouble? Is that your
4 decision to make?

5 A Between me and the customer.

6 Q Between you and the customer. And what
7 decision is that?

8 A You would either close the trouble out or you
9 would dispatch the trouble out.

10 Q Okay. And do you also make a decision as to
11 whether or not to status it out-of-service or leave it
12 affecting service?

13 A Yes.

14 Q All right. And what do you base that
15 decision on?

16 A It could be with my conversation with the
17 customer, or it could be the test result that I get
18 when I test the trouble and not being able to reach the
19 customer.

20 Q Okay. In the nine years that you have worked
21 for the Company, has that decision-making always been
22 yours?

23 MS. BAKER: Object to the form.

24 A Well --

25 MS. BAKER: If you understand the question,

1 go ahead and answer it. If you don't, ask for
2 clarification.

3 A No, rephrase what you want.

4 Q (By Ms. Richardson) Through the nine years
5 -- well, let me preface this. You just stated that the
6 decision, whether or not it was out-of-service or
7 affecting-service, was yours to make based upon the
8 test and your customer contact?

9 A As I work today.

10 Q " As you work today. Now, what I like to do
11 now is move back further. Has it always been the case?

12 MS. BAKER: Object to the form.

13 A Once again, you're going to have to tell me
14 exactly what you're looking for.

15 Q Okay. Statusing. In statusing
16 out-of-service troubles, has your decision to status
17 out-of-service troubles always been based upon the test
18 and the customer contact throughout your nine years as
19 an MA?

20 MS. BAKER: Object to the form.

21 WITNESS SHANAVER: I can answer her.

22 MS. BAKER: Go ahead.

23 A No.

24 Q (By Ms. Richardson) What has it been based
25 on in the past?

1 A The test that the computer would give, and we
2 had a list of VER codes that we would use.

3 Q V-E-R codes?

4 A Correct.

5 Q And can you give me a period of time when
6 that was the case?

7 A No.

8 Q Okay. When did that stop being the case?

9 A Within the last few years.

10 Q '91?

11 A I can't -- I am the worst person with names,
12 dates, times. I can't tell you that.

13 Q Okay. And during the time that you were
14 statusing out-of-service by the test only, were you
15 given a list of specific VER codes that were
16 automatically to be statused out-of-service?

17 A Yes.

18 Q Did that list ever change?

19 A In the present time, yes, it's changed.

20 Q Okay. Are there more VER codes now that are
21 considered out-of-service than in the past?

22 A Yes.

23 Q Can you give me an idea in the past
24 approximately how many VER codes were considered
25 out-of-service?

1 A Maybe ten.

2 Q Maybe ten. And how many are there today?

3 A Probably 12. They've added a couple.

4 Q A few?

5 A Yeah.

6 Q .. Okay. At any time prior to, say, 1992, did
7 you ever receive instructions not to status
8 out-of-service on reports today?

9 A Well, you said "prior to" and then you said
10 "today."

11 Q I sorry. "Today" in the sense of past time.
12 At any point when you were working on a particular day,
13 and I want to go back before 1992.

14 A Okay.

15 Q Okay. Within those, what, five-, six-,
16 seven-year period, did you ever receive instructions in
17 any particular day in that period of time, "Don't
18 status any more out-of-services"?

19 A No. If I did, I don't recall that, no.

20 Q Okay. Prior to 1992 still, I want to work
21 with that period of time.

22 A Okay.

23 Q All right.

24 MS. BAKER: Could I ask for a clarification?

25 MS. RICHARDSON: All right.

1 MS. BAKER: Is there a reason you've chosen
2 prior to '92 rather than prior to '91?

3 Q (By Ms. Richardson) All right. I'll ask you
4 a question that may clear that up as to why I'm doing
5 this, so we'll get it on the record, I guess.

6 Are you aware of a number of changes to
7 handling trouble reports that were instituted by the
8 Company in January of 1992?

9 A In what way do you mean "changes"?

10 Q Let me see if I can give you a specific.
11 Well, we just talked about one. You said that there
12 were changes made in the number of VER codes that would
13 be out-of-service --

14 A Right.

15 Q -- and that would be one. Are you familiar
16 with the C-O-N, carry over no or CON code?

17 A Yes.

18 Q All right. Did you ever use that code before
19 1992?

20 A No. I don't remember using that code, and I
21 don't recall using it a lot now.

22 Q Okay. Are you aware that in 1992 the Company
23 stopped using that code altogether?

24 A I haven't, like I said, I haven't used it
25 now.

1 Q Okay.

2 A In fact, I haven't seen that code in a long
3 time. I don't know.

4 Q Okay. Another example -- well, I don't want
5 to say that. Let's just say that that's enough to
6 preface. I want to take you back before 1992 and how
7 you operated and did things.

8 At any time, did you receive instructions on
9 statussing out-of-service trouble reports that you felt
10 were improper?

11 MS. BAKER: Object to the form.

12 Q (By Ms. Richardson) You can still answer,
13 though. She's just putting an objection on the record.

14 A Well, I know that I can answer.

15 Q Oh, okay. If you can answer.

16 A Right, right. You all have to tell me
17 exactly what you want. What instance are you looking
18 for?

19 Q Okay. In the centers that you worked in as a
20 maintenance administrator, were there any kind of
21 general message boards that managers would put up
22 instructions for handling reports?

23 A I have only been in one center. There is no
24 message board. If a management person wanted to do
25 something or tell you something, most things were

1 verbal. It has only been in the last few years between
2 interoffice discussion that we have requested memos.

3 Q Okay. Let me say it in a different way.
4 Instead of message board, maybe an electronic light
5 board where a lighted message would scroll across the
6 screen? "

7 A Yes, they do have a \$5,000 electronic light
8 in our office that is used to tell you when somebody's
9 birthday is here or if we have 700 troubles in
10 screening. It is very rare that it is used for
11 anything informative as far as job function other than
12 how many they may have in screening.

13 Q All right. Then have you ever received
14 either a verbal instruction, a written memo or an
15 electronic board display message instructing you to
16 handle a trouble report in a manner that you felt was
17 not consistent with procedures that you had been
18 taught? "

19 MR. BEATTY: Object to the form, it's
20 compound.

21 MS. BAKER: I also object to the form.

22 A Right. Because you're asking me three
23 different things.

24 Q (By Ms. Richardson) All right. I'm trying
25 include instructions as being either verbal or the

1 message, the electronic --

2 A Now, you're asking me a trouble. I cannot
3 specifically tell you a trouble.

4 Q Okay. Any troubles?

5 A You would have to tell me what kind of
6 trouble. Your going to have to tell me what you're
7 looking for.

8 Q All right. Let's take out-of-service
9 troubles. What is an out-of-service, first of all?

10 A A customer that is out of service.

11 Q Okay. And how is that defined?

12 A You call up, you don't have a dial tone. You
13 put on your trouble report you have no dial tone. I do
14 the testing, I contact you and you tell me you have no
15 dial tone. I would status you out-of-service, whether
16 the computer tested you as a test-OK or the computer
17 tested you as an open.

18 Q And that is today's environment?

19 A Correct.

20 Q All right. Now, in yesterday's environment,
21 you said that it was statused by test only.

22 MS. BAKER: Well, I object to the form. You
23 don't mean yesterday, literally.

24 MS. RICHARDSON: Well, I do not mean it
25 literally. I mean when we were talking prior to 1992.

1 WITNESS SHANAVER: Prior to 1992.

2 Q .. (By Ms. Richardson) Okay. I believe you
3 stated that the out-of-service status was by test only;
4 is that correct?

5 A It was done by the VER codes, correct.

6 Q The VER codes.

7 A The list of ten or eight, whatever it was.

8 Q All right. Were there any times then when
9 you received instructions not to status an
10 out-of-service that would have been an out-of-service
11 by the test?

12 A .. To not status them out-of-service?

13 Q That would have been statused out-of-service
14 by the test?

15 A Well, that's kind of complicated to answer.
16 Suppose you had a test that was -- the computer is
17 saying you're open. I called you, you answer the
18 phone, you told me it's okay. I wouldn't stroke you
19 out-of-service. You're telling me it's okay, but yet
20 the computer says you're out. No.

21 Q Okay.

22 A .. Not that I know of, no.

23 Q Have you heard the terms "backing up the
24 time"?

25 A Yes.

1 Q In what context?

2 A What context are you looking for?

3 Q Whatever, however you've heard them.

4 A Okay. We used to in -- before 1992. I have
5 heard the term of "backing up the commitment" to meet
6 the 24-hour commitment or the customer commitment.

7 Q All right. Meet the commitment. And when
8 you're backing up the time, which time on the trouble
9 report are you backing up, which time line?

10 MS. BAKER: Object to the form.

11 A Well, to me there is only one line that I'm
12 dealing with. It would be a close-out line.

13 Q A close-out line? All right. And is that at
14 the bottom of the report?

15 A Yes.

16 Q At the end, I guess, is what I'm saying.

17 A Yes, it's at the end. It's after the man has
18 gone to the field.

19 Q So after he's gone to the field -- he is the
20 one that's calling you back?

21 A Or I've called the customer -- yeah, he would
22 be the one calling me back at that time, because now
23 they don't call in as often.

24 Q Okay.

25 A .. Because everything is computerized.

1 Q We're still dealing before 1992.

2 A Right.

3 Q And how would you then back up that time?

4 How would that be done?

5 A I would ask him, "When did you clear the
6 trouble?" I would make him aware of his commitments.

7 Q All right. And when you say "make him aware
8 of his commitment," which commitment is that?

9 A His customer commitment and his 24-hour
10 commitment.

11 Q All right. So there are two commitments, a
12 24-hour commitment and a commitment that the Company
13 gives the customer that, "We'll have your trouble
14 repaired by such and such a time"?

15 A Correct.

16 Q All right. Did you back up the time on both
17 of those types of commitments?

18 A You can only back up on one.

19 MS. BAKER: That's right, I want to object to
20 the form of the question. Go ahead and answer.

21 A You can only back it up on one.

22 Q (By Ms. Richardson) And which one is that?

23 A Whether it would be whatever, if he would
24 tell me he cleared it before the Company 24-hour
25 commitment, or if he tells me he cleared it by his

1 customer commitment. Since I have given him both, it's
2 up to him to decide, unless you have something that's
3 ten days old. It's up to the -- you would ask the
4 technician. It's up to him to tell you.

5 Q Okay. And did you ever enter a time other
6 than one given you by a technician?

7 A No.

8 Q What's the greatest amount of time that you
9 recall backing up a trouble based upon what the service
10 tech told you?

11 MR. BEATTY: I object to form of the
12 question. You're assuming facts not in evidence.

13 MS. RICHARDSON: All right. Let me clarify.

14 Q (By Ms. Richardson) All right. When the ST
15 calls you for you to clear and close the trouble out,
16 and your computer screen shows the trouble report; is
17 that correct?

18 A It shows the back side of the trouble. You'd
19 have the time it came in, the time it was dispatched
20 and its clearing time, the commitment time.

21 Q All right. And would it be showing you on
22 the computer the present date and time of this
23 conversation, the time this conversation is happening
24 with the ST?

25 A It wouldn't -- well, yeah, it shows that time

1 on there.

2 Q All right. Do you have the option of closing
3 that report out using just the present date and time?

4 A Yes.

5 Q .. All right. Then when the ST tells you, "I
6 cleared this service 30 minute ago," would you enter 30
7 minute prior to the present date and time showing on
8 the screen?

9 A Absolutely, yes.

10 Q Okay. Now, what is the greatest amount of
11 time that you recall?

12 A I couldn't even begin to tell the greatest
13 amount of time. That would be impossible.

14 Q All right. In your experience, what is an
15 average amount of time between the actual time the ST
16 calls you to clear and close it and the time he reports
17 to you that he cleared the service?

18 A A normal time?

19 Q Yes.

20 A Probably an hour and a half to two and a half
21 hours would probably be a normal clearing time.

22 Q All right. And can you tell me why it would
23 take an hour and a half to two and a half hours for a
24 service tech between the time he cleared the trouble
25 and called you to close it out?

1 A Oh, no. No, that is not the way I understand
2 your question.

3 Q All right. Well, then, let me try this again
4 then. We've got the actual computer time, and he's
5 called you --

6 A Right.

7 Q -- and we have an actual real time. And let
8 me just make it 5:00. Maybe a hypothetical will be
9 easier. Okay?

10 A Okay.

11 Q The ST has finished the job, he's calling you
12 to clear it and close it.

13 A Right.

14 Q We're clear on that. The time that he's
15 actually talking to you is 5:00 p.m. in the day.

16 A Correct.

17 Q All right. He tells you that, "I cleared
18 this service at 3:00 p.m. today."

19 A Okay.

20 Q All right. Now, I'm trying to work off your
21 hour and a half to two hours difference. Is that --

22 MS. BAKER: Let me make a statement. I
23 believe her answer of one hour and a half to two hours
24 was not responsive to your question because she had
25 misunderstood that question.

1 A Probably. My understanding is that you're
2 asking me how long would it take a technician,
3 normally, to work a trouble. My understanding was not
4 your asking me, "Why did it take this technician an
5 hour and a half to two hours after he cleared the
6 trouble to call me?"

7 Q (By Ms. Richardson) Okay. That's the one
8 I'm asking. All right. Let's go back and let me put
9 another question on the record then and we'll start
10 over again. All right. Because I want to deal with
11 just this period of backing up natural clock time to
12 the time it was cleared.

13 In your experience, what is an average amount
14 of time that a service technician would give you to
15 back up?

16 MS. BAKER: I object to the form.

17 MR. BEATTY: I object to the form of the
18 question.

19 Q Well, let's try this question again.

20 A I can't answer that anyway.

21 Q Okay. When you're entering a clearing time --

22 A Okay.

23 Q -- what's an average amount of time that an
24 ST would give you in terms of the difference between
25 when he restored the service and the time -- the

1 present time on that computer?

2 A I can't answer that either. You would have
3 to have a trouble report in front of you and say why.
4 I can't answer that.

5 Q " Okay.

6 A Not to the best of my knowledge.

7 Q " Let me ask you this. Why would a service
8 technician ever have a different clearing time from the
9 point that he's calling you?

10 MR. BEATTY: Object to the form of the
11 question. You're causing her to speculate as to the
12 intent of the ST. And I suggest to you that she's not
13 qualified to do that.

14 A I can't.

15 Q " (By Ms. Richardson) Has any service
16 technician ever explained to you why he was giving you
17 a clearing time that was different from the actual time
18 that he was speaking to you about closing it out?

19 A Okay. It doesn't -- just because he's put
20 this customer back in service at 1:00 today and he
21 calls me at 1:45, perhaps he had to close up. He goes
22 back to the customer's premise, he finishes up whatever
23 he has to do. So, yes, there may be 45 minute that he
24 didn't call me from that time that he closed that job.

25 That doesn't mean that that man in the field is

1 finished with his trouble, but that is telling me that
2 the customer had service and he was able to pick up his
3 phone at 1:00 today even though the technician did not
4 call me until 1:45. Is that what you're looking for?

5 Q Yes. All right. Now, is that something that
6 is usual in your experience, that, generally, there is
7 some difference in time --

8 MR. BEATTY: Objection to the form.

9 Q -- allowed for those activities between
10 restoring the service and the time that they call to
11 close out?

12 MR. BEATTY: I object to the form of the
13 question. Your terms, I suggest --

14 THE REPORTER: I can't hear.

15 MR. BEATTY: Her terms are ambiguous. You
16 can respond if you can.

17 A I couldn't answer it, anyway.

18 Q (By Ms. Richardson) In your experience, how
19 many technicians call to clear and close a report at
20 the exact actual time?

21 MS. BAKER: Object to the form.

22 A I can't answer that anyway because I don't
23 work with that part of it. You would have to look at a
24 computer report and tell. I can't answer you that. I
25 really couldn't. He's not going to call you the minute

1 he's finished anyway. They probably do have other
2 things to do.

3 Q (By Ms. Richardson) Is it usual?

4 MR. BEATTY: Object to the form of the
5 question. It's ambiguous.

6 MS. BAKER: Say something for the court
7 reporter?

8 A I don't know.

9 MS. BAKER: Okay.

10 Q (By Ms. Richardson) We also discussed
11 backing up the times in terms of the
12 out-of-service-over-24. Are you aware of a requirement
13 that out-of-service reports be repaired within 24 hours
14 at least 95% of the time?

15 A Yes.

16 MS. BAKER: I'm going to ask for a time
17 frame.

18 Q (By Ms. Richardson) And how long have you
19 been aware of this requirement?

20 A Ever since I came to the maintenance center.

21 Q Okay. So your entire nine years, at least,
22 in South Dade?

23 A Right.

24 Q All right. Then in terms of your earlier
25 response on backing up the time, were you ever

1 instructed to back up the time to meet the
2 out-of-service-over-24-hour commitment?

3 A We were told to, yes, but are you talking
4 about outside, inside, which way?

5 Q Well, what I would like you to do is -- you
6 said you were told to?

7 A Yes.

8 Q By whom?

9 A I can't tell you.

10 Q Was it a manager?

11 A I would have thought it would have been a
12 manager, but it was also the grapevine because one
13 person gets told one thing and we pass it on to the
14 next.

15 Q Okay. Do you know then whether or not this
16 was general knowledge among the maintenance
17 administrators?

18 A Yes.

19 Q All right. Did instructions to back up the
20 time to meet the out-of-service-over-24-hour commitment
21 ever come from an ST in the field to you on closeout of
22 a trouble?

23 A Yes.

24 Q .. Was this a regular practice?

25 MR. BEATTY: I object to the form of the

1 question.

2 A They didn't always make it, if that's -- no.

3 Q (By Ms. Richardson) Okay. If they missed
4 the out-of-service-over-24-hour commitment, if the STs
5 missed an out-of-service-over-24-hour commitment, would
6 they tell you to back up that time to meet the 24-hour
7 commitment?

8 MS. BAKER: Object. If you can answer the
9 question --

10 A Not always, no.

11 Q (By Ms. Richardson) But on occasion?

12 A Sometimes, yes.

13 Q Are you presently, and this is today, aware
14 of whether or not a customer would receive a rebate if
15 their phone service was out of order or out of service
16 over 24 hours?

17 A Yes, now; then, no.

18 Q Okay. Do you know of any individual
19 customers who were denied a rebate?

20 A No. On an individual basis, no.

21 Q Okay. With your present knowledge of the
22 rebate structure, can you say whether or not any
23 customers in the past may have been denied rebates
24 based upon the out-of-service trouble processing and
25 backing up of times?

1 MS. BAKER: Object to the form.

2 MR. BEATTY: I object to the form. You have
3 not laid a proper foundation for the similarity of the
4 pending environments post and pre. You're asking her
5 to purely speculate.

6 A It would be speculation. I couldn't answer
7 you.

8 Q (By Ms. Richardson) Okay. Are you aware of
9 disposition and cause codes?

10 A Yes.

11 Q And can you just generally describe for me
12 what a disposition code is?

13 A Okay. I have to even stop and think. Okay.
14 Your cause code is caused by telephone company
15 employees or a customer action or an outside vendor.
16 Okay. The disposition cause is what caused that
17 problem, like the customer action would be 0700, cables
18 would be in the 0400, central offices would be 0500
19 codes. So that is how they would go along with that.

20 Q Okay. Are you aware of, and this is before
21 '92 again, are you aware of any disposition and cause
22 codes that would exempt an out-of-service trouble from
23 being counted against the Company as a miss in that
24 out-of-service-over-24-hour index?

25 MS. BAKER: Object to the form.

1 A Now you're going to have to be real specific
2 there. What are you looking for?

3 Q (By Ms. Richardson) All right. Let's look
4 at an inside wire code, maybe a 1200 or a CPE code.
5 Are you familiar with those?

6 A Yes.

7 Q Do you know presently, 1992, '93 environment,
8 are CPE codes counted against the Company on that
9 24-hour index?

10 A I don't know whether they are or not.

11 MR. BEATTY: I object to the form of the
12 question.

13 A I don't know anyway. I would have to ask.

14 Q (By Ms. Richardson) All right. Let's take a
15 different one. What about customer action? I believe
16 you mentioned a customer action code?

17 A Uh-huh.

18 Q If a customer yanks his phone off the wall
19 and the Company doesn't fix that phone for more than 24
20 hours, do you know if that out-of-service report would
21 count against the Company on that out-of-service index?

22 A It would all depend on the report. I can't
23 answer that either. You'd have to be more -- we would
24 probably contact the customer before the 24 hours, so
25 we would not miss that. Once again, it would depend on

1 whether the customer had a maintenance program or he
2 didn't have a maintenance program whether we closed it
3 out or we put it in the pool.

4 Q Okay. If it was closed to a customer action
5 cause code, a 210 code, and it was determined that it
6 was the customer's fault that his phone service was out
7 of service?

8 A I can't answer whether it would count against
9 us or not.

10 Q Okay. Have you ever received instructions
11 that emphasized the use of inside wire codes?

12 A In what respect?

13 Q It terms of using inside wire, closing
14 trouble to inside wire disposition codes rather than
15 other codes available to you?

16 A I don't recall receiving any.

17 Q .. I'm going to ask you a question first. Do
18 you have any knowledge of the improper use of
19 excludable cause codes?

20 MS. BAKER: Object to the form, but you
21 should certainly go ahead and answer if you can.

22 A Where we would have excluded troubles that
23 should not have been excluded?

24 Q (By Ms. Richardson) Yes.

25 A Well, once again, you would be working with

1 today's environment or yesterday's?

2 Q I'd like yesterday's.

3 MS. BAKER: We'll clarify that yesterday
4 doesn't mean yesterday. Yesterday means --

5 WITNESS SHANAVER: No, 1992.

6 MS. BAKER: But prior to 1992.

7 A Right. Under today's working environment,
8 yes, what we exclude today is very sensitive compared
9 to what we excluded in 1992.

10 MS. BAKER: Can I ask you to clarify? You
11 just said "in 1992," and I think you --

12 WITNESS SHANAVER: Before.

13 MS. BAKER: Okay.

14 Q (By Ms. Richardson) So what did you exclude
15 before 1992?

16 A Well, I can tell you what we don't exclude
17 today.

18 Q Then let's start with that. What don't you
19 exclude today?

20 A Well, I'm trying to think of how to put it to
21 you.

22 MR. BEATTY: Well, I am going to object on
23 the grounds of relevancy as it relates to today. You
24 can respond.

25 MS. BAKER: What is the pending question?

1 MS. RICHARDSON: Okay. Improper use of
2 exclude codes is where we went, knowledge of improper
3 use of exclude codes. And that is what she's thinking
4 about and giving an answer on.

5 A You have a customer that calls and wants a
6 foreman to call her back, so that is referred to
7 another department or to someone else. We used to
8 exclude it on -- I really can't even think of this.

9 MS. BAKER: Do you need a moment's break?

10 WITNESS SHANAVER: No, I need a mind.

11 (Laughter)

12 A It's so muddled. It's so hard to -- I can't
13 answer you, honestly. I really can't.

14 Q (By Ms. Richardson) Well, I'm going to show
15 you this now and maybe it will jog your memory.

16 A Perhaps.

17 MR. BEATTY: I'm going to object at this
18 point to any document being used to refresh
19 recollection when the record has not, in my mind, been
20 made yet as to the need to refresh.

21 Q (By Ms. Richardson) Okay. Ms. Shanaver, I'm
22 going to show you Citizens' Third Set of
23 Interrogatories. An interrogatory is a written
24 question that we have asked of the Company and the
25 Company gives us a written question to or an answer to.

1 And this is dated June 6th, 1991. And it is Item No.
2 6. And our written question to the Company was
3 generally requesting the names of employees who had any
4 knowledge about the use of recording improper exclusion
5 codes on trouble reports.

6 And what I will do is we will go off the
7 record. "And you will have an opportunity to look at
8 this document,

9 discuss it with your attorney and then, when
10 you're comfortable with going back on the record, then
11 we'll come back and discuss it.

12 A Okay.

13 MR. BEATTY: Again, for the record, I do
14 object to this procedure. It is improper and that the
15 witness has not indicated a lack of knowledge or
16 anything that might need to be refreshed with regard to
17 the issue that you've raised, so I do object.

18 (Discussion off the record.)

19 MS. BAKER: Is there a pending question or do
20 you need to ask her a question now?

21 MS. RICHARDSON: I believe there is a pending
22 question, but I will be glad to restate.

23 MS. BAKER: Why don't you restate the
24 question just so we're fresh.

25 MS. RICHARDSON: Okay.

1 Q (By Ms. Richardson) I would like to know
2 what you know about the improper use of exclude codes
3 on handling trouble reports prior to 1992.

4 MR. BEATTY: And I would object to the
5 question. I assume the question is, "Does your review
6 of that document that you have just reviewed off the
7 record refresh your recollection with regard to the
8 improper use of exclude codes?"

9 WITNESS SHANAVER: No, it does not refresh my
10 recollection.

11 MS. BAKER: You're not supposed to be
12 answering his question. Just wait.

13 Q (By Ms. Richardson) That's fine. It doesn't
14 refresh your recollection?

15 A No.

16 Q Do you have any knowledge about the improper
17 use of exclude codes?

18 A In a general manner.

19 Q All right. And please explain what your
20 general knowledge is?

21 A I can't tell you what they were, only that we
22 probably did. And I'm being -- trying to tell you that
23 I know that we may have done it, but I can't tell you
24 exactly what they were. Under today's environment they
25 probably would not be the same as prior to '92.

1 Q Okay. Is it your understanding that the use
2 of the exclude codes -- let me start over.

3 .. Would these exclude codes that were
4 improperly used have manipulated the
5 out-of-service-over-24-hour index?

6 MS. BAKER: Object to the form.

7 A I couldn't be specific on that.

8 Q (By Ms. Richardson) Do you have any general
9 information as to why?

10 A No.

11 Q Okay. I would like to talk to you generally
12 about test-OKs. You mentioned the 0700 code earlier.
13 Is the 0700 code a test-OK?

14 A Yes, it is.

15 Q And on a test-OK is that a dispatch out?

16 A No -- it all depends.

17 Q All right.

18 A The 0700 is for our closeout in the
19 maintenance center. No, it would not be a dispatch
20 out, no.

21 Q Okay. Briefly describe or define for me a
22 test-OK?

23 A .. A customer may call in and he may say that
24 his phone is staticky, and I call him back and his
25 phone isn't staticky.

1 Q So essentially --

2 A That would be a test-OK. If the computer
3 tested it okay, we don't find anything when I talk to
4 him.

5 Q Would it be -- let me rephrase it. Can a
6 test-OK be closed out out-of-service legitimately or
7 properly under the procedures as you understood them
8 before 1992?

9 MS. BAKER: Object to the form.

10 WITNESS SHANAVER: Can I go ahead?

11 MS. BAKER: Yes, please, go ahead, if you
12 can.

13 A Number one, you wouldn't have closed it out
14 out-of-service. It may have been dispatched out
15 out-of-service. Once again, I call the customer, you
16 tell me your phone is out of service, the computer is
17 telling me it's a test-OK. You're telling me it's out.
18 I'm going to status you out-of-service.

19 Q And dispatch it then?

20 A Correct.

21 Q All right. It's not out-of-service until you
22 're ready to close it out?

23 A It's out-of-service the whole while.

24 Q Let's go back. Let's stop. Do you have any
25 knowledge of closing test-OKs to out-of-service reports

1 in order to build the base to meet the 95%
2 out-of-service index?

3 A Only by hearsay.

4 Q Okay. And what have you heard?

5 A Only that in some offices they had done it.

6 Q Do you know which offices?

7 A No.

8 Q Do you know approximately what year?

9 A No.

10 Q Were there any individuals' names attached to
11 that, that you can recall?

12 A No.

13 Q What's a central office failure?

14 A Something goes wrong in the switch. People
15 have no dial tone. People can't call in under their
16 own exchange.

17 Q Okay. Are central office failures
18 out-of-service reports?

19 A They should be.

20 Q Is that all the time? Would they always be
21 out-of-service?

22 MS. BAKER: Object to the form.

23 A Tell me what you want me to --

24 Q (By Ms. Richardson) Well, a central office
25 failure is something wrong with the switch. If there's

1 something wrong with a switch, would a customer have
2 dial tone?

3 " MR. BEATTY: Object to the form the question.
4 Counsel is testifying.

5 Q (By Ms. Richardson) You can still answer.
6 It's okay.

7 MR. BEATTY: If you can.

8 A Well, once again, he may have dial tone to
9 call within his own exchange, but he may not be able to
10 call anybody else.

11 Q (By Ms. Richardson) Okay. So a central
12 offices failure could be out-of-service; is that
13 correct?"

14 A Correct.

15 Q A central office failure could also be not
16 out-of-service; is that correct?

17 A Well, now we're getting picky. I don't know,
18 because that's contradictory.

19 Q Well, affecting-service, then?

20 A Service-affecting?

21 Q Service-affecting.

22 A Yeah.

23 Q All right. Let me just rephrase it one
24 different way to make sure we're communicating.

25 A We're not.

1 Q I know we're not, so I'm trying to get us
2 both on the same wavelength before I go any further
3 with this.

4 I'm trying to find out if, when you status a
5 central office failure, are there times when it might
6 be service-affecting and times when it might be
7 out-of-service?

8 MR. BEATTY: Object to the form of the
9 question. It's compound.

10 A I can't -- I don't know.

11 MS. BAKER: Please answer loud enough so the
12 stenographer can hear you.

13 A I don't know. I'm sorry.

14 Q (Ms. Richardson) Okay. I think what I'm
15 going to do at this time is show you another document.
16 Okay. And this one is a document filed by Southern
17 Bell in the consolidated rate case and investigative
18 dockets on April 1st, 1993. And it's "Southern Bell's
19 Response to Preliminary Order No. PSC-93-0263-PCO-TL,
20 entered on February 19th, 1993."

21 And I will give you an opportunity to go off
22 the record and look at this with your attorney. And
23 first, verify that your name does appear on Page 14 as
24 No. 524 out of 650 names listed.

25 (Discussion off the record.)

1 MS. BAKER: Back on the record.

2 MS. RICHARDSON: Okay. Back on the record.

3 Q (By Ms. Richardson) All right. Ms.
4 Shanaver, we have already discussed a couple of these
5 areas, backing up the time and exclude codes. I would
6 like to discuss No. 20 right now with you, which is
7 central office failures?

8 A Okay.

9 Q .. Okay. And I would like you to tell me if you
10 know of any incidents of improper handling of central
11 office failures?

12 MS. BAKER: I'm going to object to the form,
13 but please go ahead and answer.

14 A My answer would be yes.

15 Q (By Ms. Richardson) And would you please
16 explain that to me?

17 A We had a second level in our office whose
18 husband was over the NOCS, which is central switching.

19 Q .. And that's N-O-C-S, NOCS?

20 A N-O-C-S. Okay. Well, we did have a central
21 office failure where some people were instructed --
22 this is, once again, hearsay -- instructed to close the
23 reports out to a test-OK.

24 Q And do you know why that was done?

25 MR. BEATTY: Object to the form of the

1 question.

2 A The answer would be no. I don't know why she
3 chose to close it that way, no.

4 Q (By Ms. Richardson) Do you have an opinion
5 that that was an improper action?

6 MR. BEATTY: Objection to the form of the
7 question. It actually assumes that she has the ability
8 to provide a legal conclusion.

9 A No, I can't give you a legal conclusion, no.

10 Q (By Ms. Richardson) Okay. Based upon your
11 training and experience as a maintenance administrator,
12 did you feel that was improper?

13 A My feeling would be --

14 MR. BEATTY: Object to the form of the
15 question. Again, it implies a legal conclusion based
16 upon the notion of what is improper.

17 A I can't give you a legal answer.

18 Q (By Ms. Richardson) Okay. Don't give me a
19 legal answer, just give me what you think.

20 A An opinion?

21 Q Yes.

22 A Well, the opinion would be it would have been
23 improper.

24 Q All right. And why would it have been
25 improper?

1 A They did not have service, and it was not a
2 test-OK.

3 Q Okay. So these were, essentially, the
4 central office failures were out-of-service?

5 A A central office failure that I know of that
6 was done improperly.

7 Q Okay. How many customers were affected by
8 this failure?

9 A I don't know. I don't know how many were in
10 the exchange. I don't know.

11 Q Would it have been more than one person?

12 A Absolutely.

13 Q All right. Would it have been more than 50
14 people?

15 A I would assume so, yes.

16 Q You would assume so. Based upon your
17 knowledge of the system, having worked as a maintenance
18 for nine years, approximately or generally how many
19 customers are affected in a central office failure?
20 And you can give me a range as broad or as small as
21 you'd like.

22 A I couldn't give you a range.

23 Q Would it always be more than one person?

24 A Yes. It would always be more than one
25 person. It may be as many as 2,200 people. I don't

1 know. ..

2 Q Or as few as?

3 A A hundred.

4 Q A hundred?

5 A Yes.

6 Q Okay. The last thing I would like to --
7 well, not the last thing, but the last thing on the
8 list that I would like to ask you about is No. 18,
9 disciplines and grievances. And can you tell me why
10 that might appear by your name?

11 MR. BEATTY: Objection to the form of the
12 question.

13 A You're going to have to ask me --

14 Q (By Ms. Richardson) More specifically?

15 A Absolutely.

16 Q (By Ms. Richardson) Okay. Do you know of
17 any grievances that were brought about the handling of
18 trouble reports?

19 A In what sense?

20 Q By maintenance administrators filing a
21 grievance about directions they may have given on
22 handling trouble reports?

23 A No.

24 Q Have you, yourself, ever filed a grievance?

25 A No. Not for the handling of trouble reports,

1 no.

2 Q .. Do you know of anyone who has been
3 disciplined for handling trouble reports?

4 A Yes.

5 Q And who is that?

6 A

7 Q Okay. Can you explain to me what happened?

8 A

9 report that was closed, which meant that the customer
10 should have been contacted advising him that we were
11 going to miss his 24-hour commitment.

12 Q .. All right. And are you aware of a
13 requirement -- let's see if I can get this straight --
14 that customers be contacted -- well, let me rephrase
15 it.

16 Are you aware of a requirement that the
17 Company keep at least 95% of its appointments with
18 customers on a monthly basis?

19 A Yes.

20 Q Okay. Can you tell me what the 222 code has
21 to do with that requirement?

22 A .. To me, the 222 code was that we would contact
23 that customer and advise him that we were not going to
24 meet his 24-hour commitment, but that we were working
25 on his trouble.

1 Q All right. And if the 222 code was in place,
2 would that affect at all the missed appointment
3 requirement?

4 A I would assume it would, yes.

5 Q All right. Would it help the Company in
6 meeting the missed appointment requirement?

7 MS. BAKER: Object to the form.

8 A I would say that it would help the Company in
9 one way. I don't know which way, particularly. I
10 would say that it would help the Company in some way or
11 we would not be required to do that.

12 Q (By Ms. Richardson) Do you know of anyone
13 who has used the 222 code without contacting the
14 customer?

15 A On an overall, I would have to say that it
16 was done, but I don't know of a particular person that
17 did.

18 Q Okay. Do you know of anyone who used the 222
19 code without contacting the customer in order to help
20 the Company on the missed appointment requirement?

21 A Once again, I would have to say to you --

22 MR. BEATTY: Object to the form of the
23 question. It's compound.

24 A Well, it was almost the same question as
25 before. I would have to tell you again, I'm sure -- I

1 would assume that somebody probably did, but I can't
2 tell you who.

3 Q (By Ms. Richardson) Okay. What was the
4 nature of the discipline that you were given on that
5 particular instance?

6 A A written reprimand.

7 Q Okay. Is that the only discipline you have
8 received?

9 A In a long time.

10 Q All right. Okay. Let me ask you briefly,
11 have you ever been involved in sales for the Company?

12 A No, I don't like selling.

13 Q Okay. So has anyone ever asked you to help
14 sell for the Company?

15 A Yes, they did.

16 Q Who was that?

17 A I can't tell you what foreman did. I was
18 asked if I would like to participate.

19 Q Where were you located at the time you were
20 asked?

21 A In the maintenance center.

22 Q South Dade?

23 A South Dade. I've only been in one
24 maintenance center. That's where I am right now.

25 Q I'm sorry. I keep forgetting that. You keep

1 helping me. I've talked to so many people. But it was
2 a manager in South Dade at some point?

3 A Yes.

4 Q Was it before 1992?

5 A Yes.

6 Q Was it in the '80s?

7 A '85, '86 maybe.

8 Q Time frame. Okay. And was this request to
9 participate in any way tied to a sales promotion
10 campaign of the Company?

11 A The Company did have a booklet that if you
12 got so much for your sales points, you could redeem,
13 whatever.

14 Q Prices and awards?

15 A Yes.

16 Q And you did not participate?

17 A Well, I did make a couple of sales, enough to
18 get, I think, a dish towel or something. But I never
19 sat down and sold to the public.

20 Q All right. How did you sell on the sales
21 that you performed?

22 A Well, maybe I called a customer and she
23 decided she wanted Touch-Tone service, so I would give
24 her Touch-Tone service and fill out the form and turn
25 it in.

1 Q Okay. And how did you find out which
2 customers to call?

3 A I never had a list of customers to call.
4 Only through the screening process. Maybe you talked
5 to a customer and they said that they would like a
6 feature, then we were able to sell.

7 Q Okay. Did you keep track of the amount of
8 time that you spent on sales?

9 A No.

10 Q How did you notify your manager that you
11 would no longer participate in sales?

12 A I never volunteered for the sales, so I never
13 notified them that I wasn't selling.

14 Q Well, then how did you get involved in sales
15 in the first place?

16 A Once again, if I called a customer and he
17 said to me, "I would like to add Touch-Tone service to
18 my telephone," I would sell him that feature. I did
19 not sit down to sell anybody anything, nor did I sit
20 down to participate on a large scale the selling
21 program.

22 Q But you were aware that there was a selling
23 program?

24 A Yes, I was.

25 Q And how did you became aware that there was a

1 selling program?

2 A It was presented to us in the office.

3 Q In a staff meeting or --

4 A I don't remember what way they presented it.

5 I knew that there was a sales program going on.

6 Q Okay. Did a manager ever discuss it with
7 you?

8 A .. "Would we like to sell," is that your
9 question?

10 Q Yes.

11 A Yes, I was asked would I like to, and the
12 answer was, "No, I wouldn't."

13 Q Was there ever any pressure put on you to
14 sell?

15 A Only through hearsay that we would be
16 required to sell, but, no, no pressure was ever put on
17 me.

18 Q .. Okay. And did you ever receive any training
19 from the Company in sales?

20 A .. No.

21 Q Did you ever sell a product without talking
22 to a customer?

23 A Absolutely not.

24 Q Are you aware of any boiler room operations?

25 MS. BAKER: Object to the form.

1 Q (By Ms. Richardson) For sales.

2 A Only through hearsay.

3 Q And what have you heard?

4 A That there are certain requirements in some
5 jobs for sales. Now, as for boiler room, no. I mean,
6 I don't know whether some of them were disciplined for
7 not making their sales or not. I don't know.

8 Q Okay. You mentioned, I believe, that
9 Mr. George Lewis was an operations manager in South
10 Dade at one point that you were working there?

11 A Correct.

12 Q All right. Have you ever seen a memo from
13 Mr. Lewis stating that there will be no out-of-services
14 in the Keys?

15 A Not to my recollection, no.

16 Q Have you ever heard in the maintenance
17 center, "There are no out-of-services in the Keys?"

18 MS. BAKER: Object to the form.

19 A Yes, you would have to be more specific.

20 Q (By Ms. Richardson) Okay. In speaking about
21 meeting the out-of-service-over-24-hour index, have you
22 ever heard conversations or been told by anyone that
23 the Keys never missed the index?

24 A You're talking about a specific instruction
25 that we would not ever miss an appointment?

1 Q Not missed appointments, now, I'm on
2 out-of-service-over-24-hours.

3 A Correct, we would not miss the 24 commitment?

4 Q Yes.

5 A I do vaguely remember some conversations
6 about the Keys. I do know that the Keys are very
7 delicate because there are not a lot of people living
8 there. I would have to say I do vaguely remember some
9 things about the Keys and commitments.

10 Q Okay.

11 A People and times, no.

12 Q All right. Can you generally remember about
13 the Keys, what about it that you do remember?
14 Elaborate a little bit more on your answer.

15 A I know they didn't like to miss commitments
16 in the Keys. That is a no-no. You're not supposed to
17 -- since it is a small base, we don't like to miss
18 commitments in the Keys, but -- what are you
19 specifically looking for?

20 Q Okay. Do you know within the context we've
21 been talking about what you've heard, conversation-type
22 information, did you get the general impression that
23 trouble reports were being improperly handled in order
24 to prevent missing the index in the Keys?

25 MS. BAKER: Object to the form, but go ahead

1 and answer if you can.

2 A Yes, they were improperly handled in a case.

3 Q (By Ms. Richardson) Were you given any
4 description as to how the improper handling occurred?

5 A Only through the grapevine.

6 Q And what did you hear?

7 A I did hear --

8 MR. BEATTY: Objection, hearsay.

9 A Right, it is hearsay.

10 Q (By Ms. Richardson) It's all right. It's
11 admissible in administrative proceedings. Go ahead.

12 A It is hearsay.

13 MR. BEATTY: When there is a proper basis for
14 it, and it's not incredibly speculative, when there is
15 some basis for admission, then hearsay is admissible in
16 administrative proceedings.

17 Q (By Ms. Richardson) I shouldn't have brought
18 that up. This is discovery, so please answer the
19 question.

20 A I did it wrong?

21 Q No, you're doing fine. It's Mr. Beatty and
22 I. You're doing fine.

23 A You're scaring me.

24 Q I'm sorry, you're doing fine.

25 A It was hearsay. I do know that I had heard

1 that we did close out some trouble reports that should
2 not have been closed out.

3 Q .. You mean backed up the time on the trouble
4 reports?

5 A No, we closed them out.

6 Q Just closed them out?

7 A Now, this has been a long time ago, maybe
8 1984, because I had just come to the maintenance
9 center.

10 Q And did you hear the name
11 in connection with that?

12 A I can't tell you that.

13 Q .. Did you hear whether or not someone in the
14 Keys was using a phone book to create out-of-service
15 reports to meet the base?

16 A I can't tell you that either.

17 MS. RICHARDSON: Okay. I have no further
18 questions at this time, Ms. Shanaver, but the
19 Commission people may have, or whatever --

20 WITNESS SHANAVER: I hope not.

21 MS. RICHARDSON: But I want to thank you for
22 being here, and you'll go to lunch soon.

23 WITNESS SHANAVER: My house is where I'm
24 going.

25 MS. RICHARDSON: Oh, good.

EXAMINATION

1

2 BY MS. WILSON:

3 Q I will try to be very brief.

4 A .. Okay.

5 Q Sometimes you said the service technicians
6 asked you to back up the time so that the trouble
7 report would reflect that they had, in fact, cleared
8 the trouble within 24 hours. Do you remember which
9 service technicians?

10 A No, I can't tell you that.

11 Q As to code number?

12 A Oh, gosh, I could never remember their
13 employee codes. We deal with at least 300 men.

14 Q .. Was this a frequent occurrence?

15 A I can't even tell that you that.

16 Q What would the conversation be? What did --

17 A I would tell him, "You know your commitment
18 is," and he would say, "Well, put it one minute
19 before."

20 Q Do you know other maintenance administrators
21 that did this also?

22 A I would say that it was an overall practice,
23 that I was not the only one. I would not sit there and
24 just do it myself.

25 Q Did your manager know that you were doing

1 this?

2 A Once again, it's instructions.

3 Q How did you receive those instructions?

4 A I can't tell you whether they were verbal or
5 written.

6 Q But you remember receiving instructions?

7 A Correct.

8 Q You don't recall exactly who gave them to
9 you?

10 A No.

11 Q What time period are we talking about?

12 A I have to be real honest with you, since the
13 hurricane, there is no time.

14 Q Oh, that's right.

15 A I can't tell you.

16 Q Was this more than a year?

17 A I'm sure it was over more than a year ago.

18 Q Do you have a general time frame?

19 A No.

20 Q And there was a time that -- was there a time
21 when this practice stopped to your knowledge?

22 A We don't do it anymore.

23 Q You were told not to do it?

24 A We were told you don't back anything up, you
25 know, and it is what it is.

1 Q " This is a change in practice?

2 A Correct.

3 MS. WILSON: Thank you. I have no further
4 questions. Thank you very much.

5 EXAMINATION

6 BY MR. BEATTY:

7 Q In response to the last question, the series
8 of questions that was asked of you, you said something
9 to the effect that it's your belief that backing up
10 time is not just happening with you?

11 A Correct.

12 Q Okay. Is that an assumption on your part?

13 A That would be a knowledge.

14 Q With regard to the central office issue that
15 you spoke about, do you know when the central office
16 actually went out?

17 A Particular day and month?

18 Q No, the time of the day normally, or do you
19 know how long the out-of-service troubles were, in
20 fact, out-of-service?

21 A Speculation, about ten hours, and I believe
22 it was in the evening, at night.

23 Q Are you confident that it was, in fact, less
24 than 24 hours?

25 A Fairly reasonable.

1 MR. BEATTY: I have nothing further.

2 MS. BAKER: I actually have a question on
3 redirect.

4 EXAMINATION

5 BY MS. BAKER:

6 Q In response to the questions that Ms. Wilson
7 asked you, you said words to the effect that there is
8 no time since the hurricane. And I would like to ask
9 you to amplify and clarify on this record what that
10 means?

11 A For me, life is very muddled now, so you've
12 delved through the mind of a person that only can take
13 things as they come to your mind. There is no time. I
14 can't give you dates, time, places or names. I'm lucky
15 I remember my way to work and my way home. I haven't
16 lived in my house since the 23rd of August, and it's
17 one heck of a mess. So life is like one big muddle.

18 MS. WILSON: So the things that you did
19 testify to here today are --

20 WITNESS SHANAVER: -- are to the best of my
21 knowledge.

22 MS. WILSON: But you were talking about times
23 and time frames?

24 WITNESS SHANAVER: I can't. I can't even do
25 that. I can't even tell you what I said when we went

1 to meet with our attorneys because things are not that
2 clear any more.

3 Q (By Ms. Baker) You wouldn't have been
4 permitted to say what you said when you went to meet
5 with your attorneys.

6 A Well, I don't remember, so it doesn't make
7 any difference. Life is very complicated now. It's
8 not an easy thing.

9 MS. BAKER: Thank you.

10 MS. RICHARDSON: Thank you.

11 MR. BEATTY: Thank you very much.

12 (Thereupon, the deposition concluded at 12:15
13 p.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, FRANCES T. SHANAVER,
have read the foregoing transcription of my testimony,
Page 7 through 62, given on April 21, 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.

FRANCES T. SHANAVER

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

FLORIDA PUBLIC SERVICE COMMISSION

1
2
3
4
5 F L O R I D A)
6 :
7 COUNTY OF LEON)

CERTIFICATE OF OATH

8 I, the undersigned authority, certify that
9 FRANCES T. SHANAVER personally appeared before me and
10 was duly sworn.

11
12 WITNESS my hand and official seal this 19th
13 day of May, 1993.

14
15
16 Pamela A. Canell
17 PAMELA A. CANELL
18 Notary Public - State of Florida
19
20



21 PAMELA A. CANELL
22 MY COMMISSION # CC 246413 EXPIRES
23 December 16, 1996
24 BONDED THRU TROY FAIR INSURANCE, INC.
25

1 STATE OF FLORIDA)

2 :

CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4 I, PAMELA A. CANELL Official Commission
Reporter,

5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
deposition of FRANCES T. SHANAVER;

6 I FURTHER CERTIFY that this transcript,
consisting of 62 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 19th day of May, 1993.

11 *Pamela A. Canell*

12 PAMELA A. CANELL

13 Official Commission Reporter

14 Telephone No. (904) 488-5981

15
16 STATE OF FLORIDA)

17 :

18 COUNTY OF LEON)

19 The foregoing certificate was acknowledged
before me this 19th day of May, 1993, by PAMELA A.
CANELL, who is personally known to me.



Sydney C. Silva

Notary Public - State of Florida

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

: DOCKET NO. 910163-TL
:
In the Matter of :
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: GREGORY KEITH BERMAN

TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 666 N.W. 79th Avenue
Room 640
Miami, Florida

TIME: Commenced at 1:53 p.m.
Concluded at 2:40 p.m.

DATE: Wednesday, April 21, 1993

REPORTED BY: SYDNEY C. SILVA, CSR, RPR
Official Commission
Reporter

1 APPEARANCES:

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9 Telephone No. (904) 488-9330, appearing on behalf of the
10 Citizens of the State of Florida.

11 JEAN R. WILSON, FPSC Division of Legal Services,
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14 Staff.

15

16 ALSO PRESENT:

17 STAN GREER, FPSC Division of Communications

18 TERRILL BOOKER, FPSC Division of
19 Communications

20 WALTER BAER, Office of Public Counsel

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I N D E XPage No.

ERRATA SHEET

4

STIPULATION

5

AFFIDAVIT OF DEPONENT

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CERTIFICATE OF OATH

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CERTIFICATE OF REPORTER

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WITNESS

GREGORY KEITH BERMAN

Examination by Ms. Richardson

6

Examination by Ms. Wilson

39

Further examination by Ms. Richardson

40

ERRATA SHEET

DOCKET NO. 910163-TL
NAME: GREGORY KEITH BERMAN
DATE: April 21, 1993

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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.

GREGORY KEITH BERMAN

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

EXAMINATION

BY MS. RICHARDSON:

Q Mr. Berman, would you please state your name
for the record and spell it to make sure that the court
reporter has it correct.

A It's Gregory Keith Berman, B-E-R-M-A-N.

Q Okay. And your address, please?

A

Q And the zip code?

A Zip code is

Q And the phone number?

A Right now there is no phone, it's under
construction, still under construction down south.

Q Okay. You work for the phone company?

A Yes, I do.

Q Do you install phones?

A Yes, I do.

Q And you don't have a phone?

A I don't have phone lines.

Q Oh. Okay.

A I got the jacks. (Laughter)

1 Q Okay, that clears that up. Have you talked
2 to anybody outside of Company counsel about your
3 deposition here today?

4 A No, I haven't.

5 Q Okay. Has anyone given you any assurance
6 that you would not be disciplined for whatever you
7 might say here today?

8 A No, they haven't.

9 Q Has anyone advised you that, since your
10 statement is under oath, you -- I want to phrase this
11 carefully (Pause) -- that statements taken under oath
12 may be liable for criminal penalties if perjury is
13 committed and found by a court? Are you aware of that?

14 A Yes, I am.

15 Q Okay. What I'd like to do first is to ask
16 you what your present position with the Company is?

17 A I am a network technician.

18 Q A network technician. Okay. And what does a
19 network technician do?

20 A Repair and install special circuits or major
21 accounts. We work on major accounts and special
22 circuits, radio circuits, data circuits and things of
23 that nature.

24 Q You said data and radio?

25 A Yeah.

1 Q Would this be the kind of telephone service
2 that a residential customer might have?

3 A No, they wouldn't.

4 Q What about just a small business customer?

5 A Yes, small business customers would have some
6 of the circuits. Like a lottery line is a special
7 circuit and we have -- small business would have that.

8 Q Would large companies or corporations have
9 this kind of service?

10 A Yes, they would.

11 Q All right. And where are you presently located?

12 A The address?

13 Q Well, no, the center.

14 A Opa Locka work center.

15 Q You're in the Opa Locka work center?

16 A Yeah.

17 Q Do you have -- well, tell me who your manager
18 is right now.

19 A My manager is David Chasteen.

20 Q Is he a first level?

21 A He's a second level.

22 Q He's a second level. Do you have a first
23 level manager?

24 A Not really, no, we're kind of a self-managed
25 crew.

1 Q Do you have any supervisory responsibility?

2 A Me? No.

3 Q How many people are in your work group?

4 A About 14.

5 Q About 14. Do you have any responsibility for
6 construction also in installing these major accounts?

7 A I don't quite understand what you're saying,
8 when you say "construction."

9 Q I guess in terms of installing the actual
10 hardware, like lines or whatever. Is fiberoptic
11 involved in some of what you do?

12 A Some of it, yeah, some of it is SLC or fiber,
13 the circuit would come through a fiberoptic cable or a
14 SLC.

15 Q Would you have any responsibility in
16 installing a SLC in order to establish service for a
17 customer?

18 A Yes, I would.

19 Q Okay. Is that considered construction at all?

20 A No, it's just like installing -- the cabinet
21 and everything is already there, we just bring the
22 proper card to make the circuit operate. We just
23 install the card.

24 Q Okay. Is this like a computer data card?

25 A Yeah, right, like a data card.

- 1 Q How long have you held this present position?
- 2 A Since June of '92.
- 3 Q Who is your operations manager?
- 4 A Ralph Delavega (phonetic).
- 5 Q And how long has he been your operations
- 6 manager?
- 7 A Since June of '92.
- 8 Q Okay.
- 9 A Now, I'm not sure if he is the operations
- 10 manager or the district manager. The operations manager
- 11 may be Linda Isenhour. Is he an operations manager?
- 12 Q Would she been a general manager maybe?
- 13 A I don't know their title. I don't deal with
- 14 them when they're way up there. I don't know their
- 15 title. All I know is Chasteen is my main manager,
- 16 David Chasteen is. Ralph Delavega is his boss. That's
- 17 his boss.
- 18 Q And then Ms. Isenhour would be above all of you.
- 19 A Yeah.
- 20 Q Okay. And what did you do for the Company
- 21 prior to June of '92?
- 22 A I was a service technician in residence.
- 23 Q ST. Residence repair?
- 24 A Repair and installation.
- 25 Q All right. And was that also in the Opa

1 Locka center?

2 A No, that was out of the Allapattah work
3 center.

4 Q A-L-A --

5 A A-L-L-A-P-A-T-T-A-H.

6 Q Wow, okay, I'm glad I had you spell that.

7 A Something like that.

8 Q Okay. And how long were you there?

9 A I was there approximately four years.

10 Q How long have you been with the Company
11 altogether?

12 A In June, I'll have 17 years in June of this
13 year.

14 Q Has all of that been as a service technician?

15 A No, I was a cable splicer prior to that.

16 Q And where were you splicing cables?

17 A I spliced cables in what they called the Old
18 Airport District.

19 Q Was that in Miami, the Dade area?

20 A Yeah, that's in Miami. And prior to that I
21 worked -- I transferred here from Michigan.

22 Q Oh, okay. Have you ever worked in the Miami
23 Metro center?

24 A Yeah.

25 Q And when did you work in Miami Metro?

1 A Miami Metro is what the district, that's what
2 they called our work district, was the Metro District, and
3 the four years I was in ST, I was in the metro district.

4 Q Okay. But that work center was Allapattah?

5 A Yeah, that's the office I reported to. But
6 the main district was the Metro district.

7 Q Okay. And who was your first level manager
8 while you were in ST?

9 A I've had several, I had several during those
10 four years. My first manager as an ST was Bob Stewart.
11 After that, I had Kreitzburg, what is his first name?

12 Q Can you spell his last name?

13 A Kreitzburg, K-R-E-I-T-Z-B-U-R-G. I can't
14 think of his first name now, he's retired. And I think
15 my last manager was Anita Bryant.

16 Q Oh, really?

17 A Yes. Not that one, but the same name, Anita
18 Bryant.

19 Q Same name, okay. And do you remember your
20 second level manager at that time?

21 A David Chasteen was my second level; and after
22 he left, who was the second level over there? It's
23 hard for me to remember who the second level was, I
24 can't remember the second level. I know Chasteen was
25 our boss and I can't remember the other second level.

1 Q And this is going to be even tougher. Do you
2 know who the operations manager was at that time, or
3 the district manager?

4 A Yeah, I know him, Benedict, John Benedict.

5 Q Okay. All right. And you said four years
6 before June of 1992 you were an ST in that Miami Metro
7 area, so that would have been from about '88 to '92?

8 A Right.

9 Q All right. Can you briefly describe for me
10 what your responsibilities were as a service technician
11 in the Miami Metro center or area?

12 A Well, we would install new lines for
13 customers who requested new phone service, we would
14 install the line, the jacks, or whatever was necessary
15 to give the customer service. We would also repair
16 existing lines.

17 Q Did you work with the C-A-T, the CAT?

18 A Yes, I did.

19 Q The entire time that you were in Miami Metro,
20 did you always have a CAT?

21 A Yes, I did.

22 Q Okay. All right, Mr. Berman, what I'd like
23 to ask you is have you ever heard the expression or the
24 terms "backing up the time"?

25 A Yes, I have.

1 Q In what context have you heard that term?

2 A Well, backing up to a clearing time. If you
3 pick up a trouble -- the customer is always given the
4 commitment time. And you would pick up a trouble and
5 it would show you the commitment time. If you gave
6 that customer service, but you were not ready to
7 complete the job but the customer had service, you
8 would back the time up to the time you gave the
9 customer service.

10 Q Okay. And for what reason might you not be
11 ready to complete a job?

12 A Okay. Well, you can arrive at the job and
13 you can see a broken wire, so you would put the wire
14 back to give them service. But you also may see a
15 corroded terminal, so you would want to replace the
16 terminal; so you would spend time replacing the
17 terminal, but the customer already has service. So
18 after you finishing, you know, what we call "routining a
19 job," after you finish routining a job, it may be 30
20 minutes after you gave them service, so you would back the
21 time up to the time that they actually had service.

22 Q Okay. What's the longest time that you can
23 recall that you spent routining a job?

24 A Four hours -- you could spend the whole day
25 routining some jobs.

1 Q Okay. And when you signed off on your time
2 report, on your work ticket, how would you sign off all
3 that routining time that you spent all day doing it?

4 A How would you -- you mean what codes?

5 Q Uh-huh.

6 A If they had codes -- if you were changing out
7 the terminal, it would be a terminal code. You know,
8 if you were replacing a service wire, it would be that
9 code. You know, depending on what you were doing was
10 the code that you would charge.

11 Q All right. And would it reflect that you had
12 been at the same telephone number working on the same
13 telephone report the entire time?

14 A Yes, it would.

15 Q Would you at any point close out that report
16 and open up an employee report to do the routining?

17 A No, no. I personally don't do employee
18 reports. I always call the supervisor and explain to
19 him exactly what needs to be done; and if he tells me
20 to do it, I'll stay there and do it.

21 Q Has he ever told you to close out a Category
22 I or a customer direct report and open up an
23 employee-originated report to finish the job?

24 A Maybe once or twice he may have told me to do
25 something like that. But we write those up on a

1 separate ticket.

2 Q Okay. Has he ever -- I'm sorry.

3 A Anytime we do an employee report you have to
4 make a separate ticket up for that to show your time.
5 Because like I said, if you close out the first job,
6 then you've got to make another ticket up to show your
7 time for doing your routine work.

8 Q And has any of your managers ever directed
9 you -- well, let me back up here. Are you aware of a
10 requirement that out-of-service reports be cleared
11 within 24 hours at least 95% of the time?

12 A Well, I don't know what the numbers are, but
13 we -- I know we have 24 hours, every time a report
14 comes in we're supposed to clear it in 24 hours.

15 Q Okay. Have you ever had a manager direct you
16 to close out an out-of-service report because you're
17 close to going out, not clearing it within the 24
18 hours, and then to reopen it as an employee report in
19 order to establish service?

20 A No, I have never had one tell me that. I've
21 never heard of one saying that.

22 Q Okay. On routining tasks, is that something
23 that is always done?

24 A No.

25 Q I mean, is it just a normal part --

1 A If you see something that needs to be done, you
2 know, it may not affect the service now but you know it's
3 going to affect it later, so that's something you would do
4 while you were there, routinely while you're there.

5 Q Is that sort of standard procedure then that
6 you would normally do that?

7 A Yeah.

8 Q Are there any days, say, when there's a very
9 heavy load, you've got a lot of out-of-services to
10 work, when a manager might tell you, "We will not do
11 any routine today, just clear the service and move on
12 to the next"?

13 A No, they really don't say that because it's
14 all part of the job. When you go out there, you're
15 supposed to do certain things. So I have never heard them
16 say no routine in a day. You know, it's all part of the
17 job. If you get a job, you do what you have to do.

18 Q Have you ever missed clearing an
19 out-of-service report within 24 hours?

20 A Have I ever missed clearing?

21 Q Yes, uh-huh.

22 A Yeah, I imagine so. I can't think of an
23 instance exactly but I'm sure I have.

24 Q Do you remember ever having a manager speak
25 to you about missing a report, allowing an out-of-

1 service to go out over 24 hours?

2 A There was a time when we would have, they
3 would call you -- see, what they would do when they're
4 close, they would call you and say, "what are you doing
5 on this job? It's close to the 24 hours."

6 And you would say, "Okay, I have it finished,
7 or, I'm just routining, they have service," or
8 whatever. But there was a time when they kept an eye
9 on the 24-hour watch and they would let you know when
10 you're coming close to the 24 hours.

11 Q All right. And by keeping a watch on it, did
12 you feel any pressure, then, to take care of the
13 problem --

14 A No, I didn't.

15 Q -- within the time?

16 A No, I didn't.

17 Q Okay. Were you ever reprimanded or
18 disciplined in any manner for missing a report within
19 24 hours?

20 A No, I wasn't.

21 Q Do you know of anyone else who may have been?

22 A No, I don't.

23 Q Okay. In terms of the words "backing up the
24 time," you mentioned the context of backing up the time
25 of the clearing time to when service was restored.

1 A Right.

2 Q Have you heard it used in any other context?

3 A No, I haven't.

4 MR. BEATTY: Excuse me, I'm going to object
5 to your characterization of his testimony. The record
6 speaks for itself.

7 MS. RICHARDSON: Okay.

8 MR. BEATTY: You can go ahead.

9 Q (By Ms. Richardson) Have you ever heard
10 "backing up the time" used to indicate clearing or
11 showing a clearing time for a report to meet the
12 24-hour index?

13 A No, I --

14 MR. BEATTY: Objection, has been asked and
15 answered. But you can answer it.

16 A No, I haven't.

17 Q (By Ms. Richardson) Okay. Are you familiar
18 with disposition and cause codes?

19 A Yes, I am.

20 Q Do you use those as an ST?

21 A As a ST and in my present job also.

22 Q All right. Can you just kind of give me a
23 general description of what a disposition code is?

24 A A disposition code would be, okay, what you
25 did to repair a job. Say, if we have to change a cable

1 pair on a job, then the disposition code for changing
2 would be 0401. But if you just had to repair the line,
3 then there's a different disposition code. So every
4 task has a different disposition code depending on what
5 you do.

6 Q So it kind of describes your work?

7 A Describes what you did.

8 Q All right. And maybe describes the type of
9 trouble that you had to deal with?

10 A That would be the cause code.

11 Q The cause code describes the type or what
12 caused the problem?

13 A Right.

14 Q All right. And I assume there's a whole
15 series of codes fore those?

16 A There's a whole series of codes for those.

17 Q Do you know if there are any certain
18 disposition and cause codes that would affect the count
19 of the out-of-service-over-24?

20 A I don't understand the question.

21 Q All right, that's fine. And I should have
22 said this earlier. If I ask you a question you don't
23 feel comfortable answering because you're not sure what
24 I'm asking, just do what you just did.

25 A Okay.

1 Q You say, "Ask it again," or, "I don't
2 understand," or whatever before you respond.

3 A Okay.

4 Q That's fine. The out-of-service-over-24
5 index, you're aware of, I think you said?

6 A Uh-huh.

7 Q All right. Now, you're also aware that
8 sometimes the Company misses the out-of-service-over-
9 24; is that correct?

10 MR. BEATTY: Objection to the form of the
11 question, it's leading.

12 A I am not aware of that, that the Company
13 misses. I would just imagine that we can't get every
14 single one.

15 Q Okay. Are you aware that certain disposition
16 codes can be used to help the Company meet that out-of-
17 service-over-24-hour index by removing a report from --

18 A No, I'm not.

19 MR. BEATTY: And I object to the form of the
20 question.

21 Q Okay. Do you know if certain cause codes
22 would not count as a miss for the Company on that
23 24-hour index?

24 A Not that I am aware. The only thing I know
25 that doesn't count is if the person isn't home and no

1 access, that's the only thing I know of.

2 Q Well, let's talk about no access for a
3 minute. If they're not home, it's a no-access?

4 A It's a no-access.

5 Q All right. Do you notify the Company -- I
6 mean the customer that you were out there?

7 A You leave a card. You leave a card on the
8 door or you call the reach number if they left the
9 number. You call the number.

10 Q Okay. And the no-access is what stops that
11 24-hour clock?

12 A I believe a no-access does, if you go out
13 there and the customer is not at home, I believe that
14 stops the clock.

15 Q Do you know of anyone who has used that no-
16 access report just to stop the 24-hour clock on the
17 out-of-service?

18 A No, I do not know of anybody who has done that.

19 Q Have you ever done that yourself?

20 A No, I haven't.

21 Q Has anyone ever told you to do that?

22 A No, they haven't.

23 Q Okay. Do you know of anyone who has reported
24 a no-access code when they did not actually go to the
25 customer's premises?

1 A No, I don't know of that.

2 Q Okay. I want to go back to cause codes for a
3 second now. Are you aware of the customer action code?

4 A Yes, I am.

5 Q And when might that apply?

6 A Customer action code would be when you have a
7 problem that was something that the customer did to,
8 you know, create the problem. Say if you -- like a
9 jack problem, the customer said their jack not working,
10 you get there, they've kicked the jack off the wall,
11 that's customer action.

12 Q Okay. Now, if they kick the jack off the
13 wall and they completely lost their dial tone, they're
14 out of service --

15 A Well, that jack would be out of service. The
16 rest of the circuit would be working, but that
17 particular jack.

18 Q Okay. What if that was their only jack and
19 only phone?

20 A Okay, that would be an out-of-service.

21 Q Okay. And they're out of service. Then you
22 go out and you find that it's the customer's fault, and
23 you close it to that customer action cause code, but
24 it's been longer than 24 hours. This trouble has been
25 hanging out there for 25 hours now and you're closing it

1 out at the 25th hour, do you know if that miss -- you've
2 gone over 24 hours -- do you know if that miss would count
3 against the Company on that out-of-service index?

4 A I don't think it would. I don't think it
5 would on a customer action.

6 Q Okay. But you're not sure?

7 A I'm not sure, but I don't think it would.

8 Q Have any of your managers ever stressed with
9 you the use of certain disposition and cause codes?

10 A The only time they stressed a certain
11 particular code is like during a storm, and they will
12 tell you to make sure you use the lightning code or
13 the, you know, corrosion code. But then we have bad
14 storms, you know, sometimes people close them out to a
15 regular code when we have a lightning code and we have
16 a corrosion code. But that's the only time I know them
17 stressing a particular code. Like during the latest
18 hurricane, they were stressing that make sure we used
19 the proper code if it was hurricane-related.

20 Q Okay. When you are at a customer's residence
21 and you're working on a line, before you close it out, do
22 you have to test that line to make sure it's working?

23 A Yes, you do. Well, the CATS give you an
24 automatic test, the C-A-T.

25 Q And you just plug that CAT into the

1 customer's phone and dial up?

2 A You don't even need to be on the customer's
3 phone, just have the number that you want to test.

4 Q Okay. And the CAT terminal somehow connects
5 to the big --

6 A It accesses the line and tests it, yeah.

7 Q Okay. And then that tells you whether or not
8 you have dial tone?

9 A That tells you whether or not there's an
10 existing trouble on that line.

11 Q Okay. And at the point that you are testing
12 that number, is it possible or are there -- let me back
13 up. Are there ever any occasions when you have been
14 directed to go to another telephone line and dial up
15 the trouble number to clear and close it?

16 A I don't understand the question.

17 Q All right. Instead of using the CAT at that
18 phone number, the existing trouble number, to close it, --

19 A You mean, instead of testing the existing
20 number -- the trouble number, test another number?

21 Q Go to another number to dial up and test the
22 original trouble number.

23 A Well, let me explain it like this. The CAT
24 does not have to be on that line to test that line, it
25 can be on any line as long as you put that number in,

1 it would test that number.

2 Q Okay.

3 A Okay. We were always told to test from the
4 customer's line, that is the instruction, to test from the
5 customer's line. It is not always possible to do that.

6 Q All right. On what occasion might it not be
7 possible?

8 A Okay. You got a customer who has to go
9 somewhere, they're in a hurry, well, you know, "You've
10 got to hurry up and do that, I've got to go to work in
11 five minutes." So as soon as you're finished you're
12 out of there.

13 Q Uh-huh.

14 A You know, you're letting him go and you would
15 go to the main terminal and connect to test the line.
16 You wouldn't do it right from the customer's premise.
17 Or if there is a dog in the yard, you know, you
18 couldn't get into the protector to test the line, you
19 would test it from the main terminal on another line.
20 There are several occasions where you would test from
21 another line.

22 Q Okay. Is it possible -- when you did this,
23 you started your new position in '92, June. So you
24 were working from, I guess, January of '92 through the
25 first part of June, at least, in this service tech

1 position in Miami Metro, is that correct?

2 A That's correct.

3 Q All right. Was it possible after June of '92
4 on your CAT terminal to clear a trouble report to an
5 earlier time than the actual time shown?

6 A No, it wasn't. There's a new program input
7 that you could not back up time, period, for no reason.

8 Q Okay. Do you know why that change was made?

9 A I would imagine from the problems in backing
10 up time, from the investigation and what not, I would
11 imagine. I'm not sure why they did it, but that was
12 what I thought.

13 Q Okay. Have you heard of problems with
14 backing up time?

15 MR. BEATTY: Objection.

16 A Well, we've heard about the investigation for
17 the last few years.

18 MR. BEATTY: Objection, hearsay.

19 Q You can still answer.

20 A We've heard about the investigation and that
21 they were looking into clearing time and things of that
22 nature. So when that came out, that was what I
23 thought, "Well, there won't be no problem with backing
24 up time now because you can't."

25 Q Okay. In your experience then, did you

1 personally have any difficulty after January of '92 in
2 meeting an out-of-service-over-24-hours on your problems?

3 A No, I didn't.

4 Q Do you know of anyone else who had any
5 difficulty in meeting that requirement?

6 A No, I don't.

7 Q Okay. Are you aware or do you know if a
8 customer is due a rebate or some kind of credit on
9 their bill if their telephone service is out of service
10 for more than 24 hours?

11 A Yes, I am.

12 Q And when did you become aware of that?

13 A Oh, I can't recall exactly when, but it would
14 have been, I would guess, a couple of years ago.

15 Q '91 --

16 A Yeah, probably around '91.

17 Q Okay. Do you know of any events in which a
18 customer might have been denied a rebate because of a
19 mishandling of a trouble report?

20 A No, nothing that I know of, no.

21 Q Have you ever heard of such a thing?

22 MR. BEATTY: Objection, hearsay, if there's
23 no response.

24 A Not that I can recollect, no.

25 Q Okay. Have you heard the terms "building the

1 base"?

2 A I've heard that term.

3 Q Okay. And what does that mean to you?

4 A Well, "building the base," it was explained
5 to me because I didn't know what that was. I was asked
6 that question and I didn't know what it was so the
7 person explained it to me.

8 MR. BEATTY: I'm going to object on the
9 grounds of hearsay.

10 A Okay. Like you're talking about your out-of-
11 service, I guess if you have so many out-of-service --
12 this is how it was explained to me, I still don't quite
13 understand it. If you have, at least a 95% you've
14 suppose to get it -- if you're got 100 troubles and you
15 have to do a 95% -- see, I can't even explain it right.
16 I don't even understand it that well. You would need
17 95 of those 100 completed in order to meet your 95.
18 But if you don't do your 95, you can add something to
19 the 100?

20 I don't know, I really don't understand it
21 but I've heard the term.

22 Q Okay. Have you heard whether or not anybody
23 has ever attempted to build the base to meet that 95%

24 MR. BEATTY: Objection, hearsay.

25 A I don't see how it could be done. Maybe I

1 don't understand it enough to see how it could be done
2 but I don't see how it could be done.

3 Q Okay. Do you have any knowledge of -- well,
4 let me just back up.

5 When does it or when is it determined that a
6 trouble should be statused out-of-service?

7 A When we receive a trouble, it's already
8 statused. When the technician gets it, it's statused
9 already by the person who answers or picks up the
10 trouble report. And they will ask the customer, "Do
11 you have service or are you completely out?" Then
12 that's an out-of-service. But if it's just a
13 service-affecting, then that is not an out-of-service
14 trouble. But when we get it, it's already statused.

15 Q Okay. Is it possible for you to status an
16 affecting service as out of service on closeout?

17 A Not to my knowledge. I've never changed the
18 status of a trouble.

19 Q Okay. Perhaps -- I'm going to do a
20 hypothetical here, just for an example. Let's say a
21 customer calls in that he's got noise on the line, and
22 he's using his phone but it's real noisy. Is that an
23 affecting-service or an out-of-service?

24 A That's a service affecting.

25 Q It's a service-affecting problem. Okay.

1 That problem gets dispatched to you and it's a service-
2 affecting problem. You're dispatched out to the house,
3 and when you get there the customer doesn't have dial
4 tone. Now, how would you close that report out?

5 A I would just do a normal closing procedure.
6 There is nowhere in the CAT to my knowledge where you
7 status the trouble were a service-affecting or
8 out-of-service. Not that I can recall, there is no
9 mask that asks you that when we're closing the
10 troubles.

11 Q All right. Would you have any instructions
12 to call into an MA in order to get it restated?

13 A No, never, no.

14 Q Okay. Do you know -- no, I just asked you that.

15 Do you know how to exclude a trouble report?

16 A To exclude, to delete it or take it out of
17 the -- well, we have to call MAs to exclude.

18 Well, they came out with a code that you
19 could use to -- well, I don't know if it's really to
20 exclude the trouble.

21 I know sometimes we can call an MA. Like
22 we'll get a report, "Drop aerial service wire hanging
23 low." And you get out there it's a cable, it's not
24 even Southern Bell. So that trouble you'll call in and
25 have that trouble excluded because it's not even a

1 telephone line they're talking about.

2 And they came out with a code for that to
3 exclude, because we get that all the time. The
4 customers can't tell the customer line from the cable
5 line, and then they'll tell us, "Oh, there's telephone
6 cables hanging all in my yard." But that trouble we
7 exclude. We exclude those kind of troubles.

8 They came out with a new code, and I can't
9 remember what it was but you could put it in and it
10 would exclude that trouble. And prior to that, you
11 would have to call an MA if you wanted to exclude a
12 trouble, you would have to call your supervisor and
13 then go to an MA to exclude the trouble.

14 Q Okay. Do you know of anyone who has excluded
15 an out-of-service report?

16 A No, I don't.

17 Q Okay. Have you ever done that yourself?

18 A No, I haven't.

19 Q Have you ever been given instructions to do
20 that?

21 A No, I haven't.

22 Q Okay. Have you ever felt any intimidation or
23 pressure to meet the out-of-service-over-24-hour
24 commitment?

25 A No, I haven't.

1 Q Has anyone -- has a manager ever instructed you
2 to handle a trouble report in a manner that you believed
3 improper based upon your training and experience?

4 A Now, I don't understand what you're saying
5 when you say "improper."

6 Q Wrong against Company procedures as you know
7 them.

8 A No.

9 Q I want to talk about installing service for
10 just a few minutes. I believe you said that was
11 something you did, right?

12 A Yes, I did.

13 Q Is there a requirement for installing service
14 within a certain period of time?

15 A Not to my knowledge.

16 Q Okay. Have you ever experienced installing
17 new service and then having the service go out of
18 service the next day?

19 A I've seen that, yeah.

20 Q Okay. Has it come to you as a repair problem?

21 A Yes, it has.

22 Q All right. In your opinion, was the
23 installation improper? Was that the cause?

24 MR. BEATTY: I object to the characterization
25 "improper."

1 Q Poorly done or the cause, the root cause, of
2 the trouble the next day?

3 MR. BEATTY: I object to the form of the
4 question.

5 A No. No.

6 Q Okay.

7 A I'm going to explain. The majority of those
8 type of problems where you install it and you have a
9 service-affecting or a repair problem the next day is
10 what we call, it would be an S-routed service order.
11 No technician ever goes out there, they're given
12 service from the office.

13 We have records that say this house has a
14 line, it's connected to this, it's connected to that.
15 So they just follow that and connect it. And if
16 everything is right, the customer should have service.

17 But a lot of the times there's somebody
18 that's used the lines. When a house is vacated, we
19 have what we call cut-through lines that cuts through
20 completely to the house. So they should stay that way
21 until someone else moves in. But sometimes a person
22 may have a repair trouble and they need the line to
23 service another customer, being that it's not being
24 used right now. So when they get a order for that
25 house, they say, "Okay, it's already cut through,"

1 they'll give it service but not knowing the technician
2 or someone has used the line out of the box for the
3 house next door or down the street or somewhere.

4 So that customer gets there and they call the
5 phone company and they say, "We've connected your
6 service, it should be working." And they get there,
7 it's not working. So they will put in a repair. And
8 then a technician will go out there and find it okay,
9 "Well, the line is not cut through." That's when I
10 have experienced an install one day and then repair the
11 next. The line is usually not cut completely through
12 to the customer.

13 Q Okay. When you were a cable splicer, did you
14 also work on -- was that a repair function?

15 A No, that's a construction function. That's
16 splicing of all the lines so you can have service at a
17 certain location. And working in manholes.

18 Q Glad to be out of that?

19 A Glad to be out of that.

20 Q Okay. Have you ever worked in sales for the
21 Company?

22 A No, I haven't.

23 Q Has anyone ever asked you to sell services as
24 part of your function as an ST?

25 A Yes, yes, we have been asked. We have been

1 asked to sell features.

2 Q And did you?

3 A No, I've never sold a feature in my life -- yes,
4 I have, let me take that back, one or two, yes, I have.

5 Q And did you ever sell a maintenance plan?

6 A Yes, I've sold one or two.

7 Q Okay. And was this back while you were in
8 the Miami Metro center?

9 A Yes, it was.

10 Q And who was it that asked you to assist with
11 sales?

12 A I'm sorry?

13 Q Who asked you to help with sales?

14 A Well, that was every ST -- that's part of
15 your job when you do an installation, that's part of
16 your job to try to sell features of the maintenance plan.

17 Q Did you get any training on the sales part of
18 that?

19 A Yes, we did. We had a couple of classes on the
20 features and what it is we're trying to sell, yeah.

21 Q And did you ever sell a feature to a customer
22 that they didn't ask for?

23 A No. No. I don't -- and like I say, it's
24 hard for me to recall, but I believe it was a
25 maintenance plan, not really features, that I sold.

1 The maintenance plan.

2 Q And did you ever sell a maintenance plan to
3 customers that they didn't ask for?

4 A No, I did not.

5 Q Okay. Do you know of anyone else who did?

6 A No, I don't.

7 Q Did you ever sell a maintenance plan without
8 contacting the customer at all?

9 A No, I did not.

10 Q Were you ever asked to call customers to make
11 sales?

12 A No, I wasn't.

13 Q While you were doing the sales, did you
14 accumulate any points that may have gone towards prizes
15 and awards?

16 A I don't know what I got for the few sales I
17 made, I don't know whatever -- if I got points. I
18 didn't keep up with it, I didn't care.

19 You know, if I was doing the installation and
20 I would talk to the customer and I would see he didn't
21 have it, I might say, "Well, you might want to buy a
22 maintenance plan," you know, and tell him why he may
23 want to get it. But as far as the points and what I
24 got for it, I haven't ever kept track of that.

25 Q Okay. (Pause) Do you know what a "test-OK" is?

1 A Yes, I do.

2 Q Okay. Would you briefly what a test-OK is?

3 A A test-OK, when you pick up a trouble report
4 and you go into your CAT, your CAT will give you a
5 test. And if it's test-OK, then you don't need to
6 dispatch on it. You don't have to go out. There's a
7 code to close it out for it's testing fine. So you
8 would close that out to a -- it tested okay, when I
9 picked it up, it tested okay. So that would be the
10 code you close that out to, a test-OK.

11 Q All right. And you've probably answered this
12 but I would like to ask it again. When you closed out a
13 test-OK, would you ever make any of them out-of-service?

14 A No, you can't have a test-OK an out-of-service.

15 Q What's a found-OK?

16 A Okay, tests, you might have something like
17 tests open, you know, you have new sets now where our
18 equipment can't read the set on the end of the line,
19 the telephone sets themselves. You know, everybody is
20 making them; so our equipment, some of them we don't
21 pick it up, we can't see the set on the end of the
22 line. So you would read an open, the test would be
23 open, the line is open.

24 But you would get there and they would have
25 one of these little Sunbeam or GE or one of these

1 little phones and they would be fine, but our equipment
2 just doesn't see the set on the end of it. But that
3 would be a found-OK; you went out there and you found
4 everything okay.

5 Q Okay. Do you know if anyone who has used a
6 found-OK code to -- let me thing about this. (Pause)
7 No, I'm not going to ask you that.

8 Okay, I have one more question. Do you know
9 of any situations or events of individuals falsifying
10 customer trouble reports?

11 A No, I don't know of any events like that, no.

12 MS. RICHARDSON: Okay, Mr. Berman, I think
13 I've finished the questions that I have for you. I may
14 have one or two more once the Staff are through if they
15 jog my memory. I want to say thank you for coming today
16 and being here. The Commission Staff may have some
17 questions. Mr. Beatty may have some before you go.

18 EXAMINATION

19 BY MS. WILSON:

20 Q Mr. Berman, has anyone ever asked you to
21 report a clearing time that was different than the time
22 you actually cleared the line?

23 A No, they haven't.

24 Q You said that your supervisor would call you
25 while you were working on clearing a line and --

1 A They have, yeah, they have control
2 supervisors, maintenance control supervisors, and I
3 believe that's a part of their job is keep an eye, you
4 know, I guess they have, what is it, ever 24 hours when
5 it's getting close. You know, I guess, between 10:00
6 and 11:00 they know to have so many troubles that
7 should be cleared, and if they see they're not cleared
8 and you're getting close, they'll page you and let you
9 know. You know, "The trouble you're on its a 24-hour
10 at 12:00." That's all they would say.

11 And you would say, "Well, it won't be fixed
12 by 12:00," or, "I got it fixed," or you just let them
13 know where you are.

14 MS. WILSON: Thank you.

15 MR. BEATTY: I have nothing.

16 MS. RICHARDSON: Well, I did have one
17 follow-up, if I could.

18 WITNESS BERMAN: Of course.

19 MS. RICHARDSON: You knew I'd think of
20 something.

21 FURTHER EXAMINATION

22 BY MS. RICHARDSON:

23 Q All right. When you were doing the sales,
24 were you given any direction in terms of recording your
25 time to maybe a special sales code as opposed to --

1 A Yes, there was a special sales code that we
2 would use if you made a sale; or even when you spent
3 time trying to make a sale, there was a special code.

4 Q Okay. And who instructed you on reporting
5 your time between sales and repair?

6 A The supervisor.

7 Q Was that the supervisor that trained you in
8 sales or the supervisor that managed your repair
9 activities?

10 Q My immediate supervisor.

11 A And do you remember his name?

12 Q Like I say, when I sold, I can't remember
13 when I sold, what I sold, who my supervisor was. Because
14 I mean, in the four years I was there, I may have sold one
15 or two maintenance plans in the four years so I can't
16 really remember who the boss was at the time.

17 MS. RICHARDSON: Okay. That's all. Thank
18 you, Mr. Berman, have a good afternoon.

19 (Thereupon, the deposition was concluded at
20 2:40 p.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, GREGORY KEITH BERMAN, have read the foregoing transcription of my testimony, Page 6 through 41, given on April 21, 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.

GREGORY KEITH BERMAN

Sworn to and subscribed before me this

_____ day of _____

1993.

NOTARY PUBLIC

State of _____

My Commission Expires:

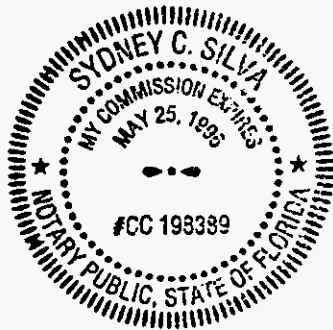
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4 F L O R I D A)
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6 C O U N T Y O F L E O N)

CERTIFICATE OF OATH

7
8 I, the undersigned authority, certify that
9 GREGORY KEITH BERMAN personally appeared before me and
10 was duly sworn.

11 WITNESS my hand and official seal this

12 14th day of May, 1993.
13



Sydney C. Silva

SYDNEY C. SILVA
Notary Public - State of Florida

1 STATE OF FLORIDA)

2 :

CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4 I, SYDNEY C. SILVA, Official Commission
Reporter and Registered Professional Reporter,
5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
deposition of GREGORY KEITH BERMAN;

6 I FURTHER CERTIFY that this transcript,
consisting of 41 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,
9 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.

10 DATED this 14th day of May, 1993.

11 Sydney C. Silva
12 SYDNEY C. SILVA, CSR, RPR
13 Official Commission Reporter
Telephone No. (904) 488-5981

14
15
16 STATE OF FLORIDA)

17 :

18 COUNTY OF LEON)

19 The foregoing certificate was acknowledged
before me this 14th day of May, 1993, by SYDNEY C.
SILVA, who is personally known to me.

20 Pamela H. Canell
21 PAMELA A. CANELL
22 Notary Public - State of Florida



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: Dudley C. Staley, III

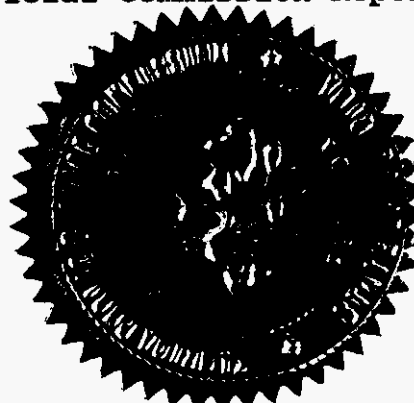
TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 666 N.W. 79th Avenue
Room 640
Miami, Florida

TIME: Commenced at 3:22 p.m.
Concluded at 4:17 p.m.

DATE: Wednesday, April 21, 1993

REPORTED BY: PAMELA A. CANELL
Official Commission Reporter



FLORIDA PUBLIC SERVICE COMMISSION

1 APPEARANCES:

2 ROBERT BEATTY, c/o Marshall M. Criser, III,
3 150 South Monroe Street, Suite 400, Tallahassee,
4 Florida 32301, Telephone No. (904) 222-1201, on behalf
5 of Southern Bell Telephone and Telegraph Company.

6 J. SUE RICHARDSON, Office of the Public
7 Counsel, Claude Pepper Building, Room 812, 111 West
8 Madison Street, Tallahassee, Florida 32399-1400,
9 Telephone No. (904) 488-9330, appearing on behalf of
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 MARK RICHARD, 304 Palermo Avenue, Coral
16 Gables, Florida 33134, Telephone No. (305) 435-0125,
17 appearing on behalf of the deponent, Dudley C. Staley,
18 III.

19

20 ALSO PRESENT:

21 STAN GREER, FPSC Division of Communications

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

24 TERRILL BOOKER, FPSC Division of
25 Communications

1 APPEARANCES (Continued)

2 WALTER BAER, Office of Public Counsel

3 WAYNE TUBAUGH, Southern Bell

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I N D E XPage No.

ERRATA SHEET

5

STIPULATION

6

AFFIDAVIT OF DEPONENT

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CERTIFICATE OF OATH

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CERTIFICATE OF REPORTER

52

WITNESS

DUDLEY C. STALEY, III

Examination by Ms. Richardson

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Examination by Mr. Beatty

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Examination bu Ms. Wilson

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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.

1 MS. RICHARDSON: Mr. Staley, we will begin by
2 having --

3 (Discussion off the record.)

4 MR. BEATTY: In discussions off the record,
5 it has become clear that a subpoena was not issued by
6 the Public Service Commission to Mr. Staley because
7 actually of a lack of communication between Mr.
8 Staley's counsel and the general counsel for Southern
9 Bell or persons in that office.

10 It is understood by all the parties here, and
11 I think it's appropriate to get acknowledgement from
12 all the parties here, that Mr. Staley is going to
13 testify here actually pursuant to a subpoena that will
14 be issued forthwith and cannot be issued today only
15 because of the difficulties of getting that done in a
16 short time frame. But that his appearance here is
17 pursuant to a subpoena to be issued, and that will be
18 issued forthwith. I stipulate to that.

19 MS. RICHARDSON: Public Counsel will
20 stipulate to that.

21 MS. WILSON: I will stipulate to that.

22 MR. RICHARD: So will I.

23 Mark Richard on behalf of the deponent.

24 MS. RICHARDSON: Mr. Staley, the first thing
25 I would like to do is to have the court reporter swear

1 you in.

2 DUDLEY C. STALEY, III

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

5 EXAMINATION

6 BY MS. RICHARDSON:

7 Q And then would you please state your name for
8 the record and spell it to make sure we have it
9 correct.

10 A My full name is Dudley, D-U-D-L-E-Y,
11 Cleveland, C-L-E-V-E-L-A-N-D, Staley, S-T-A-L-E-Y, III.

12 Q And your address?

13 A

14

15 Q And your phone number?

16 A

17 Q Other than your attorney and counsel for
18 Southern Bell, have you spoken to anyone about this
19 deposition today?

20 A My fiancée knows that I'm coming here and my
21 supervisor knows that I'm coming here, David Chasteen,
22 and the clerks that notified me that I'm supposed to be
23 here.

24 Q Have you discussed the substance of any
25 possible questions or answers here today with anyone?

1 A No.

2 MR. RICHARD: Other than counsel.

3 MS. RICHARDSON: Other than counsel, yes.

4 I'm sorry.

5 Q (By Ms. Richardson) Has anyone with the
6 Company advised you that you would not be disciplined
7 for whatever answers you may give here today?

8 A Yes.

9 Q Has anyone discussed with you the possibility
10 of penalties for perjury applying in a formal
11 deposition under oath?

12 A No, ma'am.

13 Q Are you aware of any possible penalties that
14 may apply if you do not tell the truth here today?

15 A I know that you are required by law to tell
16 the truth any time -- any time you're under oath,
17 you're suppose to tell the truth. If you don't, then
18 you're going to have penalties involved. What they
19 are, I don't know.

20 Q All right. Did you at any time give a
21 statement to a Company attorney or an investigator
22 involved in this particular case?

23 A Yes.

24 Q And I want you to limit your answer very
25 closely for me. Can you tell me who was present at the

1 time that you gave the statement?

2 A Not off the top of my head, no.

3 Q Can you tell the position of the persons,
4 their titles or what they represented within the
5 Company?

6 A Supervisors and security and somebody from
7 the legal department or an outside legal counsel. I
8 don't know what their names --

9 Q But it was an attorney?

10 A Yes.

11 Q Okay. After you completed that statement,
12 setting that aside, did you discuss with anyone outside
13 of that time what you had said?

14 MR. RICHARD: Other than counsel.

15 Q (By Ms. Richardson) Other than your personal
16 counsel, yes.

17 A No, ma'am.

18 Q All right. I would like to ask you at this
19 point then what your present position is with the
20 Company?

21 A I'm a service technician.

22 Q And what IMC do you work in?

23 A I work in the North Dade exchange.

24 Q And how long have you held that position?

25 A In the North Dade exchange for approximately

1 two years. In the North Dade district since 1978.

2 Q Were you an ST the entire time from '78 to
3 forward?

4 A From '78 till now, yes, ma'am.

5 Q All right. Who is your present first level
6 level supervisor?

7 A Joe Zicarelli.

8 Q Could you spell Zicarelli?

9 A Z-I-C-A-R-E-L-L-I.

10 Q And before Mr. Zicarelli, who was your first
11 level supervisor?

12 A Ted Griffith.

13 Q How long has Mr. Zicarelli been your
14 supervisor?

15 A For approximately a year.

16 Q About a year. And then it was Mr. Griffith?
17 For how long was it Mr. Griffith?

18 A Probably six months to a year.

19 Q So we're talking 1991?

20 A Prior to that I wasn't part of the North Dade
21 exchange, I was part of the North Dade district, and I
22 was in the Miami exchange.

23 Q And that would be 1990 time frame?

24 A Approximately, 1989.

25 Q Miami exchange. And who was your first level

1 at that point?

2 A At that point, the last first level I had was
3 David Sheckles.

4 Q Can you spell his last name?

5 A S-H-E-C-K-L-E-S. He's no longer with the
6 Company, he's passed away.

7 Q Okay. And before Mr. Sheckles, who was your
8 supervisor?

9 A Mike Wallace.

10 Q Approximately what years are we now with Mr.
11 Wallace?

12 A From roughly 1980 to 1988, '89.

13 Q Okay. And in that time period -- let's just
14 back up. Who's your present second level supervisor?

15 A Charlie Finney.

16 Q F-I-N-N-E-Y, Finney?

17 A Yes, ma'am.

18 Q And how long has Mr. Finney been the second
19 level?

20 A For four years, roughly.

21 Q And who was it before Mr. Finney?

22 A Charles Little, L-I-T-T-L-E. He was there
23 approximately three years.

24 Q And then are we back now to the Miami
25 exchange?

1 A Yes. Mr. Finney and Mr. Little are both a
2 part of Miami exchange, but they have dual
3 responsibilities.

4 Q Okay. And who was it before Mr. Little then?

5 A Ed Prime.

6 Q P-R-Y- --

7 A P-R-I-M-E.

8 Q -N-E, Prine?

9 A No, P-R-I-M, as in Mary, -E, Prime.

10 Q Thank you. Does that take us back to about
11 1980 at this point?

12 A 1980, 1978.

13 Q All right. Somewhere in there. Who is your
14 present operation manager?

15 A Mr. Ralph Delavega.

16 Q Ralph Delavega. Who did you have as an
17 operation manager in the Miami exchange?

18 A Jack Sellers. And the operation manager also
19 has a full responsibility between the Miami exchange;
20 and he takes care of the North Dade district, which is
21 part Miami exchange, part North Dade exchange.

22 Q And who is your general manager?

23 A Right now, ma'am, to be honest with you, I
24 don't have any idea.

25 Q Would it be Linda Isenhour?

1 A Yes, thank you.

2 Q That's okay. All right. Can you briefly
3 explain to me your duties as a service technician?
4 What do you do?

5 A I take care of installation and repair of
6 single line residence customers and single line
7 business customers.

8 Q And has that always been the case from 1980
9 forward?

10 A From 1978 till now.

11 Q '78. Thank you. Have you ever, within that
12 period of time, had any responsibility for cable
13 repair?

14 A No, ma'am. I would like to say other than
15 working in cable, but I'm not a cable repairman, no.
16 I was never loaned to the cable department.

17 Q And when you worked on cable, would that be
18 like single small-line cable --

19 A Single line service, yes, ma'am.

20 Q Single line service cable. Okay. Have you
21 worked with a C-A-T, the CAT terminal?

22 A Yes, ma'am.

23 Q And when did you get your C-A-T, your CAT?

24 A Well, the original model was approximately
25 five years ago, four or five years ago.

1 Q Around 1988, '89?

2 A Roughly.

3 Q Are you familiar with a requirement that the
4 Company complete out-of-service orders within 24 hours
5 at least 95% of time?

6 A Not with the percentage of that time, but,
7 yes, I know that we are suppose to clear
8 out-of-services 24 hours.

9 Q How long have you been aware of that
10 requirement?

11 A I believe that's been a requirement as long
12 as I've been a service tech.

13 Q Have any of your managers placed special
14 emphasis on meeting that out-of-service-over-24?

15 A Yes, ma'am.

16 Q And what way has it been emphasized to you?

17 A That it's an important objective to meet.
18 And the objective -- when I say "objective," it does
19 not mean a PSC objective. It's an objective that we
20 have to clear our customers to give them good service.
21 And that's part of it. We can do everything we can to
22 restore customer service.

23 Q When a trouble report -- well, how do you get
24 a trouble report?

25 A That's what they call "CAT in," which I call

1 into a particular telephone number, my computer calls
2 into the main computer and that computer will dispatch
3 me a particular trouble. While it's dispatching it, it
4 tests the line prior to my actually going on a trouble.
5 So if the trouble is now clear, then that trouble is
6 automatically given back and another trouble is given
7 to me in sequence, or a service -- or I can get a
8 service order or trouble at any time.

9 Q So you also install new service. And is
10 that, again, just in single line residence and
11 business?

12 A Installation repair of single line residence,
13 single line business service. Now, the customer may
14 have 10 or 15 lines. It's still called single line
15 service unless a customer is into a multiunit, you
16 know, they're still called single line customers.

17 Q Okay. When the report comes to you, how is
18 it statused?

19 A The status to my knowledge is done through
20 the computer system up in the office. We get a VER --
21 what's called a VER code, and the VER code lets us know
22 it's out-of-service or not out-of-service,
23 service-affected.

24 Q Okay. Does anything come up on your CAT
25 terminal that says "OOS"?

1 A Yes, ma'am. That's "out-of-service."

2 Q Does it already come to you then -- it's
3 already OOS or it's already AS by the time it gets to
4 you?

5 A Yes, ma'am.

6 Q Do you receive affecting-service reports as
7 well as the out-of-service?

8 A Yes.

9 Q Do you ever have occasion when you are
10 working in an affecting-service report to status it
11 out-of-service when you're closing it?

12 A No, ma'am, I have no way of doing that.

13 Q If you had to do that, if once you'd gotten
14 out there, you got an affecting-service report and you
15 got out there and you found out that it was really
16 out-of-service. How would you handle that on close
17 out?

18 A The same requirements that I would handle any
19 other job. The fact that you had a circuit, a trouble
20 that was out-of-service, there's no way for me to
21 change the service. It's out-of-service or
22 service-affecting, there's no way for me to do anything
23 with that particular part.

24 You may have a customer that's out of service
25 when the test is taken and they're in service when you

1 get there. And it comes up test-OK in the computer,
2 but it's still our job to go ahead and check the job
3 100% irregardless of what in now says. It may say test
4 fine, but we still have a commitment to go out there
5 and find out what the problem was. If we can find it,
6 we will.

7 Q Are you aware or do you know if a customer is
8 due a rebate or credit on their bill if their phone has
9 been out of service more than 24 hours?

10 A I have heard that, yes, ma'am.

11 Q How long have you been aware of that?

12 A I have been aware of that for as long as I've
13 been working on the telephone. As far as I know,
14 that's been a requirement ever since I started working
15 for the phone company as a service tech in '78.

16 Q Okay. Then help me with this next question.
17 You've receive an affecting-service report, you go out,
18 you discover there's no dial tone and it's out of
19 service. It is now past 24 hours, what do you do?

20 A I've done several different things. I've
21 either advised the customer to contact a business
22 office or I've contacted the business office myself and
23 let the business office know that this customer was
24 out-of-service from this date to this date, so that
25 they would effectively give them a refund that they're

1 entitled to.

2 Q Okay. Would you at all notify your manager
3 that this report had gone out over 24 and it was really
4 an out-of-service or should have been statused that
5 way?

6 A No, ma'am, that has never been an
7 instruction.

8 Q Okay. Prior to the CAT terminals, how did
9 you close a trouble report?

10 A It was verbally. We called up one of the
11 young ladies that answers the phones, it's called an MA
12 now. Their title is called an MA.

13 Q Maintenance administrator?

14 A Administrator, maintenance administrator, and
15 we would close it out verbally with them.

16 Q What kind of information would you give the
17 MA?

18 A The time that we're dispatched on the order,
19 what type of trouble we actually had. Whether it was
20 billable or nonbillable, what their closing D&C codes
21 are, what we actually did.

22 Q You got several things there I would like to
23 ask you about.

24 A Sure.

25 Q "Whether it was billable or nonbillable,"

1 what do you mean?

2 A Customers have a maintenance contract
3 available to them. There are several different types
4 of maintenance contracts that had been available in the
5 past. Today there's only one maintenance contract
6 available.

7 Q Were you ever asked to sell maintenance
8 contracts to customers?

9 A Yes, ma'am.

10 Q And did you sell maintenance contracts?

11 A Yes, ma'am.

12 Q Who asked you to do the sales job?

13 A Supervision. At one time we actually had a
14 sales quota.

15 Q A quota?

16 A Yes, ma'am.

17 Q All right. And you were to sell so many
18 maintenance contracts?

19 A No, it wasn't based on what particular item
20 you sold, it was an objective to make a sale. Okay.
21 Irregardless what -- you don't sell a customer -- a
22 customer may need Touch-Tone. A customer may need an
23 extension. At one time you had actually had extensions
24 that were sales, they're no longer.

25 Just like sets prior to 1983, sets were a

1 customer item, they were a sale item. Or a particular
2 design set, a customer asks where they can get a design
3 set, you would refer them through the business office.
4 Through the appropriate channels and they get a
5 designer-type telephone.

6 Q Were you given any credit for sales?

7 A They had sales points.

8 Q You had sales points. Were you given like
9 prizes, awards or money?

10 A Yes, ma'am, they did have campaigns.

11 Q And how did you fare?

12 A I was just an average employee.

13 Q On the sales?

14 A Yes, ma'am.

15 MR. RICHARD: Sold me a switchboard.

16 A I have gotten awards for making sales as
17 well; but on the average, overall, I was an average
18 employee as far as the sales were concerned.

19 Q (By Ms. Richardson) Give me an example of an
20 award you got?

21 A Just a plaque.

22 Q Oh, a plaque? Okay.

23 A You know, an "attaboy" plaque. We've gotten
24 jackets and hats and caps.

25 Q That kind of thing. Okay.

1 MR. RICHARD: A little repair truck.

2 A Yeah, a little coin one. It was a bank.

3 Q (By Ms. Richardson) Were you given any kind
4 of training for sales?

5 A No, ma'am.

6 Q Did you ask for any training for sales?

7 A No, ma'am.

8 Q Did you ever sell a service or report having
9 sold a service to a customer when you had not contacted
10 the customer?

11 A Absolutely not.

12 Q Did you ever report selling a service or a
13 product to a customer without the customer's approval?

14 A No, ma'am.

15 Q Did you know of anyone else who did?

16 A No, ma'am.

17 Q Are you familiar with the term "boiler room"?

18 A Yes, ma'am.

19 Q And what does a boiler room mean to you?

20 A It's a telemarketing technique. At one point
21 in time, you have just a group of people in the office
22 calling customers and making phone calls to see if they
23 need additional services.

24 Q Did you ever participate in a boiler room?

25 A Yes, ma'am.

1 Q And when was that?

2 A It wasn't a boiler room as I understand the
3 term. There were two people or three people working
4 in this particular room. It was a detection of
5 unauthorized equipment. At one time the phone company
6 charged by how many extensions you had per room. They
7 no longer do that.

8 Q Okay. And this was a sales effort?

9 A Yes, ma'am.

10 Q And how long did you do that?

11 A Eight or nine months.

12 Q And what year was this?

13 A I'll be honest with you, I don't even remember.

14 Q Was it in the '90s, the '80s?

15 A No, ma'am, it was in the '80s, the early '80s.

16 Q The early '80s?

17 A Yes, ma'am.

18 Q Do you know who your supervisor was at that
19 time?

20 A Mike Wallace.

21 Q Mike Wallace?

22 A Yes, ma'am.

23 Q Did Mr. Wallace ask you to participate in
24 this sales effort?

25 A He asked for a volunteers.

1 Q And you volunteered?

2 A Yes, ma'am. Well, actually, the way I
3 volunteered, I was volunteered because I was on light
4 duty.

5 Q Oh, okay.

6 A And you couldn't volunteer. It had to be a
7 person that was on light duty.

8 Q And you said there were two or three other
9 people involved?

10 A There was approximately two. Usually there
11 was one or two people working on it at a time.

12 Q And this was in the Miami exchange?

13 A Yes, ma'am.

14 Q Do you know how long this boiler operation
15 existed?

16 A Well, I would like to say one thing.

17 Q Let me tell you, if you need to go off the
18 record to consult with your attorney at any time,
19 that's fine.

20 A I would like to go off the record.

21 (Discussion off the record.)

22 A I would like to make a note that I personally
23 take it -- it's an offense to me and an offense to
24 other people to call that a "boiler room operation"
25 when, in fact, what we did was we provided service to

1 the customer and to the Company. These were phones and
2 telephone sets that we legitimately tested and talked
3 to the customer on every single phone call. Every
4 single time we had an extension that was not being paid
5 for, we spoke to a customer, documented it, the date
6 and time and who we spoke to. On those occasions that
7 there was not a personal phone call -- a phone call
8 made with verification, we physically went to the
9 customer's property.

10 Occasionally, we would find that the customer
11 had a defective bell on a phone that caused it to ring
12 more than two phones -- more than one phone and that's
13 why we got an invalid reading. And we verified that
14 and noted the records and such so that customer didn't
15 pay for two phones when, in fact, they had one.

16 You do that systematically and you do it
17 properly. When you think of a boiler room, my mind
18 comes up to somebody trying to sell something that they
19 don't need. A telephone man when he goes through the
20 school is told one thing, you don't provide the
21 customer with anything they don't need. To do that is
22 a violation of everything that I would consider right
23 to do this job.

24 And that's just my opinion. And if I have a
25 little, old lady that can't afford three extensions,

1 back even in 1978, I didn't sell her three extensions.
2 I wouldn't do that. If they don't need a service, you
3 would let them know. If they still want it, that's
4 their business. But you don't turn around and try to
5 oversell a customer. Those are our customers. Without
6 them, we don't have a job.

7 Q (By Ms. Richardson) Have you ever heard of
8 anyone who has placed a maintenance plan on a
9 customer's bill without contacting the customer?

10 A The only thing I've heard about people doing
11 that was in the newspaper.

12 Q Okay. When you do repair work and you're out
13 installing and repairing, do you code your work time?
14 Do you have a special code for repair?

15 A We have codes that apply to installation
16 repair, every quarter-hour increment is supposed to be
17 accounted for.

18 Q Okay. And that's on an MTR report?

19 A Yes, ma'am.

20 Q All right. And then when you were doing
21 light duty in the salesroom, what work code did you
22 use?

23 A I believe that is a 5532.

24 Q And is that a repair installation code?

25 A No, ma'am, that's an office-type code for

1 doing, to my knowledge, it's a nonservice-type work.
2 United Way, Red Cross, things like that, those were all
3 5532 time. Meeting with supervisors. Like today, I
4 will be charging 5532.

5 Q Okay. Do you know, if I were to ask you --
6 and I think what I'll do is ask you -- do you know if a
7 5532 is a regulated code?

8 A I believe that I've seen it on the chart that
9 a 55 is a deregulated code and a 32 is regulated code,
10 but I can't swear to that. I know I've seen it on the
11 chart, but I don't even remember when or where.

12 Q Do you know if there is a special code for
13 sales?

14 A There's no code that I know of for sales.

15 Q I would like to go back now to your
16 statement. You were telling me that you do a D&C code?

17 A D&C codes. Disposition and cause codes.

18 Q And could you just briefly give me a general
19 statement of what a disposition code and a cause code
20 are?

21 A A defective network terminating wire, for
22 example, if it were, in fact, defective, the "C" code
23 for defective is 300. And the "D" code for network
24 terminating wire is called an 0350. We type that into
25 the computer; the computer automatically recognizes

1 that, along with the narrative that we put in, as a
2 network terminating wire was in fact defective.

3 There's different codes depending on the
4 situation. Corrosion, moisture, lightning. It all has
5 a separate code.

6 Q The network terminating wire, is that the one
7 that goes from the protector to the inside of the
8 house?

9 A That depends on what type of a unit that you
10 have. If you have a protector on the outside of the
11 house with three separate IWs, then you can't determine
12 one of those as an EBN or the network terminating wire.
13 The network terminating wire is a little three-inch
14 piece of wire that goes from one side of the O9 and
15 connects the customer premise wiring to our wiring.

16 Q I've actually seen one of those, okay.
17 That's helpful to know.

18 A That little tiny pigtail is called a network
19 terminating wire. In a multiunit building, the network
20 terminating wire is the wire that carries it from the
21 meter room into the customer's premise. In other
22 words, an apartment complex. We have what we call a
23 meter room that may be on one floor, it may be on three
24 or four different floors. The wire that goes from
25 there to the unit is called a homerun. Used to be

1 called a homerun, now it's called a network terminating
2 wire.

3 Q Help me with the next question, then. A
4 network terminating wire, is that regulated or not
5 regulated?

6 A The network terminating wire? I don't know.

7 Q Don't know?

8 A I've had so many things on my mind in the
9 last 24 hours it's --

10 MR. RICHARD: If you don't know, you don't
11 know.

12 A I don't know.

13 Q (By Ms. Richardson) I mean, you can take
14 time to think about it, then tell me you don't know.
15 If you need time, that's fine. If you think you might
16 know and need time to think, that's okay.

17 A Network terminating wire, no, I don't know.
18 I'm not going to say when I'm not sure.

19 Q That's fine. You said it would be closed to
20 a 350 disposition? Is that what you told me?

21 A A 350, I'm going to go ahead -- it's a
22 regulated portion, yeah. It's regulated portion. It
23 has to be regulated if it goes between the meter room
24 and the customer's premise. The customer can't own it,
25 yes.

1 Q I knew you could figure it out if you had a
2 second. All right.

3 A It didn't sound right, but go ahead.

4 Q I think you are. I think I remember the job
5 data. I should have brought one with me. What about
6 1200 codes?

7 A Yes.

8 Q What do they tell?

9 A A 1200 code or 1210 codes depicts whether or
10 not the customer has a plan or no plan. The 1200 code
11 is a billable code. A 1210 means a customer has a
12 plan, we did the repair and it was within the plan
13 parameters.

14 There are certain things that are excluded
15 under the wire maintenance contract. There are certain
16 things that are excluded now that in the past we would
17 cover. But, like I said, 1200, the customer is getting
18 a bill, either a trouble location charge or trouble to
19 termination charge, or time and material for repair
20 work done.

21 Q Is that an indication of an inside wire
22 problem?

23 A Yes, ma'am.

24 Q Is that regulated or deregulated?

25 A That's deregulated.

1 Q Okay. So, in other words, it's --

2 A "Inside wire" is a confusing term,
3 unfortunately, because it denotes that a wire is
4 physically inside the customer's unit, and it does not
5 necessarily mean that. An inside wire can run around
6 the outside of a customer's house, stick through the
7 hole in the wall and jack on the end. And a customer
8 sometimes misunderstands that and thinks that's an
9 outside wire. It's not. It's an inside wire. It's
10 part of the plan or not part of the plan, as the case
11 may be.

12 Q And on an out-of-service report that we have
13 got a trouble report, if it's a disposition code, a
14 1200 disposition code for inside wire, would that
15 exempt that out-of-service report from counting against
16 the Company in that over-24 index?

17 A I don't know.

18 Q You don't know?

19 A I don't know.

20 Q What about cause codes? Are there certain
21 cause codes that might exempt a report from counting
22 against the Company, if the Company missed that
23 24-hour?

24 A I knew that there were particular D&C codes
25 that supposedly exempt -- that are exempt from the PSC

1 rules. What those codes are now, I haven't got the
2 slightest idea.

3 Q But you knew there were some at some point in
4 time?

5 A .. At some point in time we had a sheet of paper
6 -- every employee had a sheet of paper that said so.

7 Q Specifically, these are PSC exempt codes?

8 A Yes, ma'am.

9 Q Was there any emphasis on using those
10 particular codes?

11 A There was emphasis that those are PSC
12 excludable codes, but nobody has ever said, "Use those
13 codes." Use those codes where they apply and don't, of
14 course, don't use them where they don't apply.

15 Q .. Okay. Even though they may not have said
16 that directly, did you ever get that inference that
17 that was to be done?

18 A You're asking for my understanding?

19 Q Yes, your understanding.

20 A I can't tell you what other people --

21 Q Just you. Right now, just you.

22 A No, no.

23 Q You never inferred that you were supposed to
24 use them improperly?

25 MR. BEATTY: Objection.

1 A Absolutely not. I'm sorry.

2 MR. BEATTY: That's all right.

3 Q (By Ms. Richardson) Do you know, personally,
4 do you have any personal knowledge of whether or not
5 anyone else did use those codes improperly?

6 A No, ma'am.

7 Q Do you know what the criteria for
8 out-of-service is?

9 A No, ma'am.

10 Q Do you know of anyone who has used another
11 employee's code to status a report?

12 A No, ma'am.

13 Q Mr. Staley, I'm going to introduce a
14 document. We're not making it an exhibit, but I'm
15 going to put it on the record as introducing it, that
16 I'm going to show it to you. And then we'll go off the
17 record, and you'll have a chance to look at it and
18 discuss it with your attorney. And then when you're
19 comfortable, we'll go back on the record.

20 This document was filed by Southern Bell on
21 April 1st, 1993, in the consolidated dockets, the rate
22 case docket. And it's titled "Southern Bell's Response
23 to Preliminary Orders No. PSC-93-0263-PCO-TL," entered
24 on February 19th, 1993. And in this document there is
25 listed a Dudley C. Staley, No. 550 out of 650 names

1 with a series of numbers after them purporting to be
2 information that you may or may not have about specific
3 items. And that's the introduction and then we'll go
4 off the record. What I'll need when we go back on the
5 record --

6 A Did they misspell my name?

7 Q Well, that's what I want you check. I want
8 to make sure it is you. I want you to identify whether
9 or not that is you. And then if you want to read the
10 introduction to it, that's fine, but these are the
11 numbers here and what they purportedly mean. And then
12 your name is here with numbers after it. So these
13 numbers supposedly correspond to this.

14 (Discussion off the record.)

15 Q (By Ms. Richardson) Okay. Mr. Staley, the
16 first question is, is that your name on the document?

17 A Yes, ma'am.

18 Q It is you? Okay. The first thing that the
19 document indicates that you may have some knowledge
20 about is backing up times. Are you familiar with that
21 term, "backing up time"?

22 A Yes, ma'am.

23 Q And how are you familiar with that term?

24 A The term "backing up a time" to meet a close
25 out time or to a meet commitment time, I've heard that

1 term before.

2 Q Is a commitment time that 24-hour clock time?

3 A The commitment time and closing -- or
4 commitment time is completely different than -- a
5 commitment time can be three or four days out.
6 24-hour-out-of-service is different time.

7 MS. RICHARDSON: I'm going to interrupt the
8 record a minute.

9 (Discussion off the record.)

10 Q (By Ms. Richardson) You said the commitment
11 time itself. I need to go back over that one more time
12 because I'm afraid I got confused with the entrance
13 here. Did that have anything to do with the
14 out-of-service-over-24?

15 A No, ma'am.

16 Q It did not?

17 A No.

18 Q What was the commitment time?

19 A The commitment time is the time the customer
20 is told that we will clear their troubles by.

21 Q All right. Have you ever heard the terms
22 backing up the time used in context with a clearing
23 time?

24 A Other than the newspaper.

25 Q Other than the newspaper. Okay. Do you know

1 of anyone who has backed up the time of a repair on a
2 trouble report to meet an out-of-service-over-24 index?

3 A No, ma'am.

4 Q Have you done that yourself?

5 A No, ma'am.

6 Q Has anyone ever instructed you to do that?

7 A No, ma'am.

8 Q Before the CAT terminals and you were closing
9 reports with an MA verbally over the phone, were you
10 ever questioned by the MA as to what time you actually
11 cleared a report?

12 A What time? Yes.

13 Q During that process of the MA questioning you
14 on clearing time, would she also mention to you that
15 the 24-hour time was coming up?

16 A On a rare occasion.

17 Q Okay. And why might that be mentioned to
18 you?

19 MR. BEATTY: Object to the form of the
20 question. You're asking him to speculate as to the
21 intent of someone other than himself.

22 Q (By Ms. Richardson) Did an MA ever explain
23 to you why she was mentioning an out-of-service-over-24
24 clock time to you?

25 A No, I never even bothered to ask.

1 Q .. In her conversation with you about the
2 out-of-service-over-24-hour clock time, did it ever
3 become apparent to you why she was mentioning it?

4 A No.

5 Q On this also is a No. 11 which indicates
6 something about an improper preparation of trouble
7 reports or improper acts generally. What can you tell
8 me about that?

9 A I don't know.

10 MR. BEATTY: I object to the form of the
11 question. It's ambiguous. You can respond.

12 Q (By Ms. Richardson) Go ahead.

13 A I was going to ask a similar question. Would
14 you please -- general things that people do wrong in --
15 are we talking about telephone work now? What are we
16 talking about?

17 Q We're not talking about mechanical repair
18 work. I'm really interested in improper handling of
19 customer trouble records.

20 A No.

21 Q .. What about improper preparation of a trouble
22 report?

23 A No.

24 Q You told me that you didn't -- well, let me
25 ask you one more time for the record. No. 12 indicates

1 something about the criteria for statusing
2 out-of-service?

3 MR. BEATTY: Objection to the question.
4 It's been asked and answered already. He indicated
5 that he did not know the criteria.

6 A You asked me that before.

7 Q (By Ms. Richardson) Okay. And your answer
8 is the same?

9 A Yes, ma'am. I have no idea how they status
10 out-of-service. That's not done by anybody that I
11 know.

12 Q All right. No. 14 mentions an A-I-R-O, AIRO
13 code. What is AIRO?

14 A AIRO is an automatic reporting of a trouble
15 report. If a customer can call in 611, they have two
16 ways to go. They can either get a voice, a person, by
17 pushing the star button, for an example, or override
18 and then they get a voice. If they, in fact, go to the
19 computerized system, that's called an AIRO report.
20 That's a mechanized system that the customer can call
21 in and report a trouble on their telephone.

22 Q And does AIRO test the report, screen the
23 report, test it and determine whether it's
24 out-of-service or not?

25 A Yes, ma'am, to my knowledge it does.

1 Q Does that process then go directly to
2 dispatch?

3 A The way I understand it, and this is strictly
4 not because of personal knowledge, the way I've been
5 explained is the computer will automatically do a test.
6 It comes up with a test, which is converted to what
7 they call a VER code. That VER code will determine
8 whether it goes immediately in the pool for dispatch or
9 whether it has to go to one of the MAS for other
10 screening that gets done.

11 Q Do you know of anyone who -- any employee who
12 has called AIRO to create a trouble report?

13 A No.

14 Q Have you ever used, yourself, another
15 employee's code?

16 A There's no way to use an employee's code.
17 No, ma'am, I have never used anybody else's code.

18 Q Prior to 1992 -- well, let's say in 1992, are
19 you aware of the changes in employee codes that were
20 made by the Company?

21 A I know that we have now a letter-type
22 employee code, but we don't use that. We're still not
23 using that outside.

24 Q Okay.

25 A There is a personal I.D. code now that's a

1 generic. It's letters seven or eight characters long;
2 but, no, we don't use that in the field. We still use
3 our service tech number.

4 Q All right. Has anyone ever used your service
5 tech number?

6 A There's no way. To my knowledge, nobody has
7 used my service tech number because on my equipment
8 it's impossible. You can't do it. It won't work.

9 Q Are you aware of a rule on meeting an
10 appointment time?

11 A Yes, ma'am.

12 Q What is the rule for missed appointments?

13 A The rule for missed appointments?

14 MR. BEATTY: Objection to the form of the
15 question.

16 (Simultaneous conversation.)

17 MR. BEATTY: Excuse me, please. I object to
18 the form of the question. The first question that you
19 asked was different than the second question that you
20 asked. I'm not sure if he's clear as to which one
21 you're actually asking him?

22 A You asked two different questions.

23 Q (By Ms. Richardson) Okay. Are you aware of
24 a missed appointment rule?

25 A No.

1 Q What is the requirement for meeting
2 appointments?

3 A The requirement for meeting depends on
4 whether or not you're talking about a service order or
5 a trouble report. There's two different criteria that
6 are used.

7 Q Okay. What about service orders?

8 A Service orders, to my knowledge, the
9 commitment time is the time that we will have somebody
10 at their premise to start their work. Okay. And if we
11 say Saturday or Monday at 12 noon, we'll dispatch on
12 them, have somebody at your door before Saturday at 12
13 noon or Thursday, whatever the day is.

14 A trouble report commitment time, that's a
15 time that we say we will have their trouble cleared.

16 Q Whether or not you have to make a dispatch?

17 A Right.

18 Q Okay. On installing new service, is there an
19 appointment requirement?

20 A The appointment time, like I said, to my
21 knowledge, is the time that it will be dispatched and
22 we will be out there. A premise arrival time will be
23 prior to the commitment time.

24 Q Let me ask it a different way. Is there a
25 requirement that installation be completed within a

1 certain amount of time when new service is requested?

2 A If you're talking -- I don't understand
3 exactly what you're talking about. I've got to be
4 honest with you.

5 Q A customer calls up and orders new service,
6 does that have to be installed within one day, two
7 days, three days, 60 hours?

8 A I have no idea. We've had them installed the
9 same day, we've had them installed the next day, we've
10 had them installed two weeks out.

11 Q Okay.

12 A During the middle of a hurricane, you know,
13 restoration. People, from what I understand now,
14 people are being told two weeks on a service order. I
15 don't know.

16 Q Mr. Staley, do you know of anyone who has
17 deliberately falsified a customer trouble record?

18 A No.

19 Q Do you know of anyone who has mistakenly
20 falsified a customer trouble record?

21 A No, ma'am.

22 Q And I guess what I mean by that, let me
23 rephrase it a different way to make sure we're still
24 talking about the same thing then.

25 Do you know of anyone who used the wrong

1 codes on a trouble report not realizing that they were
2 the wrong codes?

3 A By name, no.

4 Q Have you heard of this being done?

5 A Yes, ma'am.

6 Q And can you tell me what you have heard?

7 A The supervisor will come out and give you,
8 you know, let you know this is improper. The narrative
9 doesn't justify the code or the code doesn't justify
10 the narrative. If somebody hits a typo error and it's
11 -- a lot of times it's very obvious because the code
12 you put in doesn't even exist. And in an application
13 like that, somebody hit a wrong number.

14 We've changed codes on decodes in the last
15 three or four years. We've changed codes several
16 times. Aerial service wire and buried service wire are
17 now the same type codes. They've changed from 0384 or
18 0381 to 0384. And for a time period there, people used
19 the inappropriate code because they're going from
20 memory rather than looking at the little flip chart.

21 Q All right. And I think my last area that I
22 want to question you about is: When you finish the
23 repair work on a residences or even a business, when
24 you're finishing up your repair work and you return
25 service to the customer, do you normally have other

1 tasks that you have to do at that premise before you're
2 actually completely finished?

3 A Yes, ma'am.

4 Q And is that routine, considered routine work?

5 A Depends on exactly what's being done. You may
6 end up issuing a service order against -- for the
7 customer and then adding a line or adding a jack.
8 That's totally different.

9 Q Different from routine?

10 A Yes, ma'am.

11 Q All right. Have you ever had instructions
12 given to you by a supervisor that, because the load is
13 so heavy today, there will be no routining or no
14 routine maintenance done?

15 A No, ma'am.

16 Q On the CAT terminal when you --

17 A May I interject? And I apologize.

18 Q You may.

19 A There's been statements made that we have a
20 heavy work load, we're not going to routine. Who it
21 was that made them -- certain times you can't routine
22 if you're in the rain, for an example. You can't stand
23 there and routine a job. Certain routine items are
24 done on ever single job irregardless of if it's snowing
25 outside. It doesn't make any difference. You change

1 lightning protection, ground tag, make sure that those
2 things -- that type of routine.

3 But as far as going by and dressing up drive
4 rings and that type of routine, no, that wouldn't be
5 done on an everyday basis when you have a heavy work
6 load. That you would have looked -- do what they call
7 an irregular plant condition so that that can be taken
8 care of at a later time.

9 Q What's the longest point or the longest
10 amount of time in your experience that routining has
11 taken?

12 A Couple of hours.

13 Q Okay. In your experience, if an ST stated
14 that they had cleared the report and took six hours to
15 routine, would that seem out of the ordinary to you?

16 MR. BEATTY: Objection, speculation.

17 Q (By Ms. Richardson) Based on your
18 experience.

19 A I would have to know what the person said.
20 Okay. You said what about my own, personal, normally
21 has been two hours. I've taken longer, but the average
22 is quite a bit less. The average is maybe 30, 45
23 minutes. It depends on the particular job what you
24 find when you get there.

25 MR. RICHARD: Like a dog?

1 A You may find that the place is falling apart,
2 customers had a tent put on the house. Those would
3 cause the routine to be longer depending on just
4 exactly what it is. You may be routining something at
5 the customer's house, you may be trimming trees. Okay.
6 You may be work on a ten pair hardback on a terminal.
7 That's hard to say. There's no way to determine.

8 It's every job is it's own individual job.
9 It's not something set. If somebody had a problem with
10 my routining something for two hours, then they can
11 come stand at my job and watch me. Whatever it takes
12 is what it takes.

13 Q (By Ms. Richardson) On clearing a report
14 using your CAT terminal, do you call up the -- dial up
15 the trouble line, the line that was in trouble on your
16 CAT, to determine, run a test to make sure that it's
17 operative again?

18 A Yes, ma'am.

19 MR. BEATTY: Objection to the form of the
20 question. It's leading.

21 Q (By Ms. Richardson) You can still answer.

22 A Yes.

23 Q He's just putting an objection on the record.

24 Have you ever had occasion to go to another
25 line other than the trouble line to dial up the

1 computer and have it cleared and closed the trouble
2 line?

3 A May I ask for some clarification on that?

4 Q All right.

5 A Are you referring to, in fact, using another
6 customer's line to test the trouble reported line?
7 Yes.

8 Q Under what circumstances would do you that?

9 A You're working in a cross box.

10 Q Is it possible, not that it's been done, but
11 is it possible, then, calling up on that second line to
12 back up the time on the first line?

13 A Not that I know of. I have no -- that's all
14 done with computers. I don't know.

15 Q Okay. All right. Mr. Staley, I think I've
16 finished unless somebody jogs my memory. It's been
17 late in the day for me. I think I've covered
18 everything. I want to thank you for going ahead and
19 proceeding with the deposition, and I just want to say
20 I'm sorry to hear about your mother.

21 A Thank you.

22 MR. WILSON: I have no questions.

23 MR. BEATTY: I have just one or two.

24 EXAMINATION

25 BY MR. BEATTY:

1 Q You indicated that at one point in time you
2 were doing some sales because you were on light duty?

3 A Yes.

4 Q And when you say "light duty," what do you
5 mean?

6 A I'd had knee surgery four times in six
7 months.

8 Q When you did sell, how did you code your
9 time?

10 A 5532.

11 Q You talked about wrong codes being used.
12 Were the wrong codes used because of some intent?

13 A No, sir. I thought I had explained that. In
14 fact, what it was is we have changed codes several
15 times. We're using new flip charts now. And a
16 particular code that may have applied six months ago or
17 year ago for an aerial service wire was an 0380. That
18 code doesn't exist. Okay. Now it's an 0384. Same
19 job, same description, same aerial service wire, but
20 the new code is 0384. If somebody went by memory or if
21 they were in a hurry, they hit 0380 and it went
22 through. They used the wrong code.

23 Q By mistake?

24 A By mistake. You know, and that's why the
25 supervisor would come out later and say -- because

1 there's people sitting there screening those, that's
2 what their job is, to make sure you use the right code.
3 I mean, it's very important.

4 MR. BEATTY: I have nothing further.

5 MS. WILSON: I need to ask you one thing.

6 EXAMINATION

7 BY MS. WILSON:

8 Q You were indicating before that somebody had
9 given your name to the Company and that may have been
10 the reason why your name was included on the list?

11 A No. If what you're asking, the only reason
12 why my name came out in the first place, I was asked if
13 I wanted to make a statement because I was there with
14 three other people. I was a union representative.
15 That's all. And after I witnessed that, I was asked,
16 "Well, would you mind making a statement?" I said,
17 "No, I don't mind."

18 MS. WILSON: Thank you. I just wanted to
19 clarify that.

20 MR. RICHARD: Thank you.

21 (Thereupon, the deposition concluded at 4:17
22 p.m.)

23 - - - - -

24

25

AFFIDAVIT OF DEPONENT

This is to certify that I, DUDLEY C. STALEY, III, have read the foregoing transcription of my testimony, Page 1 through 49, given on April 21, 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.

DUDLEY C. STALEY, III

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

1
2
3
4 F L O R I D A)
5 :
6 C O U N T Y O F L E O N)

CERTIFICATE OF OATH

7 I, the undersigned authority, certify that
8
9 DUDLEY C. STALEY, III personally appeared before me and
10 was duly sworn.

11 WITNESS my hand and official seal this

12 14th day of May, 1993.
13
14

15 Pamela A. Canell

16 PAMELA A. CANELL

17 Notary Public - State of Florida
18
19



PAMELA A. CANELL
MY COMMISSION # CC 248413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

1 STATE OF FLORIDA)

2 :

CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4 I, PAMELA A. CANELL Official Commission
Reporter,

5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
deposition of DUDLEY C. STALEY, III;

6 I FURTHER CERTIFY that this transcript,
consisting of 49 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 14th day of May, 1993.

11 *Pamela A. Canell*

12 PAMELA A. CANELL

13 Official Commission Reporter

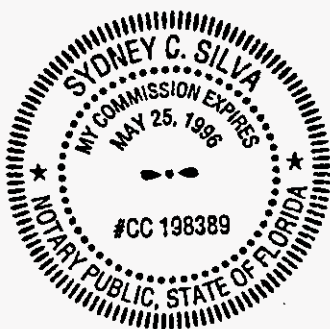
14 Telephone No. (904) 488-5981

16 STATE OF FLORIDA)

17 :

18 COUNTY OF LEON)

19 The foregoing certificate was acknowledged
before me this 14th day of May, 1993,
by PAMELA A. CANELL, who is personally known to me.



Sydney C. Silva

SYDNEY C. SILVA

Notary Public - State of Florida

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: PATRICIA O. MURPHY

TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 666 N.W. 79th Avenue
Room 640
Miami, Florida

TIME: Commenced at 4:25 p.m.
Concluded at 5:05 p.m.

DATE: Wednesday, April 21, 1993

REPORTED BY: SYDNEY C. SILVA, CSR, RPR
Official Commission Reporter

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18 CARL VINSON, FPSC Division of Research &
19 Regulatory Review

20 TERRILL BOOKER, FPSC Division of
21 Communications

22 WALTER BAER, Office of Public Counsel
23
24
25

I N D E XPage No.

ERRATA SHEET

4

STIPULATION

5

AFFIDAVIT OF DEPONENT

39

CERTIFICATE OF OATH

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CERTIFICATE OF REPORTER

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WITNESS

PATRICIA O. MURPHY

Examination by Ms. Richardson

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Examination by Ms. Wilson

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Examination by Mr. Vinson

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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.

PATRICIA O. MURPHY

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

EXAMINATION

BY MS. RICHARDSON:

Q Okay. And would you state your name and spell it to make sure the reporter has it correct.

A Okay. It's Patricia O. Murphy,
P-A-T-R-I-C-I-A, middle initial "O," Murphy,
M-U-R-P-H-Y.

Q And your address?

A

Q All right. And your phone number?

A I have to remember it.

Q Yeah. Okay. You live in and work
in Miami?

A Yeah.

Q And where do you work in Miami?

A 185th and Northwest 27th Avenue. Right below
Joe Robbie Stadium.

Q Oh, okay. And which center is that?

A That's the North Dade maintenance center.

Q And how long have you been at the North Dade
center?

1 A A year this past October.

2 Q So '92, '91?

3 A And we moved up there a year ago October.

4 Q 1991?

5 A Uh-huh.

6 Q And what's your present position?

7 A Maintenance administrator.

8 Q You're an MA? And where were you before you
9 were at North Dade?

10 A Little River. 8038 Northeast --

11 Q Is that Miami?

12 A Yes.

13 Q Is that in Miami Metro?

14 A Yes. That was Miami Metro.

15 Q And how long were you there?

16 A Eight or nine years. I'm not sure.

17 Q Eight or nine years?

18 A Yeah. I've been in maintenance about 10 or
19 11 years. I'm not sure.

20 Q All right. And were you a maintenance
21 administrator the entire time that you were at Miami
22 Metro?

23 A Yes.

24 Q All right. Ms. Murphy, have you discussed
25 this deposition with anyone other than maybe Company

1 counsel?

2 A No.

3 Q So you haven't talked about your questions or
4 answers with anybody else?

5 A No.

6 Q Okay. Have you discussed anybody else's
7 deposition before you came today?

8 A No.

9 Q Okay. Has anyone given you any assurance
10 that you would not be disciplined for whatever
11 statements you make today?

12 A Yes. Wait a minute, has anyone --

13 Q Has anyone in the Company told you that
14 whatever you told us, you would not be disciplined for
15 that, for telling us something?

16 A Right. Correct.

17 Q All right. And has anyone advised you that
18 there may be criminal penalties applied if you don't
19 tell the truth here today?

20 A No.

21 Q Okay. Well, then, let me so advise you.

22 A Yeah.

23 MR. BATTY: No, no, just a moment.

24 Q (By Ms. Richardson) I mean, you know, that
25 it is a possibility.

1 MR. BEATTY: Wait a minute, please.

2 I object that you are advising this witness
3 about the law, particularly in light of the fact that
4 it is questionable as to whether your advice is legally
5 correct. And I would request that you not advise this
6 witness about any legal aspects of her testimony.

7 MS. RICHARDSON: Okay.

8 Q (By Ms. Richardson) Ms. Murphy, are you
9 represented by private counsel here today?

10 A No.

11 Q Okay. I'd like to discuss with you your
12 duties. Let's start off with your duties, okay, as a
13 maintenance administrator. What do you do?

14 A Screen troubles, talk to customers.

15 Q And what else? Is that all?

16 A Handle them; jeopardies.

17 Q Oh, jeopardy reports?

18 A Uh-huh.

19 Q Okay. And anything else that you do or is
20 that all?

21 A Translations.

22 Q Okay. Do you also handle out-of-service
23 reports?

24 A Yes. These are trouble reports.

25 Q All right. Are you responsible for clearing

1 and closing reports?

2 A If I see so fit, if I don't dispatch on them,
3 yes.

4 Q Okay. You dispatch reports also?

5 A Well, we don't anymore, the men have their
6 computers. But I mean putting them in the pool so they
7 get handled is what I mean.

8 Q When you worked in the Miami Metro, did you
9 dispatch reports?

10 A Yeah, we would dispatch troubles. That was
11 quite a while ago.

12 Q Okay. Can you tell me who your present first
13 level supervisor is?

14 A Carlos Quintero.

15 Q And has he been there the entire time you
16 have been there as a first level?

17 A Yes. Wait a minute, excuse me.

18 Is Carlos first level or -- Sylvia, she's the
19 assistant manager.

20 THE REPORTER: I'm sorry. I'm having
21 difficulty hearing you.

22 MR. BEATTY: Would you like to go off the
23 record?

24 WITNESS MURPHY: I'm sorry. I just had to
25 ask him a question. I'm sorry.

1 MR. BEATTY: Would you like to go off the
2 record?

3 WITNESS MURPHY: Yeah.

4 (Discussion off the record.)

5 WITNESS MURPHY: Okay. I'm sorry.

6 MS. RICHARDSON: That's okay. That's fine.
7 If you need to do that, feel free. If you need to do
8 that, feel free. Just tell us you're going off the
9 record for a moment. Okay? And then we'll stop the
10 recorder and then we can have a discussion off; and
11 then when you're ready to come back on, we'll come back
12 on the record. Okay?

13 And if at any time I ask you a question that
14 you don't understand or you need me to ask it
15 differently so that you understand what I'm asking,
16 just feel free to ask me to repeat it or to say it
17 again or in a different way.

18 WITNESS MURPHY: Okay. All right. I just
19 had to think a minute when you said "first line." I
20 was thinking of Carlos. Did you mean my immediate
21 supervisor?

22 Q (By Ms. Richardson) Yes. Who is your
23 immediate?

24 A I'm sorry. Sylvia Mosley.

25 Q Sylvia.

1 A Mosley.

2 Q Is that M-O-S- --

3 A M-O-S-L-E-Y. I'm sorry.

4 Q That's all right, you're doing fine.

5 A I think her title is assistant manager.

6 Q All right. And has she been your assistant
7 manager since 1991?

8 A Yes.

9 Q And Mr. Quintero, then, is the second level
10 manager. Is that right?

11 A Carlos is her boss, second level.

12 Q Okay. And has he been in that position since
13 1991?

14 A Yes, since July.

15 Q Okay. And then who is the Operation Manager?

16 A That's Ralph Delavega (phonetic).

17 Q Ralph Delavago. All right. And has Mr.
18 Delavago been the operations manager at least since
19 1991?

20 A Since I have been there, yes.

21 Q Since you have been there?

22 A Uh-huh.

23 Q All right. And who is your general manager?

24 A Isenhour? Yeah, Isenhour.

25 Q Okay. Now, I'd like to go back to your time

1 at Miami Metro. You said you were there for about
2 eight or nine years.

3 A Uh-huh.

4 Q When you left in 1991, who was your first
5 level manager there? (Pause)

6 A Before the office split, she went to Central,
7 I can't -- (Pause) Might have been Jeanetta Davis.
8 There were, you know, several supervisors, but I just
9 don't remember who our group reported to at the time.

10 Q Okay. Can you recall any other first-level
11 supervisors that you worked with or under in Miami
12 Metro?

13 A Yeah. John Ceius.

14 Q And can you spell his last name?

15 A No, I can't, I just can't.

16 Q "Cius" is what you said?

17 A C-E-I-U-S, I think.

18 Q Okay.

19 A And Sylvia Lom-Jon.

20 Q And that's L-O-M-?

21 A That's L-O-M- hyphen, J-O-N, I think, is how
22 she spells it. (Pause)

23 Thea Rallo. She is also first line.

24 Q Will you make a stab at spelling that one?

25 A Yes. That's R-A-L-L-O, Thea, T-H-E-A.

1 Q Okay.

2 A Rallo, R-A-L-L-O.

3 Q All right.

4 A Those were my floor supervisors.

5 Q All right, and then --

6 A That would be first line.

7 Q Great. Do you remember any of the second

8 levels of Miami Metro?

9 A The last one we had was Cherie Calvert when

10 we split.

11 Q All right. And do you remember who preceded

12 her?

13 A Ronnie Brent.

14 Q And do you remember any others?

15 A No.

16 Q All right. So I have Cherie and Ron?

17 A Yeah.

18 Q Do you know who the operations manager was

19 while you were in Miami Metro?

20 A Yes. (Pause) May we go off the record for a

21 second? (Discussion off the record.)

22 Q Okay. Do you know who the operations manager

23 was?

24 A I don't remember. How is that?

25 Q That's just fine. Okay.

1 All right. Now, what I'd like to ask you
2 about at this point is, have you ever heard the terms
3 "backing up the time"?

4 A I've heard it.

5 Q All right. And what does it mean to you?
6 What's your understanding of those terms?

7 A It would be backing up the time of when it
8 came in or something like that -- not when it came in,
9 I guess, when you were closing it.

10 Q "Closing it," you mean closing a trouble
11 report?

12 A Like closing a trouble report, uh-huh.

13 Q Okay. And when with you back up the time?

14 A When we close out no-accesses, after we hold
15 them for a week, give the customer a time to call out,
16 you put out, you close the trouble and put the time
17 that it was actually no-accessed. And then you put in
18 your narrative and then the machine picks up the actual
19 time of closing out.

20 So that would be the only thing I would know,
21 you know, the backing up that last line of status;
22 because that was the actual time there was no access,
23 to give the customer the chance to call in so we can
24 dispatch out again, if need be.

25 Q Okay. Have you ever heard of backing up a

1 clearing time?

2 A No.

3 Q Okay. Have you ever heard of backing up a
4 closing time?

5 A No.

6 Q All right. When you were in Miami Metro, did
7 service technicians ever have reason to call you to
8 close out a trouble report?

9 A Before they had their CATS, we used to close
10 them. That was considered the old days. They'd call
11 in and we'd close out their troubles for them. I mean,
12 that's how it was done before they had their CATs to do
13 it themselves.

14 Q All right. And when the service technician
15 called you, did he ever give you a clearing time that
16 was different from the actual time on the screen?

17 A Not that I really recall. And if it didn't
18 agree, if there was ever a discrepancy, you just
19 discussed it with him. This is the time the customer
20 has service, this is when we're closing it. If you're
21 all finished with the job, this is when we finish, this
22 is when we close. And you put your narrative, whatever
23 they did.

24 Q Okay. So in your experience, then, the
25 clearing and the closing time are always the same?

1 A Should be, uh-huh.

2 Q Okay. Do you know of anyone who has -- and
3 let me strike that. Let me start over again.

4 Are you aware of a requirement that the
5 Company restore service on out-of-service troubles
6 within 24 hours at least 95% of the time?

7 A I believe that's our practice.

8 Q Okay. Do you know if anyone who has backed
9 up a clearing or closing time to meet that 24-hour
10 index?

11 A I don't know of anyone.

12 Q Have you ever heard of that being done?

13 A There have been rumors, but I don't know of
14 anyone really.

15 Q Okay. And what rumors have you heard?

16 MR. BEATTY: Objection, hearsay.

17 A Yeah, it's hearsay. I mean, you know, I
18 don't know. There may be managers might have done
19 that, but you don't ask people to do anything on the
20 record, you know.

21 You hear a lot of things, but I couldn't say
22 for sure because I don't know of any, you know. I
23 haven't.

24 Q Has any manager ever asked you to you do
25 that?

1 A No, ma'am.

2 Q Okay. Has any ST ever asked you to do that?

3 A No.

4 Q Okay. Do you know if a customer is due a
5 credit or a rebate if his trouble has gone out of
6 service more than 24 hours?

7 A They are, yes.

8 Q How long have you been aware of that
9 requirement?

10 A A long time.

11 Q Okay. Do you know of anyone who has
12 prevented a customer from getting a rebate by
13 improperly coding the report?

14 A No.

15 Q Do you know of anyone who has prevented a
16 customer from getting a rebate by improperly statusing
17 a report as affecting-service when it was really
18 out-of-service?

19 A No.

20 Q Okay. When do you make a decision whether a
21 report is out of service or not?

22 A Depending upon the test and if we can reach
23 the customer to speak with them. And if we're not
24 quite sure, then I dispatch on them. Because if
25 there's a trouble, sometimes the test might be a

1 test-OK, and there is a trouble, the customer can't get
2 calls. So they've empowered me to use my judgment, I
3 use it.

4 Q Okay. Do you normally status an
5 out-of-service report up front of the test or wait
6 until it's closed out?

7 A If it comes in now, our screening is such
8 that we have all these verifications codes that tell
9 you right off. So that's your first line of status.
10 It's out-of-service, if the two agree it's out of
11 service, it's statused out-of-service, number one; then
12 you go from there. Then you test, retest again, call
13 the customer, see if you can reach somebody. Then
14 that's it.

15 But if the two agree, it's out. It could be
16 back on, I mean, you know, it could be back on by the
17 time we talk to them, but they get that first line of
18 status as out-of-service.

19 Q Back in the --

20 A I'm sorry.

21 Q No, no, no. I don't want to cut you off,
22 that's why I'm hesitating.

23 A I'm finished; that's enough.

24 Q Okay. Back in the Miami Metro, were there
25 always the automatic statusing with the VER code up

1 front?

2 A No. No.

3 Q All right. When was the decision made in
4 those days as to when to status?

5 A You had to test, you had to test your line
6 first to see and to try to reach the customer. It
7 would come up, you know, open; or if it came up
8 test-OK, you really had to kind of reach the customer
9 depending upon the trouble, you would analyze it.

10 Q All right. Would it -- (Simultaneous
11 conversation.)

12 "Depending upon the trouble" --

13 THE REPORTER: I'm sorry.

14 A Depending on the trouble you had to analyze
15 it.

16 THE REPORTER: Thank you.

17 Q (By Ms. Richardson) Would it have been the
18 case that an ST would make a decision as to whether or
19 not the trouble was out-of-service or
20 affecting-service.

21 MR. BEATTY: Objection to the form of the
22 question as leading. You can respond to it.

23 A I really don't -- he couldn't change
24 anything, you know. It could be okay by the time he
25 got out there; anything can happen; but he couldn't

1 change the initial. If we felt it was out and he calls
2 back and he says it's okay, "Fine, you found it, okay."
3 But, at the time, it was out, you know.

4 Q What if it was an affecting-service report
5 and the ST was dispatched on an affecting-service. He
6 got out there and found out it was really out of
7 service, the customer didn't have dial tone. How would
8 that be remedied then to get the report statused as
9 out-of-service?

10 A His closing line of status you would have to
11 put a "Y" for out-of-service, and then you'd know to
12 give him credit.

13 Q Okay. Is that closing line of status something
14 on a CAT terminal or something different or --

15 A It could be on a CAT terminal or, when we
16 used to close them out, you know, we would have to do
17 it.

18 Q Okay. He would tell you, "I found it out of
19 service," and then you, as the maintenance
20 administrator, would status it out-of-service?

21 A Right.

22 Q Okay. Was that part of your procedure to ask
23 them whether or not it was out of service?

24 A I guess -- well, it's hard for me to answer
25 that question because we'd have to do what, you know,

1 he would have to tell us what was going on or how to
2 close the trouble because he had been out there. So it
3 wouldn't be something we'd ask, it would be something,
4 you know, that he would tell us. If there was any
5 question, you ask. You know, we would just ask him.

6 Q Are you familiar with test-OK reports?

7 A Yes.

8 Q And what is a test-OK report?

9 A It's a report that comes in that is test-OK,
10 and the customer says he has a problem and we try to
11 reach him. And depending upon the test, if it tests
12 okay and you can't reach him, then it depends how you
13 handle it.

14 Q All right. And how do you handle it? Tell me.

15 A If I get a test-OK and I cannot reach the
16 customer but the line is testing fine, I will test it
17 okay, and it will sit in a file and those customers are
18 contacted before they close out. They hold those also,
19 they close them, try to close them, I think now it's
20 two hours before the commitment time. You do try to
21 reach the customer.

22 Usually, and this is just a rule of thumb,
23 usually if there is trouble, you'll get a subsequent on
24 it and you'll know right away and you'll get someone
25 out there.

1 Q Okay.

2 A Sometimes, you know, it doesn't require a
3 dispatch. There is maybe more to it; but until you can
4 reach someone, you have to analyze it.

5 Q All right. Are test-OK's generally
6 service-affecting reports?

7 A No.

8 Q All right.

9 A You mean like out-of-service?

10 Q Out-of-service?

11 A No. Not usually.

12 Q Do you know of anyone who has closed
13 test-OK's to out-of-service reports to help meet the
14 index, the out-of-service-over-24-hour index?

15 A No.

16 Q Have you ever heard of that being done?

17 A No.

18 Q Okay. I think what I'd like to do, Ms.
19 Murphy, for a moment here is ask you about disposition
20 and cause codes. What's a disposition code?

21 A That's the close code, the close code as to
22 what was wrong with the trouble, what he did, what he
23 fixed. Or if it's cable or translations or --

24 (Simultaneous conversation.)

25 Q What the service technician fixed?

1 A Yes. Or if it is something that we handle in
2 the office or in translations, we all have separate
3 codes for the type of trouble that it was.

4 Q All right. What's a cause code?

5 A What caused it, if they know. If it's
6 unknown or if it was weather or moisture or something,
7 what the cause was.

8 Q Okay. Do you know whether or not any
9 specific disposition and cause codes might take an
10 out-of-service report out of that out-of-service index
11 so it didn't count as a miss against the Company?

12 A No.

13 Q Okay. Are you familiar with the 1200 codes?

14 A Yes.

15 Q Disposition codes?

16 A Uh-huh.

17 Q Are those inside wire codes, CPE,
18 customer-provided equipment codes?

19 A Yeah. I need my green sheet.

20 Q That's okay, you're doing great.

21 On the customer equipment codes, if the
22 problem ends up being in the customer's equipment and
23 the report is out-of-service, do you know who is
24 responsible for fixing that problem?

25 A The customer.

1 Q The customer is?

2 A Uh-huh.

3 Q Okay. If it is out of service more than 24
4 hours, is the customer due a rebate if it is a
5 customer-provided equipment problem?

6 A No.

7 Q Okay.

8 A No.

9 Q If it's a customer-provided equipment problem
10 and it's gone longer than 24 hours before it was fixed,
11 do you know if that counts as a miss against the
12 Company on that out-of-service-over-24-hour index?

13 A If it is the customer's own equipment?

14 Q Uh-huh.

15 A And it has been out of service more than 24
16 hours, would that count against the Company in meeting
17 that out-of-service-over-24 index?

18 A I'm not sure.

19 Q You're not sure?

20 A I'm sorry, I'm not sure.

21 Q That's fine. If you're not sure, that's
22 fine.

23 Has anyone ever instructed you to use
24 specifically the CPE, the 1200-1300 codes, when they
25 did not apply?

1 A No.

2 Q Okay. Ms. Murphy, I'm going to show you a
3 document and I'll introduce it and then we'll go off
4 the record, and I'm going to give you a chance to look
5 at it. Okay?

6 This document was filed in the consolidated
7 rate case docket by the Company on April 1st of this
8 year, 1993. And it's titled, "Southern Bell's Response
9 to Preliminary Order No. PSC-930263-PCO-TL entered on
10 February 19, 1993." And I will let you look at the
11 document for yourself.

12 Southern Bell states that, "All of the
13 individuals whose names appear below were interviewed
14 during Southern Bell's internal investigation. Next to
15 each name, there appears one or more numbers. Each
16 number corresponds to a general subject matter. The
17 criterion used for associating a subject matter with an
18 individual was strictly whether the statement directly
19 or indirectly addressed the subject matter, not whether
20 the individual had knowledge of the subject matter.
21 Consequently, an individual with no knowledge about a
22 particular subject matter may nevertheless have that
23 subject matter appear next to his name if he or she
24 mentioned it in his or her statement."

25 Now, what I would like you to do for me is

1 to look at the document and identify for me whether or
2 not your name appears on Page 13, No. 436 out of these
3 650 names. And if that's you, okay, then I'd like you
4 to look at the numbers next to your name and look at
5 supposedly what they correspond to.

6 A Okay.

7 Q And we'll go off the record now so you'll
8 have time to do that?

9 A All right.

10 (Discussion off the record.)

11 Q (By Ms. Richardson) All right. Ms. Murphy,
12 have you identified whether or not that's your name in
13 that document?

14 A Yes, that is me.

15 Q That is you?

16 Okay. And I would like for you to look at
17 No. 9 under your name. "9" appears, doesn't it, by
18 your name?

19 A Yes.

20 Q All right. And No. 9 has something to do
21 with test-OKs and out-of-service reports?

22 A Uh-huh.

23 Q Okay. What do you know about closing test-OK
24 reports to out-of-service --

25 MR. BEATTY: If anything at all.

1 A Well, nothing.

2 Q (By Ms. Richardson) Okay. Have you heard of
3 that being done?

4 A It was rumored a few years ago.

5 Q And what was the rumor that you heard?

6 A That maybe they were trying to build up a
7 base.

8 (Simultaneous conversation.)

9 Q (By Ms. Richardson) Okay. And what do you
10 know about building the base, then? What does that
11 mean to you?

12 A It really didn't mean much to me because I
13 didn't pay attention to it. And I have to say that I
14 don't, and because we were never asked to do anything.
15 It's rumors. I don't have any real proof. I can only
16 tell you what I've heard.

17 Q Is building the base referring to that
18 out-of-service-over-24-hour index?

19 A Could be. I don't know

20 MR. BEATTY: I object. She indicates she
21 does not know.

22 MS. RICHARDSON: She indicated she didn't
23 know about building the base with the test-OK, but I'm
24 trying to get some further clarification. But that's
25 okay. We'll move on.

1 Q (By Ms. Richardson) No. 11 on that list
2 mentions something about improper preparation of
3 trouble reports. What can you tell me about that?

4 A Nothing. I don't know that I really
5 understand this. I, you know. You're getting at maybe
6 if the reports were handled improperly?

7 Q Yes.

8 A Or not statused correctly, that's what you
9 mean?

10 Q Yes.

11 A No, I don't know.

12 Q Have you heard anything?

13 A Yes.

14 Q Again, what have you heard?

15 MR. BEATTY: Objection, hearsay.

16 Q (By Ms. Richardson) That means you can still
17 answer.

18 A I mean, it's not anything I don't know. I
19 mean it's not anything I know to be fact.

20 Q That's all right. You can still answer
21 hearsay.

22 A It's just hearsay.

23 Q Then tell me what you've heard.

24 A You know, maybe reports weren't being set up
25 properly or statused properly but --

1 Q In which center?

2 A In the center in Miami Metro.

3 Q And did you hear any names associated with
4 that?

5 A No.

6 Q Did you hear any managers' names associated
7 with that?

8 A No.

9 Q Did you hear how they were not being statused
10 properly?

11 A No.

12 Q Ms. Murphy, during the time that you remained
13 as an administrator, did any manager ever require you
14 to call them before closing out an out-of-service
15 report that was in danger of going over 24 hours?

16 A No.

17 Q Okay. Tell me about jeopardy reports.

18 A Well, there are all kinds of jeopardy
19 reports. You watch to make sure when the, how long a
20 circuit has been in there. If we get a circuit right
21 away, we know we have to dispatch on it right away to
22 make sure that everything is done. That's what the
23 jeopardy reports are, to stay on board, you know, that
24 troubles get moving and we get screening and we get
25 everything done. You know, to make sure that things

1 are done properly, fast.

2 Q Okay. Does it relate at all to the 24-hour
3 index requirement?

4 A Well, I imagine it probably would in the end.
5 You need to, you know, you want to meet that
6 requirement. That's why we're staying on top of
7 everything.

8 Q Okay. Do you know of anyone who has used
9 jeopardy reports to identify out-of-service troubles
10 about to go over 24 so that they could improperly close
11 them?

12 A No. No.

13 Q Do you know how to exclude a report?

14 A Yes.

15 Q All right. And what happens when you exclude
16 a report?

17 A The history is still there; the report is
18 removed from the pool.

19 Q Which pool?

20 A Well, when you're screening, like if you get
21 a call-in-call, someone will call and say, "The line is
22 busy there must be trouble." And you call the customer
23 and the line was not busy. I mean they were on the
24 phone, there's no trouble, it's just that the other
25 party couldn't get through. Thing that's an excludable

1 trouble because there is no trouble. If you can
2 clarify that 100%, that's it.

3 Q All right. And have you ever heard of anyone
4 excluding out-of-service reports?

5 A No.

6 Q Okay. Have you ever done that yourself?

7 A No.

8 Q Has anyone ever asked you to do that?

9 A No.

10 Q Has anyone ever asked you to close test-OK
11 reports as out of service?

12 A No.

13 Q Do you know what the carry over no or CON
14 code is, C-O-N code?

15 A Those are for customer changes in
16 appointment, and they make it for a future date.

17 Q Okay.

18 A And you be sure to input those when they're
19 due.

20 Q Do you know if a CON code stops that 24-hour
21 clock?

22 A I really don't know. I probably should know,
23 I just don't know.

24 Q Okay. Have you ever heard of anyone using a
25 CON code to stop that 24-hour clock?

1 A No. I don't -- I've heard of CONs, but I
2 don't know what the code is you're talking about, no.

3 Q Well, CON, have you ever heard anyone using
4 the CON to stop the 24-hour clock?

5 A No.

6 Q Okay. Have you ever heard of anyone using
7 CON without contacting the customer?

8 A No.

9 Q Okay. Do you know of anyone who has taken an
10 out-of-service report that is about to pass over that
11 24-hour period, close it out and then reopen a new
12 report to repair the problem?

13 A No.

14 Q Do you know of anyone who used another
15 person's employee code?

16 A No.

17 Q Have you ever heard of anyone building the
18 base in any other manner than what we've just talked
19 about?

20 A No.

21 Q Do you know of anyone who has falsified a
22 customer record?

23 A No, I don't.

24 Q Has anyone ever asked you to you falsify a
25 customer record?

1 A No.

2 Q Have you ever falsified a customer record?

3 A No.

4 Q Okay. Ms. Murphy, I'd like to move to the
5 question of sales at this point.

6 Have you ever been asked to help sell
7 products or services for the Company?

8 A We were a while ago.

9 Q Okay. When was this?

10 A Oh, when I first came into the maintenance
11 center when we first started to have the little
12 features, you know, Call Waiting, when that first came
13 out. If we had an opportunity, we could sell, you
14 know, if we wanted to.

15 Q All right. And who asked you to help sell?

16 A Our foreman. You know, if we wanted to sell,
17 you know, we could sell them, or call it into the
18 business office and they'll take care of it. They had
19 to do it anyway to put the order in, you know.

20 Q Okay. A forman, you mean like Jeanetta
21 Davis, John Cius, or --

22 A Oh. When they were there, we weren't even
23 selling anymore, the business office had everything.
24 This is when I first went into the maintenance center,
25 God, don't ask me the date.

1 Q Okay that's fine. That's fine. Were you
2 given any training in sales?

3 A No, uh-uh.

4 Q Was there some kind of sales promotion where
5 employees could get points or awards for sales?

6 A At one time they had them, you know, if you
7 wanted to sell, sure.

8 Q Okay. And did you win any?

9 A No.

10 Q No?

11 A No. I had been in the business office too
12 many years, I sold too much there. I wasn't in the
13 selling business.

14 Q Oh, okay. You had worked in the business
15 office before you became an MA, then?

16 A Oh, yeah. I have been everywhere.

17 Q And what did you do in the business office?

18 A I was a service rep.

19 Q And what did a service rep do?

20 A Take orders from customers, collect bills,
21 discuss bills, customer complaints. We did it all;
22 what they do now.

23 Q And I think you said you also sold?

24 A Oh, sure.

25 Q Okay.

1 A We're going back to 1957, okay?

2 Q I wouldn't believe it, Ms. Murphy.

3 A I hardly know my name. I can't remember
4 that.

5 Q Was there a -- did your manager instruct you
6 on keeping a time report in the amount of time you
7 spent on sales activities and the amount of time you
8 spent on helping customers with repair?

9 A No.

10 Q So you didn't make any distinction between
11 the times?

12 I'm sorry. Do you have a response?

13 A No, no distinction between the times.

14 Q I should have told you she can't take head
15 nods, she has to have a yes or no out loud.

16 A Handle that head nod. She'll just have to
17 handle that.

18 MS. RICHARDSON: Ms. Murphy, I think I don't
19 have any further questions unless somebody jogs my
20 memory. I want to thank you for coming today and being
21 here. The Commission may have some questions. Mr.
22 Beatty may have one or two for you.

23

24

25

EXAMINATION

1

2 BY MS. WILSON:

3 Q I wanted to ask you whether a service
4 technician ever talked to you about the possibility of
5 missing a 24-hour objective when he called you to enter
6 the carrying time. Did you ever --

7 Q If we miss it, we miss it. You know, we say,
8 "Well, here goes another one we are going to get killed
9 for." If you miss it, you miss it.

10 Q So you never discussed with him the
11 possibility that --

12 A Backing it up or something like that? No. No.

13 Q Have you heard of anyone who had discussions
14 like that with a service technician?

15 A Not really, no. I'm sure at one time or
16 another anyone might have discussed it with him. What
17 you're getting at, no. I'd have to say no.

18 Q So you didn't hear rumors or something that
19 this activity might have taken place?

20 A Not really. That would be more of an outside
21 thing, I would think.

22 Q An outside?

23 A With the outside men. I mean, I, you know,
24 being in, no. If I've answered your question, I don't
25 know. Maybe I haven't answered it.

1 MS. WILSON: I think you have. Thank you.

2 EXAMINATION

3 BY MR. VINSON:

4 Q Ms. Murphy, I have one question.

5 Have you ever seen in the maintenance center
6 a message posted with words to the effect "No
7 out-of-services today"?

8 A No.

9 Q In any of the maintenance centers that you
10 worked in, did they have an electronic message board?

11 A Uh-huh.

12 Q Scrolling messages?

13 A Oh, yeah.

14 Q But you never saw such a message as "No
15 out-of-services today"?

16 A Uh-uh.

17 MR. VINSON: Thank you. That's it.

18 MR. BEATTY: I have nothing. Thank you.

19 (Thereupon, the deposition was concluded at
20 5:05 p.m.)

21 - - - - -

22

23

24

25

AFFIDAVIT OF DEPONENT

This is to certify that I, PATRICIA O. MURPHY, have read the foregoing transcription of my testimony, Page 1 through 38, given on April 21, 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.

PATRICIA O. MURPHY

Sworn to and subscribed before me this

_____ day of _____

1993.

NOTARY PUBLIC

State of _____

My Commission Expires:

FLORIDA PUBLIC SERVICE COMMISSION

1
2
3
4 F L O R I D A)
5 :
6 C O U N T Y O F L E O N)

CERTIFICATE OF OATH

7
8 I, the undersigned authority, certify that
9 PATRICIA O. MURPHY personally appeared before me and
10 was duly sworn.

11 WITNESS my hand and official seal this

12 14th day of May, 1993.
13
14



Sydney C. Silva

SYDNEY C. SILVA

Notary Public - State of Florida

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

4 I, SYDNEY C. SILVA, Official Commission
 5 Reporter and Registered Professional Reporter,
 6 DO HEREBY CERTIFY that I was authorized to
 7 and did stenographically report the foregoing
 8 deposition of PATRICIA O. MURPHY;

9 I FURTHER CERTIFY that this transcript,
 10 consisting of 38 pages, constitutes a true record of
 11 the testimony given by the witness.

12 I FURTHER CERTIFY that I am not a relative,
 13 employee, attorney or counsel of any of the parties,
 14 nor am I a relative or employee of any of the parties'
 15 attorney or counsel connected with the action, nor am I
 16 financially interested in the action.
 17 DATED this 14th day of May, 1993.

18 Sydney C. Silva
 19 SYDNEY C. SILVA, CSR, RPR
 20 Official Commission Reporter
 21 Telephone No. (904) 488-5981

22 STATE OF FLORIDA)
 23 :
 24 COUNTY OF LEON)

25 The foregoing certificate was acknowledged
 before me this 14th day of May, 1993, by SYDNEY C.
 SILVA, who is personally known to me.

26 Pamela A. Canell
 27 Pamela A. Canell
 28 Notary Public - State of Florida



29 PAMELA A. CANELL
 30 MY COMMISSION # CC 246413 EXPIRES
 31 December 16, 1996
 32 BONDED THRU TROY FAIR INSURANCE, INC.

33 FLORIDA PUBLIC SERVICE COMMISSION

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: HAROLD E. STEPHENS

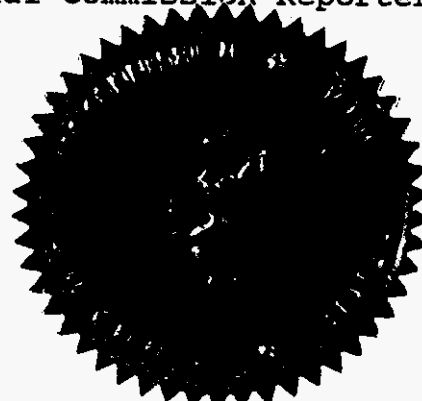
TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 666 N.W. 79th Avenue
Room 640
Miami, Florida

TIME: Commenced at 5:05 p.m.
Concluded at 5:50 p.m.

DATE: Wednesday, April 21, 1993

REPORTED BY: PAMELA A. CANELL
Official Commission Reporter



1 APPEARANCES:

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15

16 ALSO PRESENT:

17 STAN GREER, FPSC Division of Communications

18 CARL VINSON, FPSC Division of Research &
19 Regulatory Review

20 TERRILL BOOKER, FPSC Division of
21 Communications

22 WALTER BAER, Office of Public Counsel

23 WAYNE TUBAUGH, Southern Bell

24

25

I N D E X

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WITNESS

HAROLD E. STEPHENS

Examination by Ms. Richardson 6

ERRATA SHEET

DOCKET NO. 910163-TL

NAME: Harold E. Stephens

DATE: April 21, 1993

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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.

HAROLD E. STEPHENS

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

EXAMINATION

BY MS. RICHARDSON:

Q Mr. Stephens, would you please state your name and spell it so that the court reporter has it correctly.

A My name is Harold E. Stephens, H-A-R-O-L-D, initial E, S-T-E-P-H-E-N-S.

Q And would you please give us your address?

A

Q And your zip code?

A

Q And your phone number?

A

Q And what is your present position with the Company?

A Presently, I'm a maintenance administrator in the maintenance center in the North Dade district.

Q North Dade?

A Yes.

Q And how long have you been in the North Dade center?

A Approximately seven or eight years.

- 1 Q Seven or eight years?
- 2 A Yeah.
- 3 Q 1986, '85?
- 4 A Something like that.
- 5 Q And have you been a maintenance administrator
- 6 that entire time?
- 7 A Yes.
- 8 Q And did you work in another center before
- 9 North Dade?
- 10 A Yes, I did work in the South Miami test
- 11 center.
- 12 Q South Miami?
- 13 A Yes.
- 14 Q And how long were you in the South Miami
- 15 center?
- 16 A Approximately two or three years.
- 17 Q Also as an MA?
- 18 A Yes.
- 19 Q How long have you been with the Company all
- 20 together?
- 21 A 20 years.
- 22 Q 22?
- 23 A 20.
- 24 Q 20, okay. And did you start as an MA?
- 25 A No, I started out in a business office.

1 Q Doing what?

2 A As a service representative.

3 Q And did that involve sales?

4 A It did.

5 Q Collections?

6 A Yes.

7 Q Billing?

8 A Yes.

9 Q Okay. Who is your present first level
10 supervisor?

11 A Dasset Freeman.

12 Q All right. And how long has Dasset Freeman
13 been your first level supervisor?

14 A I think it's been about five years.

15 Q About five years. Okay. And who was your
16 first level supervisor before Dasset Freeman?

17 A Earl Mergelsberg. I guess that is his name.

18 Q Was there someone before Mr. Mergelsberg in
19 North Dade that was your first level supervisor?

20 A No.

21 Q .. Who is your present second level supervisor?

22 A Second level?

23 Q Yes.

24 A Which would be my district manager? Ralph
25 Delevega.

1 Q Ralph Delevega. Okay. And do you know who
2 was the second level before Mr. Delevega in North Dade?

3 A Jack Sellers.

4 Q Jack Sellers. Okay. Who is your present
5 operations manager?

6 A It's Carlos Quintera.

7 Q And is Linda Isenhour your general manager?

8 A Yes.

9 Q And in South Miami center, who was your first
10 level supervisor there?

11 A I think his name was Paul Johnson.

12 Q Was he your manager the full time that you
13 were in South Miami?

14 A Yes.

15 Q And who was your second level in South Miami?

16 A Well, there were two. I can't remember the
17 lady's name. Trudy.

18 Q Trudy?

19 A I can't remember her last name. I can't
20 remember her last name.

21 Q Did you have any others besides Trudy? Any
22 other second levels?

23 A No.

24 Q Do you know who the operations manager was
25 over at South Miami?

1 A I don't remember who it was.

2 Q Okay. Mr. Stephens, have you talked to
3 anybody about your deposition here today?

4 A Excuse me?

5 Q Have you talked to anybody about your
6 deposition here today?

7 A When you say "anybody," do you mean company
8 employees or --

9 Q Company employees or anyone outside the
10 Company?

11 A Some coworkers.

12 Q Coworkers. And what have you discussed with
13 them about your deposition?

14 A I told them I had to go to give a deposition.

15 Q Did you discuss any questions or answers that
16 you might be giving today?

17 A No.

18 Q Has anyone advised you whether or not you
19 might or might not be subject to discipline for your
20 answers today?

21 A No.

22 Q Has anyone advised you of possible criminal
23 penalties that may apply if you perjure your testimony?

24 A No.

25 Q Okay. I would like to ask you what a

1 maintenance administrator does?

2 A A maintenance administrator, we analyze
3 reports that come in, customer reports. And we test
4 the lines and we repair the trouble. If we can't
5 repair, we send them to a bureau that does repair it.

6 Q Send it to a bureau that does repair?

7 A That does repair the problem.

8 Q Is that a SAB report, S-A-B, SAB report?

9 A Well, it could be a SAB, it could be a
10 retransmit to translations -- or usually a SAB or
11 retransmit or sometimes a call. But mostly it's a SAB
12 or retransmit.

13 Q Have you ever done dispatch out to STs?

14 A Yes.

15 Q On the testing of reports, is part of the
16 testing decision to determine whether or not it's
17 out-of-service or simply service-affecting?

18 A Yes.

19 Q And is that a decision that you would make as
20 an MA?

21 A Normally, the test comes over the VER code
22 which determines whether it's out-of-service or not.

23 Q Okay.

24 A And after talking with the customer that
25 perhaps, you know, if he says he's out of service, if

1 it's a VER code that's not a normal out of service VER
2 code, if I speak with him, we can determine whether
3 he's actually out of service.

4 Q Have you ever seen instructions -- let me
5 rephrase that. Have you ever been given instructions
6 not to status reports out-of-service today?

7 A Yes.

8 Q You have. And who gave you those
9 instructions?

10 A I think it was

11 Q And was a supervisor?

12 A Yes.

13 Q And we've not mentioned him before, so which
14 center was he in?

15 A This was in South Miami.

16 Q South Miami?

17 A Yes.

18 Q Was he a first level or second level?

19 A First level.

20 Q So you had

21 A They were both supervisors in the test
22 center.

23 Q At the same time?

24 A Yes.

25 Q And how did relay these

1 instructions to you?

2 A Well, when he did, on occasion he would say,
3 "Well, let's stop statusing and anything else
4 out-of-service today."

5 Q Do you know why he would tell to you do that?

6 A Well, no, I don't know why.

7 Q Okay. Are you familiar with the requirement
8 that the Company repair out-of-service reports within
9 24 hours at least 95% of the time?

10 A Yes.

11 Q I'm sorry. She can't take head nods. She's
12 got to hear a yes or a no; and you said that very
13 softly, but I just wanted to tell you that.

14 A Yes.

15 Q Okay. Was that something that happened very
16 frequently?

17 A Well, occasionally, not frequently.

18 Q All right. And when you did not status
19 reports out-of-service, did that have any impact on
20 whether or not the Company met that requirement to
21 complete reports that were out-of-service within 24
22 hours?

23 MR. BEATTY: If you know.

24 A I'm not really sure.

25 Q (By Ms. Richardson) Not really sure. Okay.

1 If it's not out-of-service, would it be counted in the
2 out-of-service-over-24?

3 A I don't think so.

4 Q Do you know whether affecting-service reports
5 are counted in that out-of-service-over-24 index?

6 A I'm not sure what you're saying.

7 Q Do you know if the affecting-service reports
8 are counted in that out-of-service-over-24-hour index?

9 A Well, I don't really understand
10 "affecting-service"?

11 Q Service-affecting.

12 A Yeah, which means it's not out-of-service.

13 Q Right. Are they counted in that
14 out-of-service-over-24 index?

15 A I'm not sure.

16 Q Okay. Were you the only maintenance
17 administrator that received instructions not to status
18 out-of-service?

19 A No. It wasn't a statement between the two of
20 us, it was like an announcement.

21 Q And how would that announcement be made?

22 A He would come into the group and say it.

23 Q Just verbally tell you?

24 A Yes.

25 Q Was there ever any notices or messages posted

1 not to status out-of-service?.

2 A Not to my knowledge.

3 Q Okay. Would this happen on occasions when
4 the center was receiving a lot of out-of-service
5 reports at one time?

6 A I'm not really sure the nature of why he said
7 it, but I know it was said.

8 Q Okay. Have you heard the terms "backing up
9 the time"?

10 A Sure.

11 Q In what context have you heard that?

12 A To meet a commitment.

13 Q To meet a commitment. What's a commitment?

14 A Say the trouble report is supposed to be
15 cleared or closed by, say, 5:00 today. If he didn't
16 clear it or close it by 5:00, that means you would have
17 to back it up if you wanted to meet that commitment.

18 Q And have you done that?

19 A Well, no, I haven't done that.

20 Q You have not done it?

21 A No, I have not done that.

22 Q Do you know anyone who has done that?

23 A I don't know.

24 Q You've heard of it being done?

25 A I've heard of it being done.

1 Q And when you meet the commitment of 5:00, are
2 you meeting that 24-hour index at the same time?

3 A Yes.

4 Q So it's your understanding then the purpose
5 of backing up the time was to meet the 24-hour index?

6 MR. BEATTY: Objection, objection. He said
7 it's a rumor.

8 MS. RICHARDSON: Well, he didn't say "rumor."
9 He didn't use the word "rumor."

10 MR. BEATTY: He said "hearsay." Well, it was
11 hearsay.

12 MS. RICHARDSON: He said he heard. I mean
13 I'm bad enough putting words in mouths, but I would
14 like to object to your characterizing his testimony
15 also.

16 MR. BEATTY: Based upon when he said, it's
17 hearsay as to him. He said he's never done it, unless
18 you ask more questions to clarify. And in the absence
19 of that, I would object to the previous question.

20 Q (By Ms. Richardson) Okay. Mr. Stephens?

21 A Yes.

22 Q Where have you heard of backing up the time?

23 A Where I've heard it? I'm sure it must be in
24 an office environment, but I don't know where.

25 Q So other employees were talking about it?

1 MR. BEATTY: Objection.

2 Q (By Ms. Richardson) In an office
3 environment, were other employees talking about it?

4 A It must have been.

5 Q Okay.

6 MR. BEATTY: Do you specifically recall?

7 WITNESS STEPHENS: I don't recall, you know,
8 who said it or when, but I've heard of the term
9 "backing up."

10 Q (By Ms. Richardson) Okay. Are you familiar
11 with disposition and cause codes?

12 A Yes.

13 Q What's a disposition code?

14 A A disposition code is the codes that the
15 trouble report is closed out to.

16 Q And what's a cause code?

17 A It's what caused the problem.

18 Q Okay. Do you know whether or not if a
19 problem was caused by a customer, a customer action,
20 whether or not it would be counted against the Company
21 in that out-of-service-over-24-hour index?

22 A I don't think so if it's customer action.

23 Q What about if it's a hurricane? Would that
24 count against the Company if they didn't get the
25 trouble repaired within 24 hours?

1 A I'm not really sure, but there a cause code
2 for weather.

3 Q Have you heard of certain disposition and
4 cause codes that would exclude out-of-service reports
5 from being counted against the Company in that 24-hour
6 index?

7 A Not to my knowledge.

8 Q Has anyone emphasized with you specific
9 disposition and cause codes that should be used to
10 exempt the Company from that 24-hour index?

11 A Not to my knowledge.

12 Q Do you know what an no-access is?

13 A Yes.

14 Q Can you briefly explain to me what a
15 no-access is?

16 A A no-access is when a repairman or installer
17 goes to a customer premise and he doesn't have access
18 to a job.

19 Q Okay. And do you know whether or not a
20 no-access would stop that 24-hour clock?

21 A I am not sure.

22 Q Okay. The no-access, is that caused by
23 customer or by something with the Company?

24 A Normally, the repairman or installer has no
25 means to get to where he thinks the problem is. If

1 it's inside -- say if the customer is not home, he
2 can't get in to repair the problem, then he no-accesses
3 the trouble.

4 Q Is it the customer's fault then that he can't
5 get inside to repair it?

6 A Is it the customer's fault that he can't get
7 inside the customer's house?

8 Q Yes.

9 A I don't know whose fault it is, but he
10 doesn't have access.

11 Q Have you ever heard of anyone using the
12 no-access code to stop the clock on that 24-hour clock?

13 A Not to my knowledge.

14 Q Have you ever heard of anyone no-accessing a
15 report without dispatching on it?

16 A No.

17 Q How long are no-accesses held before they're
18 closed out?

19 A I'm not real sure.

20 Q Are they held before they're closed out?

21 A Well, let me say this. I screen more than I
22 dispatch.

23 Q Okay.

24 A So a lot of the dispatch procedures, you
25 know, I'm just not really up-to-date. I have to refer

1 back to my notes. I usually screen more than I
2 dispatch.

3 Q Well, let's talk about screening then. Are
4 you familiar with the auto-screener?

5 A Yes.

6 Q And what does auto-screener do?

7 A The computer screens the report.

8 Q And what does it do with it?

9 A Well, it tests it and it statuses it to go
10 out or to be dispatched in.

11 Q So is there an automatic out-of-service
12 statusing through auto-screener then?

13 A Depending on the handle code and the VER
14 code, I believe.

15 Q Okay. What's a handle code?

16 A It's sort of hard to explain. It's a
17 category of a trouble report, I'd say.

18 Q Does that kick it out of auto-screener and
19 put it over to a human screening process?

20 A I don't think so.

21 Q You don't think so. Would a handling code
22 kick it out to automatic dispatch?

23 A It could if the VER code matches.

24 Q Okay. Are you familiar with wet rules and
25 dry rules?

1 A No.

2 Q Do you know of anyone who has used
3 auto-screener to prevent an out-of-service report from
4 being statused out-of-service?

5 A Not to my knowledge.

6 Q Have you heard the terms "building the base"?

7 A I've heard the term "building the base."

8 Q And what's your understanding of that?

9 A It's not really clear, but I know that it has
10 something to do with numbers. I'm not really sure.

11 Q Numbers of what?

12 A The number of reports that come in.

13 Q .. Numbers of out-of-service reports?

14 A Reports, period, I think.

15 Q Okay. Do you know of anyone or have you
16 heard of anyone, let's start off with that, have you
17 heard of anyone building the base of out-of-services to
18 help the Company meet that 95% index?

19 MR. BEATTY: Objection. Hearsay. You can
20 respond, if you can.

21 A Not to my knowledge.

22 Q (By Ms. Richardson) Not to your knowledge.
23 Do you know of anyone who has done that?

24 A No.

25 Q Has anyone ever instructed you to take a

1 group of test-OK reports and status them
2 out-of-service?

3 A No.

4 Q Have you heard of anyone taking test-OK
5 reports and statusing them out-of-service in order to
6 meet that index?

7 MR. BEATTY: Objection. Hearsay. You may
8 respond, if you can.

9 A I have no idea.

10 Q (By Ms. Richardson) What's the criteria for
11 determining whether a phone is out of service?

12 A If a customer can't receive or can't make a
13 call out, it's out of service.

14 Q Okay. Do you know of anyone who has taken a
15 can't-be-called or can't-call-out report and not
16 statused it out-of-service deliberately?

17 A I don't know if anyone has done it
18 deliberately.

19 Q Have you ever done that?

20 A No.

21 Q Other than the instructions not to status
22 out-of-service that we talked about earlier?

23 MR. BEATTY: Objection to the form of the
24 question. Is there a question pending?

25 MS. RICHARDSON: He said that he had never

1 done himself and had never heard of that being done.
2 And I want to, just for his sake, distinguish between
3 his prior testimony on receiving instructions not to
4 status out-of-service that there may have been one
5 occasion that we've already talked about in this
6 testimony.

7 MR. BEATTY: Well, I object. It's been asked
8 and answered, but you can go ahead.

9 Q (By Ms. Richardson) Mr. Stephens, I want to
10 show you a document. I'm going to introduce the
11 document for the record and then we'll go off the
12 record and you will have a chance to look at it and
13 think about it as much as you need. And then we'll
14 come back on the record, and I'll ask you some
15 questions about it.

16 To introduce it, this document was filed by
17 Southern Bell on April 1st of 1993 in the consolidated
18 rate case and investigation dockets. And that is the
19 reason we're here. It is titled "Southern Bell's
20 Response to Preliminary Order No. PSC-93-0263-PCO-TL"
21 entered on February 19th, 1993.

22 And in this document Southern Bell states
23 that, "All of the individuals whose names appear below
24 were interviewed during Southern Bell's internal
25 investigation. Next to each name, there appears one or

1 more numbers. Each number corresponds to a general
2 subject matter. The criterion used for associating a
3 subject matter with an individual was strictly whether
4 the statement directly or indirectly addressed the
5 subject matter, not whether the individual had
6 knowledge of the subject matter. Consequently, an
7 individual with no knowledge about a particular subject
8 matter may nevertheless have that subject matter appear
9 next to his name if he or she mentioned it in his or
10 her statement."

11 And then what I would ask to you do first is
12 to identify whether the Harold Stephens on Line No. 552
13 out of the 650 names is actually yourself. And then
14 we'll go off the record and give you a chance to look
15 at the numbers and compare the general subject matter
16 statements so that you can get familiar with the
17 document before I ask you questions.

18 We'll go off the record now.

19 (Discussion off the record.)

20 Q (By Ms. Richardson) First of all, were you
21 interviewed by Southern Bell?

22 A Yes.

23 Q And can you tell me who was in the room at
24 the time that you were interviewed?

25 A I don't recall who was in the room.

1 Q If you don't recall their names, can you tell
2 me their positions?

3 A One of our Southern Bell lawyers was there, I
4 believe or I'm not sure.

5 Q Do you think it was Mr. Beatty?

6 A I thought it was Mr. Beatty.

7 Q Was there anyone else in the room at the
8 time?

9 A I'm sure it must have been someone asking --
10 no, I think it was just the two of us. A lawyer and
11 myself, I thought.

12 Q And have you discussed that interview with
13 anyone other than Mr. Beatty?

14 A Of course.

15 Q You have?

16 A Of course.

17 Q Who did you talk to that interview about?

18 A Well, another person that was interviewed
19 also.

20 Q And please tell me the name of that other
21 individual.

22 A Let's see. I think it was Betty Jones.

23 Q Betty Jones. All right. And what did you
24 and Ms. Jones discuss?

25 A Just the questions that were asked, that's

1 all.

2 Q And what questions was asked?

3 A It's been such a long time. I don't remember
4 the exact nature of the questions -- of the exact
5 questions.

6 Q Okay. What about general subject matter of
7 the questions in your discussion with Ms. Jones?

8 A We just mentioned the questions that were
9 asked. ..

10 Q Did either one of you identify specific
11 instances of improper handling of customer trouble
12 records?

13 MR. BEATTY: Objection to form.

14 Q (By Ms. Richardson) In your conversation to
15 each other?

16 A I think we did mention on two occasions.

17 Q Okay. Please identify those two occasions
18 for me.

19 A .. One occasion was with me in South Miami test
20 center, and the other occasion was North Dade and
21 made a statement.

22 Q All right. Let's start the one in your
23 center. Please tell me what happened.

24 A When you say "my center," you mean North
25 Dade, South Dade?

1 Q Yes, North Dade, the first one you identified
2 for us.

3 A Okay. The first one was South Dade.

4 Q South Dade. Thank you.

5 A South Miami, I'm sorry.

6 Q South Miami, okay.

7 A Oh, when the gentleman said that, say, "Today
8 we're not going to status troubles out-of-service
9 anymore."

10 Q Okay. That was

11 A Yes.

12 Q What about the one with

13 A made a statement to the office
14 one day. I'm not sure whether it was a cause code or
15 an out-of-service, but it was something of that nature
16 that if we didn't do it the way she said it, we could
17 be in trouble.

18 Q Okay. And when she said "be in trouble," did
19 she mean that you might be disciplined?

20 A I don't know what she meant, but I got the
21 impression, you know, that it would be adverse.

22 Q For the entire center or for you personally?

23 A Whoever did it.

24 Q Did it have anything to do with test-OK
25 reports?

1 A I don't exactly remember the exact, you know,
2 context of the statement, but she did say if we didn't
3 do a certain thing, we would be in trouble.

4 Q Okay.

5 A I'm not sure whether it was a cause code or
6 out-of-service code.

7 Q Do you recall whether or not she was
8 referring to meeting the out-of-service index?

9 A I don't remember except for the nature, but
10 she did make a statement.

11 Q And do you remember the approximate year or
12 time when she made that statement?

13 A No, I don't remember the exact time.

14 Q Okay. When gave you
15 instructions not to status out-of-service, did you
16 question those instructions?

17 A Not him.

18 Q You didn't question him?

19 A No.

20 Q Did you question anyone else about those
21 instructions?

22 A Well, I decided that it wasn't right. I made
23 a statement to maybe someone sitting next to me.

24 Q Another maintenance administrator, perhaps?

25 A Yes.

1 Q Did you report that to anyone higher up than

2

3 A No, I did not.

4 Q Why didn't you?

5 A I was following instructions.

6 Q Okay. Did you feel that you might be
7 disciplined if you did not follow instructions?

8 A Well, I don't know why I didn't do it. It's
9 been eight years ago approximately, I don't even know
10 what the exact feelings were.

11 Q Eight years ago did the Company have a
12 personnel responsibility booklet they had you sign?

13 A I'm sure they must have.

14 Q But you don't recall specifically?

15 A I don't.

16 Q When made her announcement
17 about using the cause code or there would be -- was it
18 "trouble" was the word you used? I don't want to put
19 words in your mouth.

20 A Sorry. Something of that nature. I'm not
21 sure what the exact statement was.

22 Q Did you question anyone at that time about
23 her directions?

24 A Not to her superior or anything.

25 Q Did you question other MAs in the center

1 about it?

2 A Well, we talked about it.

3 Q And what did the MAs decide when they were
4 talking about it?

5 A They decide?

6 MR. BEATTY: If anything at all.

7 Q (By Ms. Richardson) What was the general
8 nature of the discussion with the other MAs?

9 A Well, it didn't seem to be right, but it
10 didn't effect me directly because I wasn't in her
11 group, but I did hear her say the statement.

12 Q Okay. Who in group would
13 know more information than you about this?

14 MR. BEATTY: If you know.

15 A Well, I really don't know.

16 Q (By Ms. Richardson) Would Ms. Jones know
17 more about it?

18 MR. BEATTY: If you know.

19 A I don't know if she would.

20 Q (By Ms. Richardson) All right. In your
21 conversation with Ms. Betty Jones, did she identify any
22 incidences such as these to you?

23 A Well, we were in the same test center at the
24 same time that the statement was made, so we were
25 mostly talking about that statement.

1 Q The statement?

2 A Right.

3 Q Did Ms. Jones identify any other incidences
4 that she was aware besides

5 A I don't recall.

6 Q All right. Is Ms. Jones the only other
7 person that you've spoken of about the statement that
8 you gave in the interview with Mr. Beatty?

9 A I think there was several of us that came
10 down for the interview, and we were all in the same
11 company car, so, of course, we must have, you know,
12 could have said something.

13 Q Can you identify anyone else then besides Ms.
14 Jones that rode in the car with you that day?

15 A I remember Ms. Jones, but I don't really
16 remember who the other person was.

17 Q Was it a male or female?

18 A I think it was a female.

19 Q Another women. Okay. Was she in your same
20 work group?

21 A Yes.

22 Q How many people are there in your work group?

23 A About 35, 40.

24 Q 35 or 40?

25 A Yes.

1 Q I'm sorry. I'm little deaf in some of my
2 ears; and so if I'm sound like I'm repeating every word
3 you say, it's because I want to make sure I've heard
4 it. That's why. You're speaking very softly, so I'm
5 having -- it's personal with me, I'm having trouble
6 hearing.

7 A I'm sorry.

8 Q Do you know if any disciplinary action was
9 taken against for this incident that you
10 spoken of?

11 A For that particular incident? I don't know.

12 Q Okay. What about Mr. Falsetti? Do you know
13 a Mr. Falsetti?

14 A I know a Mr. Frank Falsetti.

15 Q Did you ever work with Frank Falsetti?

16 A Yes, in South Miami.

17 Q In South Miami. Did any of your
18 conversations with Mr. Falsetti center on improper
19 handling of trouble reports?

20 A I don't know whether or not it's centered on
21 that, but I'm pretty sure we could have talked about it
22 in the office.

23 Q Did Mr. Falsetti relate to you any incidences
24 that he felt was a falsification of a customer record?

25 MR. BEATTY: If you recall.

1 A I don't recall.

2 Q (By Ms. Richardson) Okay. Do you know Mr.
3 Lesko?

4 A He was district manager at the time Ms.
5 D'Alessio was there.

6 Q In the South Miami center?

7 A No, it was North.

8 Q It was North. I keep getting those confused.
9 Do you know of any incidences when Mr. Lesko was
10 involved -- that involved the falsification of customer
11 trouble records?

12 A I don't know.

13 Q Have you heard of any?

14 A No, not really.

15 Q That's a no? Okay. On the document that I
16 have given you, there is a No. 7. And No. 7, I
17 believe, relates to no-access?

18 A Yes.

19 Q Do you have any information about the
20 improper use of the no-access status?

21 MR. BEATTY: Objection. It's been asked and
22 answered. And his answer to you is, "No." He has no
23 knowledge about improper conduct with regard to
24 no-access.

25 Q (By Ms. Richardson) And just to repeat the

1 question, that answer is still the same?

2 A Yes.

3 Q Mr. Stephens, have you ever been involved in
4 selling services or products for the Company as an MA?

5 A As an MA, no.

6 Q Has anyone ever approached you and asked you
7 to sell services or products while you were an MA?

8 A No.

9 Q Are you aware of promotional sales campaigns
10 that some of the employees may participate in?

11 A Okay. Let me back up for a minute. While in
12 South Miami we did have sales campaigns and we did
13 sell, but it wasn't -- you know, we sold as we spoke
14 with customers. We weren't under pressure to sell
15 anything.

16 Q All right. I would like to talk about that
17 and ask you a few questions about that.

18 A Okay.

19 Q How did you get involved in selling then as
20 you were talking to customers?

21 A If I called a customer about a trouble report
22 and I noticed he didn't have, say, Call Waiting, "Mr.
23 Customer, I notice you don't have Call Waiting, would
24 you like to have Call Waiting?"

25 "Well, what is Call Waiting?"

1 I would explain it to him and if he wanted
2 it, you know, I'd fill out a form and send it into the
3 business office.

4 Q Okay. Did a manager ask you to perform sales
5 as you were working with customers on trouble reports?

6 A Well, if it was a sales campaign, you know,
7 we were told to do that.

8 Q Okay. Were you given any choice as to
9 whether or not you would sell or were you just told,
10 "You will do this"?

11 A We weren't ordered to do it.

12 Q Oh, okay. That's what I'm trying to get at.
13 Were you given any training in sales at that time?

14 A Well -- at that time?

15 Q Yes.

16 A Not really. I wasn't trained to sell by the
17 maintenance center.

18 Q All right. Did you receive any sales points
19 or awards or prizes for the sales that you did?

20 A Yes, there were incentives.

21 Q Did you receive any incentives?

22 A Yes.

23 Q And what kinds of incentives did you receive?

24 A Prizes, like a calculator, jacket or pens.

25 Q Okay. Anything bigger than that, like a

1 cruise or something of that nature?

2 A I didn't.

3 Q Did you receive any money for sales?

4 A No.

5 Q Did you ever record a sale for a customer
6 without contacting the customer?

7 A Never.

8 Q Did you ever record a sale for a customer
9 without the customer's authorization of the sale?

10 A No.

11 Q Do you know of anyone who has recorded a sale
12 for a customer without contacting a customer?

13 A No, I don't.

14 Q Do you know of anyone who has recorded a sale
15 for a customer without the customer's authorization?

16 A Not to my knowledge.

17 Q All right. Do you know what a boiler room
18 is?

19 A A boiler room?

20 Q Have you heard of the term "boiler room" in
21 relation to sales?

22 A Oh, no.

23 Q I don't mean like the steam room where you
24 put the heater --

25 A I was in the Navy.

1 Q Oh, you were. Yes, you've heard of the term
2 "boiler room" if you've been in the Navy. My dad was
3 in the Navy.

4 I guess the last thing I would really like to
5 know on sales is, was there any provision for the way
6 you recorded the amount of time you spent selling and
7 the amount of time that you were actually handling a
8 customer trouble record?

9 A Well, if I can remember correctly, we just
10 mentioned the sales while handling the trouble report.

11 Q So there was really no distinction between
12 the amount of time you talked about selling a feature?

13 MR. BEATTY: Objection. It's leading and it
14 assumes facts that are certainly not on this record.

15 Q (By Ms. Richardson) Yes or no then?

16 MR. BEATTY: Is there a question pending?

17 MS. RICHARDSON: Yes.

18 MR. BEATTY: Could you restate it, please?

19 MS. RICHARDSON: And then you can restate
20 your objection.

21 Q (By Ms. Richardson) Was there any
22 distinction made then on your time record between the
23 amount of time that you were selling a feature or a
24 service or a product and the amount of time you were
25 talking to the customer about the trouble report

1 process?

2 A Okay. Let me see if I understand what you're
3 saying. Was there a -- let's say if I talked to a
4 customer for five minute and spent two minutes of a
5 sales pitch, did I record two minute sales?

6 Q Yes, that's what I'm saying.

7 A No.

8 Q Have you ever received instructions from a
9 manager -- while you were an MA, have you ever received
10 instructions from a manager not to close out
11 out-of-services without checking with the manager?

12 A I don't think so.

13 Q Do you have any knowledge of anyone closing
14 out an out-of-service report that was about to go out
15 of service over 24 hours and then reopening that report
16 in order to clear it and close it?

17 A Reopening the report? You mean, making a new
18 report, no.

19 Q A new report either as an employee-originated
20 report maybe or another Category 1 report?

21 A Not to my knowledge.

22 Q Okay. Has anyone ever asked you to do that?

23 A No.

24 Q Do you know what excluding a report is?

25 A Yes.

1 Q .. And what is excluding a report?

2 A Well, excluding a report, we don't assign the
3 disposition or cause code. And it's not counted in, I
4 guess, the base.

5 Q The out-of-service base?

6 A Right.

7 Q And have you ever heard of anyone excluding
8 an out-of-service report?

9 A Only if, let's say, a service order that's
10 due today, it's excludable. It's due today. Now,
11 service orders, of course, if a customer doesn't have
12 service, he's not out of order but it could come in
13 with an out-of-service VER code because the service
14 order is due today. We didn't count it because we
15 exclude those.

16 Q Have you ever heard of anyone excluding an
17 out-of-service report other than that instance?

18 A Not to my knowledge.

19 Q Do you know of anyone who has excluded
20 out-of-service reports to keep them from counting
21 against the Company in that out-of-service-over-24-hour
22 index?

23 A No, I don't know that.

24 Q Do you know what a CON, a carry over no, CON
25 code is?

1 A I've heard the CONs, but I'm not really --
2 that's a dispatch term, but I don't really sure what
3 actually is a CON.

4 Q Do you know whether a CON would stop the
5 clock?

6 A I'm not really sure.

7 Q Do you know of anyone who has used another
8 employee's employee code?

9 A No.

10 Q Have you ever done that yourself?

11 A No.

12 Q Has anyone ever instructed you to do that?

13 A No.

14 Q Has anyone ever used your employee code?

15 A Well, let me say this. Sometimes, if, say,
16 our work isn't that heavy, we might assist South Dade
17 screening. And sometimes there has come an instance
18 where I've seen my employee code on a report, but it
19 was from a different district.

20 Q Okay. And do you have any idea how it got on
21 another report?

22 A Because someone else in that other district
23 had a code, that employee code.

24 Q The same employee code as yours?

25 A Well, it came up.

1 Q Have you ever been questioned about the
2 appearance of your employee code on a trouble report
3 processed by another individual?

4 A I mean, I saw my employee code on that other
5 report. We have -- it's like a crisscross. We have
6 other codes; and when we checked it out, it was another
7 employee who has a different identifying code. See, we
8 have more than an employee code, we have a sign that
9 log-in code or, you know, that would distinguish
10 between the two. So once it was investigated, it was
11 found out, it was a different district.

12 Q So this was just a mistake then?

13 A I'm not sure.

14 Q Okay. Mr. Stephens, I believe I'm through
15 and what I'll do now is to let you know that the
16 Commission may have some questions for you. Mr. Beatty
17 may have some things he may want to ask, but other than
18 that, I want to say thank you for coming today and for
19 speaking with us.

20 A Okay.

21 MS. WILSON: I have no questions.

22 WITNESS STEPHENS: Okay.

23 MR. BEATTY: Just one second. I have
24 nothing. Thank you very much.

25 MS. RICHARDSON: Thank you very much.

1 MR. BEATTY: Mr. Stephens, I do want to
2 instruct you that with regard to the interview that we
3 conducted, internal interview, I need you to request,
4 again, for you to maintain confidentiality of that
5 interview. That means you do not discuss what we
6 discussed in that interview with anyone else. Would do
7 you that, please?

8 WITNESS STEPHENS: Sure.

9 MR. BEATTY: Thank you.

10 (Thereupon, the deposition concluded at 5:50
11 p.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, HAROLD E. STEPHENS, have read the foregoing transcription of my testimony, Page 1 through 42, given on April 21, 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.

HAROLD E. STEPHENS

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

1
2
3
4 F L O R I D A)
5 :
6 C O U N T Y O F L E O N)

CERTIFICATE OF OATH

7
8 I, the undersigned authority, certify that
9 HAROLD E. STEPHENS personally appeared before me and
10 was duly sworn.

11
12 WITNESS my hand and official seal this 18th
13 day of May, 1993.

14
15 Pamela A. Canell

16 PAMELA A. CANELL

17 Notary Public - State of Florida



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIN INSURANCE, INC.

1 STATE OF FLORIDA)
 2 :
 3 COUNTY OF LEON)

CERTIFICATE OF REPORTER

4 I, PAMELA A. CANELL Official Commission
 5 Reporter,

6 DO HEREBY CERTIFY that I was authorized to
 7 and did stenographically report the foregoing
 8 deposition of HAROLD E. STEPHENS

9 I FURTHER CERTIFY that this transcript,
 10 consisting of 42 pages, constitutes a true record of
 11 the testimony given by the witness.

12 I FURTHER CERTIFY that I am not a relative,
 13 employee, attorney or counsel of any of the parties,
 14 nor am I a relative or employee of any of the parties'
 15 attorney or counsel connected with the action, nor am I
 16 financially interested in the action.

17 DATED this 18th day of May, 1993.

18 Pamela A. Canell
 19 PAMELA A. CANELL
 20 Official Commission Reporter
 21 Telephone No. (904) 488-5981

22 STATE OF FLORIDA)
 23 :
 24 COUNTY OF LEON)

25 The foregoing certificate was acknowledged
 before me this 18th day of May, 1993,
 by PAMELA A. CANELL, who is personally known to me.



26 Sydney C. Silva
 27 Notary Public - State of Florida

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: HOWARD T. ADAMS, JR.

TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 903 West University Avenue
Second Floor Conference Room
Gainesville, Florida

TIME: Commenced at 8:51 a.m.
Concluded at 9:00 a.m.

DATE: Monday, April 26, 1993

REPORTED BY: SYDNEY C. SILVA, CSR, RPR
Official Commission Reporter

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18 Commission Staff.

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
24 Communications

25 EARL POUCHER, Office of Public Counsel

I N D E XPage No.

ERRATA SHEET

4

STIPULATION

5

AFFIDAVIT OF DEPONENT

13

CERTIFICATE OF OATH

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CERTIFICATE OF REPORTER

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WITNESS

HOWARD T. ADAMS, JR.

Examination by Mr. Beck

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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.

1 HOWARD T. ADAMS, JR.

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

4 EXAMINATION

5 BY MR. BECK:

6 Q Mr. Adams, my name is Charlie Beck, and I'm
7 an attorney with the Office of Public Counsel.

8 If you don't understand any of the questions
9 that I ask, please let me know and I'll try to explain
10 them and make sure we have a common understanding of
11 the question. Is that agreeable?

12 A Yes, sir.

13 Q Would you please state your name?

14 A Howard T. Adams, Jr.

15 Q Are you employed by Southern Bell?

16 A Yes, sir.

17 Q What position do you hold with Southern Bell?

18 A I'm an assistant manager with the
19 Installation and Maintenance Center, Gainesville,
20 Florida.

21 Q How long have you held that position?

22 A You mean in Gainesville? Is that your
23 concern?

24 Q Yes.

25 A Since 1984, I believe it was. I can't recall

1 exactly, but I believe it was '84 or '85 when I came in
2 here.

3 Q Do you have a specific job as assistant
4 manager in the Installation and Maintenance Center?

5 A Yes, sir.

6 Q What's that?

7 A I'm the supervisor in charge of the
8 maintenance administrators.

9 Q Are you a load control supervisor also?

10 A No, sir, not now.

11 Q Okay. How long have you had your present
12 position?

13 A I can't recall exactly the time.

14 Q Have you previously been a load control
15 supervisor?

16 A Yes, sir.

17 Q Do you recall about when you held that
18 position?

19 A I don't know. I just don't recall when it
20 was. It was a while back.

21 Q Do you know a person named James Powell?

22 WITNESS ADAMS: Should I answer?

23 MR. THOMAS: Sure.

24 A Yes, sir.

25 Q Did he used to work here in the maintenance

1 center?

2 A Yes, sir.

3 Q Okay. And he's no longer employed by
4 Southern Bell, is he, to your knowledge?

5 A I don't believe so.

6 Q Okay. Do you know where he went after he
7 left Southern Bell?

8 A No, sir.

9 Q Do you have any idea where he's living now?

10 A No, sir.

11 Q Do you know Frances Harris?

12 A Yes, sir.

13 Q Does she work for Southern Bell currently?

14 A No, sir.

15 Q Is she retired?

16 A I believe she is, sir.

17 Q Do you have any knowledge about where she
18 lives now?

19 A No, sir, I do not.

20 Q Did you know her husband?

21 A Yes, sir.

22 Q What was his name?

23 A Jack Harris.

24 Q Did he used to work for Southern Bell?

25 A Yes, sir.

1 Q Do you know where he is now?

2 A I've just seen him around town sometimes.

3 Q Do you recall about when you most recently
4 saw him around town?

5 A A week ago.

6 Q Do you know where he has lived at any time in
7 the past?

8 A No, sir, I do not.

9 Q You're not socially acquainted with him in
10 any way?

11 A No, sir.

12 Q Do you recall what his position was with
13 Southern Bell?

14 A He was an installer, as far as I know. That
15 was his title.

16 Q Is that here in the Gainesville maintenance
17 center?

18 A Yes. He wasn't in the maintenance center.

19 Q Where was he?

20 A Outside as an installer repairman.

21 Q Mr. Powell, do you have any knowledge about
22 backing up clear or closed times on service reports?

23 MR. THOMAS: At this point, I'd like to
24 interject, Counsel, that I'm advising my client to
25 invoke his Fifth Amendment right not to answer that

1 question on the basis of prior testimony that he has
2 provided that we have not had the opportunity to review
3 the transcript of.

4 MR. BECK: Just a couple of more.

5 Q (By Mr. Beck) Mr. Adams, do you have any
6 knowledge about the improper use of cause codes or
7 exclude codes on maintenance reports.

8 MR. THOMAS: Counsel, at this point, I am
9 raising the same advice to my client to invoke his
10 Fifth Amendment right not to answer.

11 Q (By Mr. Beck) Have you given statements to
12 Southern Bell investigators in the past?

13 A Yes, sir, uh-huh.

14 Q Do you recall about when that was?

15 A No, sir, I can't remember the dates.

16 Q

17

18 investigators that you had no knowledge about the areas
19 they were inquiring into?

20 MR. THOMAS: At this point I would advise my
21 client not to answer on his Fifth Amendment rights.

22 Q (By Mr. Beck) Mr. Adams, have you ever
23 improperly coded a repair report to be closed out
24 out-of-service when it was not an out-of-service
25 report.

1 MR. THOMAS: Counsel, I'd raise the same
2 advice to my client.

3 Q (By Mr. Beck) Okay. And have you ever been
4 involved in building a base on out-of-service reports?

5 MR. THOMAS: The same advice.

6 Q (By Mr. Beck) Have you ever improperly coded
7 a trouble report as test-OK?

8 MR. THOMAS: The same advice.

9 Q (By Mr. Beck) Have you ever used a code of
10 another employee or a fictitious employee in filling
11 out reports on trouble?

12 MR. THOMAS: We would still invoke our Fifth
13 Amendment rights.

14 Q (By Mr. Beck) Have you ever coded or do you
15 have any knowledge of coding central office failures as
16 test-OKs?

17 MR. THOMAS: We would again invoke our Fifth
18 Amendment rights.

19 Q (By Mr. Beck) Have you ever used a telephone
20 book to make up out-of-service reports that were not
21 out of service?

22 MR. THOMAS: We again invoke our Fifth
23 Amendment rights.

24 Q (By Mr. Beck) Have you ever used a CON code
25 in instances where it didn't apply to the trouble

1 report?

2 MR. THOMAS: We again invoke our Fifth
3 Amendment rights.

4 Q (By Mr. Beck) Have you ever listed a report
5 as having no access by the customer when, in fact,
6 there was access provided by the customer.

7 MR. THOMAS: We invoke our Fifth Amendment
8 rights.

9 Q (By Mr. Beck) Have you ever or have you ever
10 instructed anybody that you supervised to use a
11 lightning exclude code on a repair report when, in
12 fact, lightning was not the cause of the trouble?

13 MR. THOMAS: We again invoke our Fifth
14 Amendment rights.

15 MR. BECK: Thank you. That's all I have.

16 MS. WILSON: No questions.

17 MR. BEATTY: Okay. Thank you very much.

18 (Thereupon, deposition concluded at 9:00 a.m.)

19 - - - - -

20

21

22

23

24

25

AFFIDAVIT OF DEPONENT

This is to certify that I, HOWARD T. ADAMS , have read the foregoing transcription of my testimony, Page 1 through 12, given on April 26, 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.

HOWARD T. ADAMS, JR.

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

1
2
3
4 F L O R I D A)
5 :
6 C O U N T Y O F L E O N)

CERTIFICATE OF OATH

7
8 I, the undersigned authority, certify that
9 HOWARD T. ADAMS, JR. personally appeared before me and
10 was duly sworn.

11 WITNESS my hand and official seal this

12 19th day of May, 1993.
13



19
20
21
22
23
24
25

SYDNEY C. SILVA

Notary Public - State of Florida

1 STATE OF FLORIDA)

CERTIFICATE OF REPORTER

2 COUNTY OF LEON)

3 I, SYDNEY C. SILVA, CSR, RPR, Official
4 Commission Reporter,

5 DO HEREBY CERTIFY that I was authorized to
6 and did stenographically report the foregoing
7 deposition of HOWARD T. ADAMS;

8 I FURTHER CERTIFY that this transcript,
9 consisting of 12 pages, constitutes a true record of
10 the testimony given by the witness.

11 I FURTHER CERTIFY that I am not a relative,
12 employee, attorney or counsel of any of the parties,
13 nor am I a relative or employee of any of the parties'
14 attorney or counsel connected with the action, nor am I
15 financially interested in the action.

16 DATED this 19th day of May, 1993.

17 Sydney C. Silva
18 SYDNEY C. SILVA, CSR, RPR,
19 Official Commission Reporter
20 Telephone No. (904) 488-5981

21 STATE OF FLORIDA)

22 COUNTY OF LEON)

23 The foregoing certificate was acknowledged
24 before me this 19th day of May, 1993, by SYDNEY C.
25 SILVA, CSR, RPR, who is personally known to me.

Pamela A. Canell

Notary Public - State of Florida



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF:

GREGORY BRUCE HART

TAKEN AT THE INSTANCE OF:

Florida Public Service
Commission

PLACE:

903 West University Avenue
Second Floor Conference Room
Gainesville, Florida

TIME:

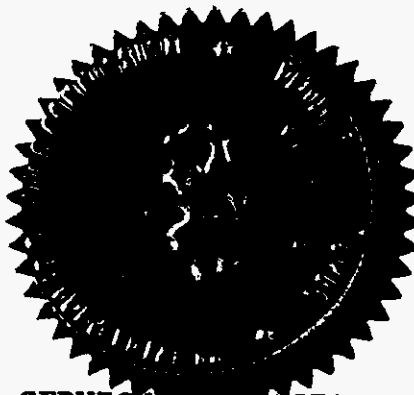
Commenced at 9:42 a.m.
Concluded at 9:51 a.m.

DATE:

Monday, April 26, 1993

REPORTED BY:

PAMELA A. CANELL
Official Commission Reporter



FLORIDA PUBLIC SERVICE COMMISSION

1 APPEARANCES:

2 ROBERT BEATTY, c/o Marshall M. Criser, III,
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4 Florida 32301, Telephone No. (904) 222-1201, on behalf
5 of Southern Bell Telephone and Telegraph Company.

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8 Street, Tallahassee, Florida 32399-1400, Telephone No.
9 (904) 488-9330, appearing on behalf of the Citizens of
10 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

16 ALSO PRESENT:

17 STAN GREER, FPSC Division of Communications

18 CARL VINSON, FPSC Division of Research &
19 Regulatory Review

20 TERRILL BOOKER, FPSC Division of
21 Communications

22 EARL POUCHER, Office of Public Counsel

23 WAYNE TUBAUGH, Southern Bell

24 " RICHARD BEARMANN, Communications Workers of
25 America

I N D E XPage No.

ERRATA SHEET

4

STIPULATION

5

AFFIDAVIT OF DEPONENT

19

CERTIFICATE OF OATH

20

CERTIFICATE OF REPORTER

21

WITNESS

GREGORY BRUCE HART

Examination by Mr. Beck

6

Examination by Ms. Wilson

16

Examination by Mr. Beatty

18

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.

GREGORY BRUCE HART

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

EXAMINATION

BY MR. BECK:

Q Mr. Hart, my name is Charlie Beck. I'm with the Public Counsel's office, and I'm going to start questioning. Ms. Jean Wilson here is from the Public Service Commission and she may also have some questions after we're done.

Mr. Bearmann, you introduced yourself before we went on the record. Could you simply state your name and who you're with for the record?

MR. BEARMANN: Sure. Richard Bearmann, CWA Vice President, 3105, Communication Workers of America.

Q (By Mr. Beck) Mr. Hart, will you please state your full name.

A Gregory Bruce Hart.

Q And are you employed by Southern Bell?

A Yes.

Q What position do you hold with the Company?

A Service technician.

Q Can you briefly describe what that job entails?

A I install and repair telephones.

FLORIDA PUBLIC SERVICE COMMISSION

- 1 Q And you work out of the Gainesville office?
- 2 A Yes.
- 3 Q How long have you held that position?
- 4 A 25 years, 24 and a half.
- 5 Q Has all that time been in Gainesville?
- 6 A No.
- 7 Q Where else have you worked?
- 8 A Fort Lauderdale.
- 9 Q Do you remember what the approximate time
- 10 frames are?
- 11 A 1969 to 1973, Fort Lauderdale; 1973 till now,
- 12 here.
- 13 Q Have you held any other positions other than
- 14 installing and repairing telephones?
- 15 A I've work for CAB. You do analysis on cable.
- 16 I worked with them for maybe a year, give or take.
- 17 Q About when was that?
- 18 A About '84, '85, somewhere in there.
- 19 Q Okay.
- 20 A .. I'm not sure of the dates.
- 21 Q Who do you report to here?
- 22 A .. Now?
- 23 Q Yes.
- 24 A Clint Smith.
- 25 Q And, again, I'm going to ask you approximate

1 dates. I realize sometimes it's hard to remember
2 exactly when, but could you tell me about how long
3 you've been reporting to Clint Smith?

4 A Two to three years.

5 Q Who did you report to before that?

6 A Nolan Simmons.

7 Q I'm sorry?

8 A Nolan Simmons.

9 Q Do you recall about how long you reported to
10 him?

11 A Four years.

12 Q Have you given statements to Southern Bell
13 investigators previously?

14 A Yes.

15 Q Do you recall about when that was?

16 A Maybe a year, year and a half ago was the
17 last.

18 Q How many different statements have you given?

19 A Two.

20 Q When was the first one?

21 A About a year before that one.

22 Q Do you recall the names of the persons who
23 you gave statements to?

24 A No.

25 Q Do you have any knowledge about backing up

1 the clear or close times on repair reports?

2 A Knowledge about it, no.

3 Q What do you know of clear or close times
4 being put down improperly on repair reports?

5 A No.

6 Q Have you ever given instructions to someone
7 to back up the clearing time on repair reports?

8 A Definitely not.

9 Q Have you ever received instructions from
10 anyone to back up clearing times?

11 A Once, once.

12 Q Can you tell me about that?

13 A about five years ago came out
14 and told me that we had to catch the clearing times.
15 And I said, "Well, good. It's what we have been doing
16 forever." And he says, "No, we need to catch the
17 clearing times." And I says, "Well, I try."

18 And I can't -- to tell you the truth, can't
19 really recall this conversation that much, but he did
20 say that if to back up a clearing time to catch it.
21 And I says, "Well, I'm not really supposed to do that,
22 am I?" And he said, "Well, you are now." And I said
23 -- this is, like I say, five or six years ago and it
24 wasn't an important deal to me then. And I just told
25 him we don't do that, and he mentioned the fact that it

1 could become part of my evaluation.

2 " I didn't believe him then and I still don't
3 believe it now. It never has been part of my
4 evaluation, and this guy just told me and I wasn't
5 going to do it.

6 Q By catching up the clearing times, does that
7 mean backdating a clearing time to earlier then it was
8 actually cleared?

9 A Yeah.

10 Q " Or am I interpreting? Is there some other
11 meaning to it other than that?

12 A " No. It's back up the clearing time to clear
13 it.

14 Q Was it to a time so it would be less than 24
15 hours from the opening of the report to the clearing
16 time?

17 A He said "clearing time."

18 Q All right.

19 A He didn't elaborate, but as far as I can tell
20 because I flatly refused to do it.

21 Q Did he say how much he wanted you to back it
22 up?

23 A Just enough to clear it.

24 Q Would it be to clear it within 24 hours or
25 did that have anything to do with it?

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

3 Q .. (By Mr. Beck) Go ahead and answer the
4 question.

5 A .. As far as I can remember, like I say, it was
6 a long time ago. He said he wanted the clearing times
7 caught. Whether it was the 24 or whatever, he wanted
8 the clearing times met.

9 Q Did you report this to anyone at or about the
10 time that it occurred?

11 A No.

12 Q Was any adverse action taken against you
13 because of it?

14 A Not that I know of.

15 Q .. Do you understand it that he was threatening
16 your evaluation if you didn't do as he said?

17 A Well, my point on that was I was going to
18 wait for the evaluation. And the phone company, you
19 wait till it happens. And if it happens, yeah, you
20 worry about it, then you call the union up. But I had
21 no problem at all.

22 Q Do you know where is now?

23 A .. As far as I know, at his house in Gainesville
24 here. He lives in Gainesville.

25 Q .. Is he retired?

1 A Yes.

2 Q What makes you think he's still in
3 Gainesville?

4 A I don't know. I couldn't imagine he moved,
5 myself.

6 Q Do you remember about when he retired?

7 A About three years ago when I went to work for
8 Clint. I did work -- come to think of it, I did work
9 for a foreman Don House for four months after he left.
10 That's right. Where I work, I very seldom see my
11 supervisors.

12 Q Have you ever received any other instructions
13 from any supervisor to put down incorrect information
14 on a repair report?

15 A Not that I recall.

16 Q Have you ever heard about the use of
17 fictitious employee codes on repair reports where
18 people would put down an employee code on a repair
19 report of somebody other than who actually worked on
20 the report?

21 A Not offhand, not that I can recall.

22 Q Have you heard general statements about that?

23 A Not really.

24 Q Do you ever get involved when there's
25 troubles in a central office and you have a whole bunch

1 of telephones go out of service?

2 A Sometimes, yeah. I work in a small town. I
3 walk in and out of this all day long.

4 Q What town do you work in?

5 A Newberry.

6 Q Do you work there by yourself?

7 A Sometimes.

8 Q Newberry has its own switch, its own
9 exchange?

10 A Yes.

11 Q Have you ever had the Newberry switch go
12 down?

13 A Oh, sure.

14 Q That would take a lot of people out of
15 service, wouldn't it, when that happens?

16 A Yeah.

17 Q On occasions when the Newberry switch has
18 gone down, have you ever heard of any reports being
19 closed out to test-OK in instances where the switch
20 went down?

21 A That is not my end of it. I don't know
22 anything. I wouldn't know anything about how they
23 close.

24 Q Have you ever been told to CON code a repair
25 report when it's supposed to be?

1 A I don't understand..

2 A Report no-access by the customer when the
3 customer did not prohibit access?

4 A No.

5 Q Have you ever been told to use a lightning
6 exclude code on a report?

7 A No. I have so much of that, I wouldn't have
8 to even begin to do that. It's just -- I get eat up
9 with it every year.

10 Q Okay. Did any managers talk to you about
11 your coming here today to make a statement?

12 A No. Other than tell me to be here. That's
13 the only thing I've heard.

14 Q How about the other two statements you've
15 given the Southern Bell investigators? Any managers
16 talk to you about that before you made your statements?

17 A About what?

18 Q About what you were going to say?

19 A No.

20 Q Did you ever talk to Gary Swilley before you
21 made any statements?

22 A Not about the statement itself, no.

23 Generally, "How's fishing," and things like that.

24 Q Going back to the incident you described with
25 I believe you said it was about five

1 years ago?

2 A Five to six years ago. It was something like
3 that. I'm trying to recall when he retired.

4 Q About '88, then, is that --

5 A '87, '88, '86. I don't know. He just came
6 out one day, parked his truck, talked to me, was there
7 for five minutes and left. I didn't consider it a big
8 deal at the time.

9 Q .. Is that the only instance where you've ever
10 had anybody instruct you or try to get you to do
11 something wrong as far as how to report it?

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

14 Q (By Mr. Beck) Go ahead and answer the
15 question.

16 A As far as I can recall. That's the only
17 instance I can remember of anybody telling me to do
18 that.

19 Q " Have you heard of people telling other people
20 to do something like that?

21 A .. No.

22 MR. BECK: Mr. Hart, thank you. That's all I
23 have.

24

25

EXAMINATION

1

2 BY MS. WILSON:

3 Q Mr. Hart, when you clear a trouble, do you
4 call in and talk to a maintenance administrator?

5 A Not any more.

6 Q Not any more. But you did at a previous
7 time?

8 A Yeah.

9 Q Okay. Did a maintenance administrator ever
10 discuss with you that you may be in jeopardy of missing
11 a 24-hour objective?

12 A .. I've heard of -- yeah, they'll let you know
13 if you're close.

14 Q .. Kind of remind you that you're getting close.
15 Did they ever back up the times in order for you to
16 meet the 24-hour objective or are you aware of them
17 doing that?

18 A I would have no way of knowing if they did or
19 they didn't.

20 Q So, basically, they would just have a
21 conversation with you, "Hey, you're getting close," or
22 "You're .15 minutes," let's say?

23 A The only time I've called them up is when I'm
24 done with the job.

25 Q Done with the job. Basically give them the

1 time? Is that when they would maybe say to you --
2 would there be some discussion maybe at that point,
3 "Hey, we missed this one"?

4 MR. BEATTY: Objection to the form of the
5 question. It's leading.

6 Q (By Ms. Wilson) Well, you've indicated that,
7 yes, maybe you did have some discussions with them
8 regarding the 24-hour objective?

9 A With who? A maintenance administrator?

10 Q A maintenance administrator.

11 A Like I say, you may get a page and say --
12 they may pull you off the trouble that you're on and
13 give you another trouble and say "Hey, this one is due
14 in four hours." That's how that's handled as far as,
15 you know, the way it comes to me.

16 Because I log one job at a time, and I work
17 that job unless somebody says, "Stop. Do this one."
18 And they'll pull you off a job, you know, if one's
19 popped up or something. You can do that and they may
20 mention the fact that, "Yeah, it's due at 2:00."

21 MS. WILSON: Thank you. I have no other
22 questions.

23 MR. BEATTY: I have one question.

24

25

..

EXAMINATION

BY MR. BEATTY:

Q When Mr. Simmons gave you the instructions that he gave you that you were testifying to, was it clear in your mind whether he was referring to backing up time to the Company commitment or to the 24-hour commitment?

A I don't recall that. The word "commitment" came up. Here, again, I got commitment on my terminal. That's the one I shoot for. So I drew one up this morning; it's due at 7:00 tonight. That's my commitment as far as I'm concerned.

MR. BEATTY: That's all I have. Thank you very much. I appreciate it.

(Thereupon, the deposition concluded at 9:51 a.m.)

- - - - -

AFFIDAVIT OF DEPONENT

This is to certify that I, GREGORY BRUCE HART,
have read the foregoing transcription of my testimony,
Page 1 through 18, given on April 26th, 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.

GREGORY BRUCE HART

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

1
2
3
4 F L O R I D A)
5 :
6 COUNTY OF LEON)

CERTIFICATE OF OATH

7 I, the undersigned authority, certify that
8 GREGORY BRUCE HART personally appeared before me and
9 was duly sworn.

10
11 WITNESS my hand and official seal this

12 19th day of May, 1993.
13
14

15 Pamela A. Canell
16

17 PAMELA A. CANELL

18 Notary Public - State of Florida
19



PAMELA A. CANELL
MY COMMISSION # CC 248413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

1 STATE OF FLORIDA)

CERTIFICATE OF REPORTER

2 COUNTY OF LEON)

3 I, PAMELA A. CANELL Official Commission
4 Reporter,

5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
deposition of GREGORY BRUCE HART;

6 I FURTHER CERTIFY that this transcript,
7 consisting of 18 pages, constitutes a true record of
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,
9 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.

10 DATED this 19th day of May, 1993.

11 Pamela A. Canell

12 PAMELA A. CANELL
13 Official Commission Reporter
14 Telephone No. (904) 488-5981

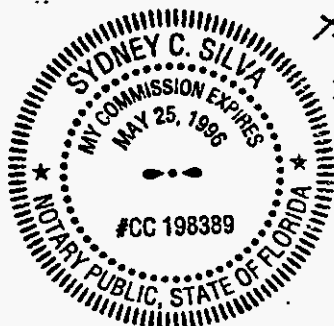
16 STATE OF FLORIDA)

17 COUNTY OF LEON)

18 The foregoing certificate was acknowledged
before me this 19th day of May, 1993,
19 by PAMELA A. CANELL, who is personally known to me.

20 Sydney C. Silva

21 Notary Public - State of Florida



BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF:

STEVEN BARRY

TAKEN AT THE INSTANCE OF:

Florida Public Service
Commission

PLACE:

903 West University Avenue
Second Floor Conference Room
Gainesville, Florida

TIME:

Commenced at 10:48 a.m.
Concluded at 10:56 a.m.

DATE:

Monday, April 26, 1993

REPORTED BY:

PAMELA A. CANELL
Official Commission Reporter



FLORIDA PUBLIC SERVICE COMMISSION

1 APPEARANCES:

2 ROBERT BEATTY, c/o Marshall M. Criser, III,
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4 Florida 32301, Telephone No. (904) 222-1201, on behalf
5 of Southern Bell Telephone and Telegraph Company.

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12 Services, 101 East Gaines Street, Tallahassee, Florida
13 32399-0863, Telephone (904) 487-2740, on behalf of the
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15

16 ALSO PRESENT:

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18 CARL VINSON, FPSC Division of Research &
19 Regulatory Review

20 TERRILL BOOKER, FPSC Division of
21 Communications

22 EARL POUCHER, Office of Public Counsel

23 WAYNE TUBAUGH, Southern Bell
24

25

I N D E XPage No.

ERRATA SHEET

4

STIPULATION

5

AFFIDAVIT OF DEPONENT

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CERTIFICATE OF OATH

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CERTIFICATE OF REPORTER

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WITNESS

STEVEN BARRY

Examination by Mr. Beck

6

Examination by Mr. Greer

13

S T I P U L A T I O N

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

STEVEN BARRY

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

EXAMINATION

BY MR. BECK:

Q .. Mr. Barry, my name is Charlie Beck, and I'm with the Office of Public Counsel. And I'm going to start off with the questions. Ms. Wilson, from the Public Service Commission, may have some also after I'm done.

But for the record, can you state your full name?

A Steven Barry.

Q You're employed by Southern Bell?

A Yes, I am.

Q .. What position do you hold in the Company?

A Cable repair.

Q .. How long have you held that position?

A Probably 13, 14 years.

Q Are you stationed out of Gainesville?

A Yes.

Q Have you been stationed here the entire 13 or 14 years?

A No, I used to work in Miami.

Q About how long did you work in Miami?

1 A I was there about 15 years down there.
2 Probably not that long, probably about 12 years.
3 Somewhere around there, about 12.

4 Q When did you come to Gainesville?

5 A I believe it was '75.

6 Q And so about 1975 to the present, you've been
7 in Gainesville doing cable repair?

8 A I worked in a test center for a while and in
9 construction for a while.

10 Q About when did you work in the test center?

11 A I would say it's about '77, '78.

12 Q And then the other position that you held?

13 A Construction.

14 Q About when did you do that?

15 A That was from '74 when I came up to when I
16 went up to the test center.

17 Q Have you given statements to Southern Bell
18 investigators?

19 A I believe at one time I did.

20 Q Has there been just one time?

21 A I believe so.

22 Q Do you recall about when that was?

23 A It had to have been a couple years ago. I
24 guess around '91.

25 Q Did you review any materials to get ready for

1 today?

2 A (Witness shakes head negatively)

3 Q No?

4 A No.

5 Q Do you have any knowledge about -- let me
6 back up a little. When a customer calls in with a
7 trouble report, there is a report that is generated
8 when a customer calls in with a report? And that will
9 show that the customer called in complaining that their
10 service was either being affecting adversely or was out
11 of service, would it not?

12 A I would assume so, yes.

13 Q Can you, as an employee of Southern Bell,
14 also create trouble reports if you find that there is a
15 trouble on somebody's line?

16 A Create a report? No, I can't create a
17 report. All I can do is report it to my foreman.

18 Q Are there occasions when you find there's a
19 problem with somebody's line when that customer hasn't
20 reported it?

21 A Sure, there's instances where we find other
22 trouble on other people's line that haven't reported
23 it.

24 Q What do you do when that happens?

25 A We try to clear it to satisfy the customer.

1 Hopefully you get the trouble, before they start having
2 a problem with it.

3 Q Do you call that into somewhere -- or you
4 said you call your foreman, is it?

5 A Well, I always let my foreman know what I'm
6 doing. Sometimes I guess I don't even get to call it
7 in. Sometimes I'll just fix it while I'm working on
8 another trouble.

9 Q Sometimes it gets reported to the test
10 center? For example, would a maintenance administrator
11 ever get involved in that process when you found the
12 trouble?

13 A I don't see how, not unless I told her.

14 Q Do you have any knowledge or know of any
15 instances where a report is called in by a customer but
16 it's recorded as one being found by an employee of the
17 Company?

18 A No, I don't have any knowledge of that.

19 Q What I'm about to show you is an excerpt from
20 Southern Bell's Answers to Interrogatories that we
21 served on the Company in June of 1991, and we recently
22 got answers to it. And I'm going to show you their
23 response to Interrogatory No. 8, Page 3 of 4 and 4 of
24 4. If you look at the bottom of Page 3 or 4 where it
25 shows the topic matter,

1 page.

2 MR. BEATTY: I thought that it was -- I'm not
3 at all sure which record this is.

4 MR. BECK: This is from your response to our
5 Third and Fifth Set of Interrogatories dated February
6 25th, 1993.

7 MR. BEATTY: Has there not been a
8 confidentiality request on this yet?

9 MR. BECK: There sure has.

10 MR. BEATTY: Well, allow me to take this from
11 you for just for one second. I would like to request
12 then that, in terms of the procedures that we adhere
13 to,

14

15

16 Thank you.

17 Q (By Mr. Beck) If you could hold it like
18 that. Do you see there's a topic there and then

19

20 A I see that.

21 Q Let me take it back. And the subject matter
22 about --

23

24 Customer direct reports
25 reported as an employee-originated reports." Then it

1 Do you see that?

2 A .. Uh-huh.

3 Q

4 in response to that?

5 MR. BEATTY: Objection. Speculative.

6 Q (By Mr. Beck) Go ahead and answer the
7 question.

8 A No.

9 Q Do you understand what it is to have or a
10 customer direct report to be reported as an
11 employee-originated report?

12 A .. Excuse me. What was that again?

13 Q In other words,
14
15

16 A Yes.

17 Q But you have no knowledge about that ever
18 occurring?

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

21 Q (By Mr. Beck) Go ahead and answer the
22 question.

23 A Do I have any knowledge of -- state your
24 question again?

25 Q Do you have any knowledge, either about you

1 or anybody else, of ever having using -- of ever
2 reporting a customer direct report as an
3 employee-originated report?

4 MR. BEATTY: Objection. Asked and answered.
5 You can respond.

6 A Reported a customer -- now, are you saying a
7 customer has already reported the trouble? Or are you
8 saying we're reporting the trouble as a customer
9 report? Like, we're making, like, we're the customer
10 calling up and saying, "My phone don't work," is that
11 what you're saying?

12 Q (By Mr. Beck) I think what I'm asking about
13 is the first one, Where a customer calls in and reports
14 a trouble but it's listed as an employee-generated
15 report instead of one generated by a customer.

16 A No, I never had anything to do with changing
17 a customer report to an employee report.

18 Q Now, even if you haven't had anything to do
19 with it personally, do you know or have any knowledge
20 about anybody else doing that?

21 A No, nothing I could, you know, say for sure,
22 no.

23 Q Why do you qualify is as "say for sure"?
24 Have you ever heard about it, for example?

25 A .. No.

1 Q Do you know of or have any knowledge of a
2 report generated by a customer being closed out and
3 then that report being reopened later or the next day
4 as an employee-generated report?

5 A No, not the same report, no.

6 Q But how about the same trouble being closed
7 out and then reopened later as an employee-generated
8 report?

9 A No, not the same trouble. There's a lot of
10 times we'll go on a trouble and fix it because of the
11 customer complaint, which is why the customer is
12 complaining. But there might be incidental trouble or
13 some routine work or something else we may have to go
14 back on. And, yes, there has been instances that we've
15 done that. But I've never closed a customer report out
16 then gone back on it to close it out as an
17 employee-originated report, no.

18 Q Have you ever heard of anybody else doing
19 that?

20 A Huh-uh.

21 MR. BECK: Thank you. That's all I have.
22 There may be some other questions.

23 EXAMINATION

24 BY MR. GREER:

25 Q Have you ever heard of an employee calling in

1 and pretending like they were a customer?

2 A " No.

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

4 .. MR. BEATTY: That's it.

5 (Thereupon, the deposition concluded at 10:56
6 a.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, STEVEN BARRY, have read the foregoing transcription of my testimony, Page 1 through 14, given on April 26th, 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.

STEVEN BARRY

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

FLORIDA PUBLIC SERVICE COMMISSION

1
2
3
4 F L O R I D A)
5 :
6 C O U N T Y O F L E O N)

CERTIFICATE OF OATH

7
8 I, the undersigned authority, certify that
9 STEVEN BARRY personally appeared before me and was duly
10 sworn.

11 WITNESS my hand and official seal this

12 19th day of May, 1993.
13
14

15 Pamela A. Canell
16

17 PAMELA A. CANELL

18 Notary Public - State of Florida
19
20
21



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

1 STATE OF FLORIDA)

2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

3 I, PAMELA A. CANELL Official Commission
4 Reporter,

5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
6 deposition of STEVEN BARRY;

7 I FURTHER CERTIFY that this transcript,
consisting of 14 pages, constitutes a true record of
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,
9 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.

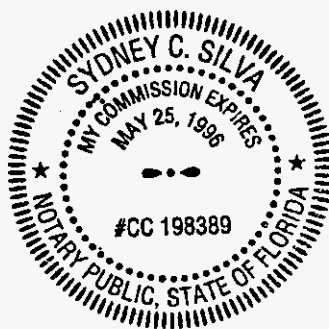
10 DATED this 19th day of May, 1993.

11 Pamela A. Canell
12 PAMELA A. CANELL
13 Official Commission Reporter
14 Telephone No. (904) 488-5981
15

16 STATE OF FLORIDA)

17 COUNTY OF LEON)

18 The foregoing certificate was acknowledged
before me this 19th day of May, 1993,
19 by PAMELA A. CANELL, who is personally known to me.



Sydney C. Silva
Notary Public - State of Florida

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: BILLIE CRUMPTON SOMMER

TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 903 West University Avenue
Second Floor Conference Room
Gainesville, Florida

TIME: Commenced at 11:20 a.m.
Concluded at 11:58 a.m.

DATE: Monday, April 26, 1993

REPORTED BY: SYDNEY C. SILVA, CSR, RPR
Official Commission Reporter

1 APPEARANCES:

2 ROBERT BEATTY and NANCY B. WHITE, c/o Marshall
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4 Tallahassee, Florida 32301, Telephone No. (904) 222-1201,
5 on behalf of Southern Bell Telephone and Telegraph
6 Company.

7 CHARLES BECK, Office of the Public Counsel,
8 Claude Pepper Building, Room 812, 111 West Madison Street,
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10 488-9330, appearing on behalf of the Citizens of the State
11 of Florida.

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

16

17 ALSO PRESENT:

18 STAN GREER, FPSC Division of Communications

19 CARL VINSON, FPSC Division of Research &
20 Regulatory Review

21 TERRILL BOOKER, FPSC Division of Communications

22 EARL POUCHER, Office of Public Counsel

23 WAYNE TUBAUGH, Southern Bell

24

25

I N D E XPage No.

ERRATA SHEET

4

STIPULATION

5

AFFADAVIT OF DEPONENT

32

CERTIFICATE OF OATH

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CERTIFICATE OF REPORTER

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WITNESS

BILLIE CRUMPTON SOMMER

Examination by Mr. Beck

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Examination by Mr. Vinson

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Examination by Ms. Wilson

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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.

1 BILLIE CRUMPTON SOMMER

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

4 EXAMINATION

5 BY MR. BECK:

6 Q Ms. Sommer, my name is Charlie Beck, and I'm
7 with the Office of Public Counsel. I'm going to start
8 off with the questions. Ms. Wilson from the Florida
9 Public Service Commission may have some questions, too,
10 after we're done. As we go through this, if you have any
11 questions or don't understand the questions I'm asking,
12 would you please stop me and we'll make sure we roll on
13 the same wavelength about what the questions are.

14 A Okay. Who are all these other gentlemen?

15 MR. POUCHER: Earl Poucher from the Office of
16 Public Counsel.

17 MS. WILSON: Carl Vinson, Terrill Booker and
18 Stan Greer, who are also on the Staff of the Florida
19 Public Service Commission.

20 WITNESS SOMMER: Oh, okay. Are they rookies?

21 MR. BECK: They're analysts.

22 Q (By Mr. Beck) Would you state your full name
23 please, for the record?

24 A All right. It's Billie, B-I-L-L-I-E,
25 Crumpton, Sommer, S-O-M-M-E-R.

FLORIDA PUBLIC SERVICE COMMISSION

1 THE REPORTER: Crumpton?

2 WITNESS SOMMER: Yes, ma'am. C-R-U-M-P-T-O-N.

3 Q (By Mr. Beck) Are you employed by Southern
4 Bell?

5 A Yes, sir.

6 Q What position do you hold?

7 A Maintenance administrator.

8 Q Is that here in Gainesville?

9 A Yes, sir.

10 Q How long have you held that position?

11 A Oh, gosh, forever. I think at least 11
12 years? 12? Something like that. I don't remember
13 exactly how long.

14 Q Have you given statements to Southern Bell
15 investigators previously?

16 A Yes.

17 Q Do you recall how many times you gave
18 statements?

19 A Okay. You say "investigators," you're
20 talking about attorneys and Security or just Southern
21 Bell employees?

22 Q Either Security or attorneys for Southern Bell.

23 A Let's see, let me count. I think at least
24 three times.

25 Q Okay.

1 A Two or three. I can't remember.

2 Q Do you recall the approximate dates more or
3 less when you gave those statements?

4 A No.

5 Q Do you recall when your most recent statement
6 was, more or less?

7 A No.

8 Q Were any of those statements you gave to
9 Southern Bell given under oath?

10 A No.

11 Q Okay. So when you swore to tell the truth
12 here to the court reporter, this is the first time that
13 you've been placed under oath before giving a
14 statement, is that right?

15 A Correct.

16 Q Do you understand the significance of being
17 placed under oath?

18 A Yes.

19 Q Do you know Gary Swilley?

20 A Yes.

21 Q What's, does he work for Southern Bell also?

22 A He's what we call the second level, he's in
23 my office, he's one of my bosses.

24 Q Okay. Before you gave statements to Southern
25 Bell Security, did Gary Swilley call you into his

1 office and talk about what you were going to tell the
2 investigators?

3 A He most certainly did not.

4 Q He never told you, for example, to tell the
5 investigators that you didn't know anything about it,
6 that everything would be okay as long as you denied
7 knowledge of any wrongdoing?

8 A Gary has never told me any such statement.

9 Q Okay. Has Gary Swilley ever told you to create
10 a fictitious trouble report and then close it out?

11 A No, sir.

12 Q Do you know JoAnn Norris?

13 A Yes, sir.

14 Q Who is she?

15 A She's a maintenance administrator, she works
16 in the same office with me.

17 Q How about Helen Hill, do you know her?

18 A Yes.

19 Q What does she do?

20 A Maintenance administrator, same office.

21 Q Okay. Did Frances Harris used to work there?

22 A Yes, sir, she's retired now.

23 Q How about Cindy Armel?

24 A She's in Orlando, I think, she's a
25 maintenance administrator.

1 Q

2

3

4

5 A I have no personal knowledge of that.

6 Q Have any of those four persons I just

7 mentioned ever explained to you about that?

8 A No. I just answered that.

9 Q Okay.

10

11

12

13 A Negative.

14 Q Okay. Has Gary Swilley ever talked to you

15 about that?

16 A Negative.

17 Q Okay. Has Howard Adams ever directed you to
18 falsely open up a trouble report and then close it out?

19 A Negative.

20 Q

21

22

23

24 A Negative.

25 Q Okay. Have you ever falsely created a

1 trouble report? For example, created a trouble report
2 when in fact a customer had not called up?

3 A Negative.

4 Q Have you ever back-dated the clear time on a
5 trouble report to a time earlier than when the trouble
6 was actually cleared?

7 A All right, now, repeat that.

8 Q Have you ever back-dated the clear time on a
9 trouble report to a time earlier than when the trouble
10 was actually cleared?

11 A No.

12 Q Do you know what it means to build up the
13 out-of-service base?

14 A I do now.

15 Q What's your understanding of that?

16 A I think you're supposed to have -- let me
17 think. I think the more reports you have that are out
18 of service or something, that makes you look better,
19 versus your clearing time or something like that.

20 Q Do you know how many reports it takes to
21 counteract the effect of missing the 24-hour rule on
22 one report?

23 A No.

24 Q Are you familiar with the term "CON code"?

25 A The what now?

1 Q Are you familiar with the term CON code, CON?

2 A A long time ago there used to be a CON thing.

3 Q What's your understanding of what that meant?

4 A If a customer called in and they had like a
5 jack trouble and they weren't going to be home, we
6 obviously had to have access and it took a future
7 commitment, there was some kind of process that you
8 could do called CONing.

9 Q And if a trouble report was CONed, using that
10 CON code, that would take it out of the base used for
11 the PSC's rule on out-of-service reports; would it not?

12 MR. BEATTY: Objection to the form of the
13 question, it's leading. You can respond with your answer.

14 A Okay. I don't know, I don't know what your
15 perimeter is for whatever it is you just asked me. I'm
16 not that familiar with the PSCs.

17 Q Have you ever heard of a PSC rule that
18 requires 95% of out-of-service troubles to be cleared
19 within 24 hours?

20 A I know that I've heard of that rule but I
21 don't know exactly what the percentage is. I don't
22 keep track of that.

23 Q Okay. Now as far as that rule goes, are you
24 aware that the use of a CON code would take it out of
25 the effect of that rule?

1 A I know that the terms "stop time" is somehow
2 related to CON, if that's what you're asking me. I
3 guess that means that, right?

4 Q I'm asking what your knowledge is.

5 A All I know is something about stopping time,
6 that's all I know.

7 Q And what does that mean, "stopping time"?

8 A I don't know. I just got through telling you
9 that.

10 Q What types of actions would take a report out
11 of the requirement for 95% out-of-services to be fixed
12 within 24 hours?

13 A What now? Repeat that?

14 Q What types -- for example, are there any
15 codes that you could use that would take a repair
16 report out of the 24-hour requirement that you're aware
17 of?

18 A I think I just -- is lightning one of them, I
19 think? I think one of them is 410.

20 Q And 410 is lightning, isn't it?

21 A I think.

22 Q Okay. And if a report -- if an
23 out-of-service report is caused by lightning, it
24 doesn't come within the PSC rule, is that your
25 understanding?

1 A I just found that out recently.

2 Let me stop here a moment and explain
3 something to you, okay? My main function for a long,
4 long time has been what we call I&O, input/out. And I
5 sit at a computer terminal all day long; and I sit
6 there and all of these service orders where people have
7 service moving or new installations or disconnects or
8 whatever, if a service order kicks through the
9 computer, I have to sit there and physically go into
10 the computer and update and correct our database.
11 That's what I do all day long. So I am not familiar
12 with all these codes like all these other MAs are,
13 unless I have to work a holiday or a Saturday.

14 So I don't want you to think I'm sounding
15 like a dumb ass when I answer your questions, okay?

16 Q Okay. I asked you earlier about whether Gary
17 Swilley had talked to you before you talked to Southern
18 Bell's investigators and given you any instructions.
19 Let me ask you about your statement here today. Has
20 Gary Swilley talked to you about what you should tell
21 us today during depositions?

22 A No, he has not.

23 Q How about Howard Adams?

24 A No.

25 Q When a repair report is put into the system,

1 there is an employee code associated with it, is there
2 not?

3 A Yes.

4 Q And what does that reflect?

5 A Are you talking about the originality of the
6 repair report?

7 Q Yes.

8 A Okay. The repair clerk that originally takes
9 the report, unless it's a machine that does it, is the
10 person who takes the information from the customer who
11 is filing the request for repairs.

12 Q And you know, do you not, about the use of
13 fictitious employee codes here in the Gainesville
14 installation and maintenance center on those reports?

15 MR. BEATTY: Objection to the form of the
16 question, it's leading.

17 Q (By Mr. Beck) Go ahead and answer the
18 question.

19 A Okay. Do I know what now?

20 Q About the use of fictitious employee codes on
21 repair reports.

22 A I have no personal knowledge of that.

23 Q What have you heard about it?

24 A Just rumors.

25 Q What were the rumors you heard?

1 MR. BEATTY: Objection, hearsay. You can
2 respond.

3 Q (By Mr. Beck) Go ahead and answer.

4 MR. BEATTY: You can respond.

5 WITNESS SOMMER: Do what now?

6 MR. BEATTY: You can respond, if you can.

7 WITNESS SOMMER: I'm sorry, what am I
8 responding to?

9 MR. BECK: Let's get a few ground rules in.
10 If Mr. Beatty makes an objection, you're still going to
11 have to answer the question --

12 MR. BEATTY: Well, I --

13 MR. BECK: The only time that --

14 WITNESS SOMMER: Well, you are somewhat
15 misleading, you know that? You really are.

16 MR. BECK: Okay. Let's get a few ground
17 rules in. If Mr. Beatty directs you not to answer a
18 question, you don't answer it; but if he simply states
19 an objection, you're still going to have to answer it.
20 Okay. Do you understand that?

21 WITNESS SOMMER: Yeah.

22 MR. BEATTY: What he has said is correct,
23 unless I instruct you otherwise.

24 WITNESS SOMMER: Yeah. But sometimes the way
25 you're asking the questions, you -- it sounds almost as

1 though you're trying to put words in my mouth and
2 mislead me. That's a no-no.

3 MR. BECK: Okay. If you have a question, and
4 don't understand the question, stop me right then, and
5 we'll make sure that we both understand what it is.

6 WITNESS SOMMER: Okay.

7 MR. BECK: Could you read back the last
8 question before that recent discussion?

9 (The Reporter reads back the portion
10 requested.)

11 A So I'm supposed to tell you about the rumors
12 I heard?

13 Q (By Mr. Beck) Yes.

14 A After all the different little visits that
15 we've had here for so many times from so many people
16 over such a long period of time, word kind of gets out
17 from one employee to the other and it says, "Oh, I was
18 asked do I know anything about people using someone
19 else's employee's telephone -- I meant their ID
20 number." That's it.

21 Q Did you hear about who might have been
22 responsible for that?

23 A No.

24 Q Are you familiar with the AIRO system?

25 A Customer direct, yeah.

1 Q That's when a customer will call in and talk
2 to the AIRO system?

3 A Right, he can press the little numbers,
4 whatever.

5 Q Have you heard about any Southern Bell
6 employees calling up the AIRO system to create trouble
7 reports?

8 A No.

9 Q And make it look like a customer direct report?

10 A No.

11 Q And you have no personal knowledge of that
12 occurring?

13 A No.

14 Q Do you know of any instance, whether it's to
15 you or to another employee, of anybody being instructed
16 to create a fictitious trouble report?

17 A Instructed?

18 Q Yes.

19 A I was once. Would you like to hear about that?

20 Q Would you please.

21 A who is a former employee of
22 Southern Bell, was a supervisor in the test center,
23 which is where I work right now. And he instructed me
24 to make up some customer direct reports on special
25 circuits, and it was the last day of the month.

1 Q And did you do so?

2 A No.

3 Q Did Gary Swilley tell you to blame all these
4 problems on James Powell?

5 A No.

6 You're beginning to irritate me.

7 Q Have you ever improperly statused an
8 out-of-service report? In other words, a report would
9 be out-of-service and you would status it test-OK, for
10 example?

11 A No, I have not.

12 Q Do you know of anybody ever doing that?

13 A I have no personal knowledge of that.

14 Q Do you have any personal knowledge of
15 employees creating a fictitious trouble report and then
16 closing it out?

17 MR. BEATTY: Objection, it's been asked and
18 answered. You can respond.

19 A No.

20 Q (By Mr. Beck) Okay. Other than the incident
21 with that you have just mentioned, do you
22 have any other knowledge about being instructed to
23 falsify a repair report in any way?

24 MR. BEATTY: Objection, asked and answered.
25 You may respond if you can.

1 A No.

2 Q (By Mr. Beck) And when I say, "falsify in
3 any way," that means other than simply what

4 told you. In any respect, as far as the close
5 time, clear time and so forth, do you have any
6 knowledge of fictitious or falsifying reports?

7 MR. BEATTY: Objection, it's been asked and
8 answered now three times. I object.

9 Q (By Mr. Beck) All right. Would you please
10 answer?

11 A N-O, negative, no.

12 Q Have you ever been involved in special services?

13 A What do you mean, "involved"?

14 Q Have you ever had any activity that's related
15 to special services repairs?

16 A Let me think way back in the early years.
17 I've never repaired any special circuits. I can't
18 remember if we've ever even dispatched special services.

19 Q So you don't recollect doing anything with
20 respect special services?

21 A I could have maybe -- how long have I been
22 here, 26 years? See, at one time the test center use
23 to test dispatch coins, PBXs, special circuits, and all
24 that kind of stuff; so I don't, I can't really remember
25 having anything to do with that. It's a possibility,

1 but I can't remember.

2 Q I'm about to show you a report that was filed
3 by Southern Bell with the Florida Public Service
4 Commission on April 1st --

5 A That's nice.

6 Q 1993 --

7 A I have to have glasses to read.

8 Q And would you like to go get your glasses to
9 read?

10 A No, I'll let him read it for me. Do you
11 mind?

12 Q This report was Southern Bell's Response to
13 Preliminary Order No. PSC-93-0263-PCO-TL.

14 A Well, you guys would do a lot better if you
15 would have less Indians in here against some of the
16 Pilgrims, okay? I know that's totally out of line,
17 but it just kinds of irritates me.

18 Q If I give you something to read, you're not
19 going to be able to read it?

20 A If you don't mind reading it?

21 MR. BEATTY: I will be more than happy to.

22 WITNESS SOMMER: Okay.

23 MR. BECK: Either I'll do it or you do. I
24 don't care.

25 MR. BEATTY: I can do it.

1 MR. BECK: You want to do it?

2 We're now showing this report and we'll going
3 to show the codes that appear next to Ms. Sommer's
4 name. Do you want to do it on the record or off?

5 MR. BEATTY: You can do it off.

6 (Discussion off the record.)

7 MR. BEATTY: Okay, we have finished.

8 WITNESS SOMMER: Thank you for reading that.

9 MR. BEATTY: My pleasure.

10 Q (By Mr. Beck) Ms. Sommer, you've had a
11 chance to review with your attorney the pleading that I
12 referred to earlier and the codes that appear next to
13 your name?

14 A Uh-huh.

15 Q The first code that appears next to your name
16 is 4, which refers to the use of CON?

17 A Yeah.

18 Q Okay. Do you have an opinion about why
19 Southern Bell listed that code next to your name?

20 MR. BEATTY: Objection to the form of the
21 question, it's speculative. If you can answer that,
22 you may.

23 A I have no opinion.

24 Q (By Mr. Beck) Do you have any knowledge
25 whatsoever about the improper use of CON codes on

1 repair reports?

2 MR. BEATTY: Objection, it's been asked and
3 answered previously.

4 MR. BECK: Please answer.

5 A I have no personal knowledge.

6 Q (By Mr. Beck) The next code next to your
7 name is No. 6 and it refers to "Building the base of
8 out-of-service troubles, excluding test-OKs statused
9 out-of-service, and excluding creation of employee reports
10 to effect internal task-per-day requirements. Do you
11 recall that?

12 A No.

13 Q Do you recall that being on the report per
14 Mr. Beatty?

15 A Oh, yes, yes.

16 Q Do you have an opinion about why that code is
17 associated with your name on this report?

18 MR. BEATTY: Objection, speculative.

19 A No opinion.

20 Q (By Mr. Beck) The next code is No. 14, which
21 says "Use of one code employee's code by another
22 employee, or another employee's use of AIRO code." Do
23 you recall that being on the report?

24 A Yes.

25 Q Do you have any idea why Southern Bell listed

1 that code next to your name?

2 MR. BEATTY: Objection, speculative.

3 A No opinion, no idea.

4 Q (By Beck) The last code is 24, which is,
5 special services or special circuits." Do you recall
6 seeing that on the report associated with your name?

7 A Yes.

8 Q Do you have an opinion about why Southern
9 Bell included that code next to your name?

10 MR. BEATTY: Objection, speculative.

11 MR. BECK: Go ahead.

12 A Yes, I do.

13 Q (By Beck) And what is your opinion on that?

14 A From what I just told you about I
15 made a statement to Security in reference to that.

16 (Pause)

17 Q Do you know a person named Barbara Rhodes?

18 A Yes.

19 Q Does she still work here?

20 A Yes.

21 Q She's also a maintenance administrator?

22 A Correct.

23 Q Do you have any knowledge or have you heard
24 of anybody instructing her to falsify a repair report
25 in any way?

1 A Negative.

2 Q Do you know Sandy O'Conner?

3 A Yes.

4 Q Do you have any knowledge or have you heard
5 of anybody instructing her to falsify a repair report
6 in any way?

7 A No.

8 Q Do you know Ellie Campbell?

9 A Yes.

10 Q Do you have any knowledge or have you heard
11 of anybody instructing her to falsify a repair report
12 in any way?

13 A No. (Pause)

14 Q Have you ever had occasions here where a
15 central office switch would go down, taking, you know,
16 several hundred subscribers out of service?

17 A I don't know about several hundreds, but
18 we've had a major central office failure.

19 Q How would that be coded on a repair report?

20 A Okay, at what stage? I mean, what are you
21 talking about, how would that be coded on a repair report?

22 Q How would you indicate on a repair report
23 that a central office had gone down, affecting numerous
24 subscribers?

25 A Are you talking about the closeout?

1 Q Yes.

2 A Okay, a central office code is an 05 and two
3 more digits, that's how you determine if it's central
4 office.

5 Q And so each trouble report associated with a
6 central office going down should have that code next to
7 it or associated with its closeout?

8 A If that was the reason why it went down.

9 Q Do you have any knowledge of central offices
10 going down, as we've just discussed, but being closed
11 out to test-OK?

12 A No.

13 Q And have you ever yourself closed out a central
14 office failure to test-OK for any of the subscribers?

15 A Not to a test-OK.

16 MR. BECK: I think that's all I have. There
17 may be some others.

18 EXAMINATION

19 BY MR. VINSON:

20 Q Ms. Sommer, I have a few questions for you.
21 I'd like to refer back to the discussion you had with
22 where he asked you to create some fictitious
23 trouble reports?

24 A Uh-huh.

25 Q Do you recall when he asked you to create

1 these false troubles, the approximate time frame?

2 A I know it was the last day of a month, but
3 what year, I can't tell you. I can't remember.

4 Q Did he say why he was asking you to create
5 these false trouble reports?

6 A No.

7 Q Did he say whether anyone told him to do it?

8 A No.

9 Q What did you respond to him when he first
10 made this request?

11 A I told him that I was not refusing to comply
12 with a direct order because I didn't want to be fired
13 for insubordination to a supervisor; but I also
14 informed him, because I had a pretty good idea why he
15 was doing that, that it would be awfully stupid to do
16 some stupid thing like that.

17 And he said, "Well, let me go talk to Gary
18 Swilley about it." The he got back with me later, he
19 says, "Don't do it."

20 I says, "I won't." And I didn't.

21 Q And you said you had a pretty good idea of
22 why he was doing it?

23 A Uh-huh.

24 Q What was that idea that you had?

25 MR. BEATTY: Objection, speculative. You can

1 respond.

2 A My idea was I think back then, and I don't
3 know if it's still true or not, when you get like a
4 special circuit, it's like a WATS line or something
5 like that, I think we had like a maximum of four-hour
6 clearing time from the time they receive it to the time
7 they restore the customer service. And maybe his
8 clearing time wasn't up to where it was supposed to be;
9 so then if you could go in there and build some
10 fictitious reports and make it look like all of those
11 were, then he would look better.

12 Q Do you know if was in trouble for
13 having improperly handled some of these trouble reports
14 that you're talking about?

15 A I have no personal knowledge of that.

16 Q But did you consider this request by
17 to be improper?

18 A Yes, and I told him so.

19 Q Did you consider it to be breaking rules,
20 Company rules?

21 MR. BEATTY: Objection -- I withdraw the
22 objection.

23 A Okay. Use a little bit of logic here, okay?
24 If nobody calls in and reports something out of order,
25 it's wrong. You have to be an idiot not to figure that

1 out, okay? I mean, you'd have to be stupid.

2 Q (By Mr. Vinson) did you consider that to be
3 breaking Company rules?

4 A Hell, yes.

5 Q Did you report request to anyone
6 in the management of the Company?

7 A Yes.

8 Q And who was that?

9 A I told Gary Swilley about it.

10 Q Okay. And what did you tell Mr. Swilley?

11 A I just described the incident that occurred.

12 And Mr. Swilley told me that if any supervisor ever
13 came to me at any point in time and told me to do
14 anything wrong, that I have better come and tell him
15 about it, because he got very upset about it.

16 Q Did Mr. Swilley tell you what he was going to do
17 as far as further action regarding this improper request?

18 A No, he would be out of line to do that, it
19 would be totally unprofessional.

20 Q Okay. So when came back to you
21 and told you that he had discussed his request to you
22 with Mr. Swilley and not to do it, did he describe
23 their conversation to you?

24 A No. See, as I can best remember it, I think he
25 said something to the effect of after talking to Swilley,

1 he says, "Don't do it." It was something to that effect.

2 Q Swilley said, "Don't do it?"

3 A Right. He told me that Swilley told him he'd
4 better not do it.

5 Q Okay.

6 A He said, "No, do not do it." I said, "Okay,
7 fine."

8 Q Have you had instance of noticing your
9 employee number 018 being used on troubles that you
10 know you were not involved in clearing?

11 A Yeah, I have.

12 Q Okay. And did you investigate those instances?

13 A At one time, I would take and keep a copy of
14 either a DLETH or DATH, which is a form of trouble
15 history, and I used to keep those in my desk for a
16 period of time.

17 Q Why did you keep those?

18 A Well, I didn't want any repercussions.
19 Because I know, just like one time in a particular
20 incident I saw my number and like I was off that day.
21 So I couldn't have been here to close out that trouble.

22 Q What kind of repercussions are you referring to?

23 A A typing error, or whatever, mishandled. I
24 don't know, I just kept them. I no longer have them,
25 though.

1 Q Did you report to any member of management
2 this problem of other people using or apparently having
3 used your employee code?

4 A I really only noticed this like maybe once or
5 twice or something like that. I just thought it could
6 have been a typing error.

7 Q Are there any other -- were there any other
8 explanations for this use by someone else of your
9 employee code that occurred to you at the time?

10 A No, because I didn't -- I wasn't that really
11 seriously concerned about it.

12 MR. VINSON: Those are the only questions I
13 have. Thank you.

14 EXAMINATION

15 BY MS. WILSON:

16 Q Ms. Sommer, what did you say happened to the
17 DLETHs that you kept in your desk at one time?

18 A I just discarded them to be shredded. I
19 don't keep those.

20 MS. WILSON: Nothing else. Thank you.

21 MR. BEATTY: That's it?

22 WITNESS SOMMER: I don't take this personal,
23 but you're a mean dude.

24 (Thereupon, deposition concluded at 11:58
25 a.m.)

AFFIDAVIT OF DEPONENT

This is to certify that I, BILLIE CRUMPTON SOMMER, have read the foregoing transcription of my testimony, Page 6 through 31, given on April 26, 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.

BILLIE CRUMPTON SOMMER

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

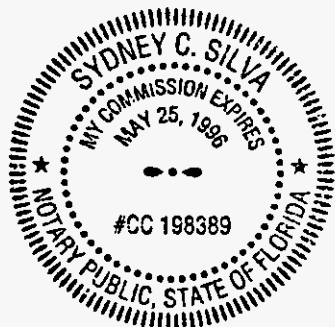
FLORIDA PUBLIC SERVICE COMMISSION

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3
4 F L O R I D A)
5 :
6 C O U N T Y O F L E O N)

CERTIFICATE OF OATH

7
8 I, the undersigned authority, certify that
9 BILLIE CRUMPTON SOMMER personally appeared before me
10 and was duly sworn.

11
12 WITNESS my hand and official seal this 19th
13 day of May, 1993.



Sydney C. Silva

SYDNEY C. SILVA

Notary Public - State of Florida

1 STATE OF FLORIDA)

CERTIFICATE OF REPORTER

2 COUNTY OF LEON)

3 I, SYDNEY C. SILVA, CSR, RPR, Official
4 Commission Reporter,

5 DO HEREBY CERTIFY that I was authorized to
6 and did stenographically report the foregoing
7 deposition of BILLIE CRUMPTON SOMMER;

8 I FURTHER CERTIFY that this transcript,
9 consisting of 31 pages, constitutes a true record of
10 the testimony given by the witness.

11 I FURTHER CERTIFY that I am not a relative,
12 employee, attorney or counsel of any of the parties,
13 nor am I a relative or employee of any of the parties'
14 attorney or counsel connected with the action, nor am I
15 financially interested in the action.

DATED this 19th day of May, 1993.

11 Sydney C. Silva
12 SYDNEY C. SILVA, CSR, RPR,
13 Official Commission Reporter
14 Telephone No. (904) 488-5981

16 STATE OF FLORIDA)

17 COUNTY OF LEON)

18 The foregoing certificate was acknowledged
19 before me this 19th day of May, 1993, by SYDNEY C.
20 SILVA, CSR, RPR,, who is personally known to me.

21 Paula A. Canell
22 Notary Public - State of Florida



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of
Investigation into the
integrity of SOUTHERN BELL
TELEPHONE AND TELEGRAPH
COMPANY'S repair service
activities and reports.

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: DOCKET NO. 910163-TL
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DEPOSITION OF: JOANNE NORRIS

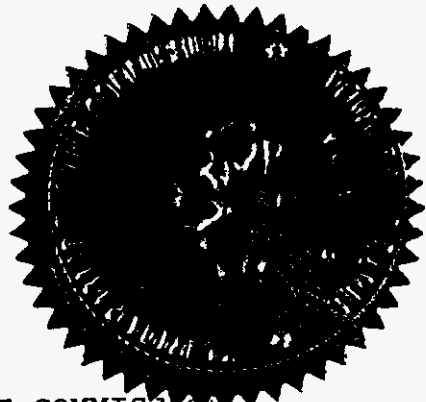
TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 903 West University Avenue
Second Floor Conference Room
Gainesville, Florida

TIME: Commenced at 1:09 p.m.
Concluded at 1:20 p.m.

DATE: Monday, April 26, 1993

REPORTED BY: PAMELA A. CANELL
Official Commission Reporter



1 APPEARANCES:

2 ROBERT BEATTY, c/o Marshall M. Criser, III,
3 150 South Monroe Street, Suite 400, Tallahassee,
4 Florida 32301, Telephone No. (904) 222-1201, on behalf
5 of Southern Bell Telephone and Telegraph Company.

6 CHARLES BECK, Office of the Public Counsel,
7 Claude Pepper Building, Room 812, 111 West Madison
8 Street, Tallahassee, Florida 32399-1400, Telephone No.
9 (904) 488-9330, appearing on behalf of the Citizens of
10 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 MARK HILDEBRADNT, 2301 Collins Avenue, Suite
16 M14, Miami Beach, Florida 33139, Telephone No. (305)
17 534-5100, appearing on behalf of the deponent Joanne
18 Norris.

19

20 ALSO PRESENT:

21 STAN GREER, FPSC Division of Communications

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

24 TERRILL BOOKER, FPSC Division of
25 Communications

1 APPEARANCES (Continued)

2 EARL POUCHER, Office of Public Counsel

3 WAYNE TUBAUGH, Southern Bell

4 RICHARD BEARMANN, Communication Workers of
5 America.

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ERRATA SHEET

5

STIPULATION

6

AFFIDAVIT OF DEPONENT

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CERTIFICATE OF OATH

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CERTIFICATE OF REPORTER

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WITNESS

JOANNE NORRIS

Examination by Mr. Beck

7

ERRATA SHEET

DOCKET NO. 910163-TL

NAME: JOANNE NORRIS

DATE: April 26, 1993

[illegible]

FLORIDA PUBLIC SERVICE COMMISSION

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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.

1 JOANNE NORRIS

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

4 EXAMINATION

5 BY MR. BECK:

6 Q Ms. Norris, my name is Charlie Beck, and I'm
7 with the Public Counsel's office. And I'm going to
8 start off with the questions. Ms. Wilson from the
9 Public Service Commission may have some also, or
10 members of the Staff of the Commission who are seated
11 along the wall.

12 As we ask questions, if you don't understand
13 a question or some confusion, please stop me and let's
14 make sure that you understand and I understand the, you
15 know, we're on the same wavelength as far as what the
16 question is. Is that agreeable to you?

17 A (Witness nods head affirmatively.)

18 Q You nodded your head yes?

19 A Yes.

20 Q We have to make a record for the court
21 reporter.

22 Would you please state your full name?

23 A Joanne Norris.

24 Q Are you employed by Southern Bell?

25 A Yes.

- 1 Q What position did you hold with Southern
2 Bell?
- 3 A Maintenance administrator.
- 4 Q Is that here in Gainesville?
- 5 A Yes, sir.
- 6 Q How long have you held that position?
- 7 A Nine years.
- 8 Q And did you work for Southern Bell before
9 that?
- 10 A Yes, sir.
- 11 Q Where outside did you work for Southern Bell?
- 12 A I worked in Miami, north -- well, in
13 Hollywood.
- 14 Q Was that also as a maintenance administrator?
- 15 A No.
- 16 Q What was that?
- 17 A Assignment clerk.
- 18 Q What does an assignment clerk do?
- 19 A They assign service orders.
- 20 Q Can you briefly describe what your job
21 entails here in Gainesville?
- 22 A Screening troubles, dispatching men in the
23 field.
- 24 Q Do you deal with the trouble reports as they
25 come in?

1 A Yes, sir.

2 Q Has anybody ever asked you to use an exclude
3 code in instances where the excluded code didn't apply
4 to the repair service report?

5 A No, sir.

6 Q What's your understanding of an exclude code?

7 A Well, we have a list of excludes that we go
8 back. ..

9 Q Would lightning be one of them, for example?

10 A .. Yes, sir.

11 Q Are there any others that you can think of?

12 A Moisture. No, not -- lightning I guess would
13 be different. I don't think moisture has a code.
14 Sometimes lightning does have a code.

15 Q Have you ever heard of anybody either being
16 asked to or directed to use an exclude code like
17 lightning in instances where it didn't apply to the
18 repair? ..

19 A No, sir.

20 Q .. Do you know Billie Sommer?

21 A Yes, sir.

22 Q Is she also a maintenance administrator here?

23 A Yes, sir.

24 Q

25

1

2 A No, sir.

3 Q Have you ever complained to anybody in your
4 union about any falsification of repair reports that
5 was going on?

6 A I don't remember.

7 Q Do you know whether Gary Swilley or Howard
8 Adams have ever asked any of the maintenance
9 administrators to falsify a repair report in any way?

10 A No, sir.

11 Q .. Have you ever heard anything about that?

12 A No, sir.

13 Q Have you given a statement before to Southern
14 Bell or its investigators?

15 A Yes, sir.

16 Q You do you recall how many times you've done
17 that?

18 A No, sir.

19 Q Do you remember when the most recent one was?

20 A There hasn't been one recently. About two
21 years ago.

22 Q Have you reviewed any statements, you know,
23 before coming in here today?

24 A Yes, sir.

25 Q You reviewed the statement you gave to

1 Southern Bell investigators? .

2 A No, sir. Not my statement, no, sir.

3 Q What did you review to prepare for today?

4 A Nothing.

5 Q Are you familiar with the rule regarding 95%
6 of out-of-service trouble reports should be repaired
7 within a 24-hour period?

8 A No, sir.

9 Q Is there any standard about how quickly
10 out-of-service reports should be fixed?

11 A No, sir. Not to my knowledge, no, sir.

12 Q I'm going to show your counsel a pleading
13 that we got from Southern Bell.

14 MR. BECK: Mr. Beatty, this is the one that
15 Southern Bell's claimed confidentiality on. I want to
16 show him the one that applies to Norris.

17 MR. BEATTY: Sure.

18 MR. BECK: Do you have any objection of me
19 showing this to counsel and Ms. Norris?

20 MR. BEATTY: Yes.

21 MR. BECK: You do have an objection?

22 MR. BEATTY: Yes.

23 MR. BECK: Let me see.

24 MR. BEATTY: Just show him the portion that
25 pertains to his client.

1 MR. BECK: This is an interrogatory. What
2 I'm referring to is Southern Bell's response to Public
3 Counsel's Third and Fifth Sets of Interrogatories. It
4 was filed February 25th, 1993.

5 And generally speaking, what this
6 interrogatory did is it asked Southern Bell to identify
7 those persons having knowledge about specific areas.
8 Southern Bell has claimed confidentiality on this.
9 There's been no ruling on it, but it's still
10 confidential until it is ruled on. This is the area
11 that it discusses there.

12 MR. HILDEBRANDT: This one? No. I, Roman
13 Numeral No. I?

14 MR. BECK: Yes.

15 WITNESS NORRIS: I don't remember anything
16 about that.

17 MR. BECK:

18

19 MR. BEATTY: Why don't you explain to her the
20 basis on what you just listed.

21 MR. BECK: This is different then the other
22 list. We can go through that.

23 MR. BEATTY:

24

25 MR. BECK: .Okay.

1 Q (By Mr. Beck) Ms. Norris, let me ask you
2 this.

3
4 A Yes.

5 Q Do you have any knowledge or any information
6 whether it be to you, personally, or to others within
7 the Company about the improper use of exclude codes?

8 MR. BEATTY: Objection to the form of the
9 question. It's been asked and answered.

10 MR. HILDEBRANDT: You can answer, if you
11 want, or you don't have to.

12 A I don't remember.

13 Q (By Ms. Beck) Do you know Barbara Rose?

14 A Yes, sir.

15 Q Is she a maintenance administrator?

16 A Yes, sir.

17 Q Do you know of or have you heard of any
18 instances where she was asked to falsify a repair
19 report in any way?

20 A No, sir.

21 Q Do you know Sandy O'Conner?

22 A Yes, sir.

23 Q Do you know of or have your heard of her
24 being asked to falsify repair reports?

25 A No, sir.

1 Q And the same with Ellie Campbell? Do you
2 know her?

3 A Yes, sir.

4 Q .. Do you know of any instance or have you heard
5 of any instance where she was asked to falsify a repair
6 report? ..

7 A No, sir.

8 Q Did James Powell ever ask you to back up the
9 clearing time on a repair report?

10 A I don't remember.

11 Q How about Howard Adams? Has he ever asked
12 you to back up the time on a report?

13 A No, sir.

14 Q .. How about Gary Swilley?

15 A No, sir.

16 .. MR. BECK: I don't have any other questions.
17 Thank you.

18 MS. WILSON: I have no questions.

19 MR. BEATTY: Thank you very much.

20 MR. HILDEBRANDT: Thank you.

21 (Thereupon, the deposition concluded at 1:20
22 p.m.)

23 - - - - -

24 ..

25

AFFIDAVIT OF DEPONENT

This is to certify that I, JOANNE NORRIS, have read the foregoing transcription of my testimony, Page 1 through 14, given on April 26th, 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.

JOANNE NORRIS

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

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4 F L O R I D A)
5 :
6 C O U N T Y O F L E O N)

CERTIFICATE OF OATH

7
8 I, the undersigned authority, certify that
9 JOANNE NORRIS personally appeared before me and was
10 duly sworn.

11 WITNESS my hand and official seal this

12 19th day of May, 1993.
13
14

15 Pamela A. Canell
16

17 PAMELA A. CANELL

18 Notary Public - State of Florida
19
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21



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

1 STATE OF FLORIDA)

2 :

CERTIFICATE OF REPORTER

3 COUNTY OF LEON)

4 I, PAMELA A. CANELL Official Commission
Reporter,

5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
deposition of JOANNE NORRIS;

6 I FURTHER CERTIFY that this transcript,
consisting of 14 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 19th day of May, 1993.

11 Pamela A. Canell

12 PAMELA A. CANELL

13 Official Commission Reporter

14 Telephone No. (904) 488-5981

15
16 STATE OF FLORIDA)

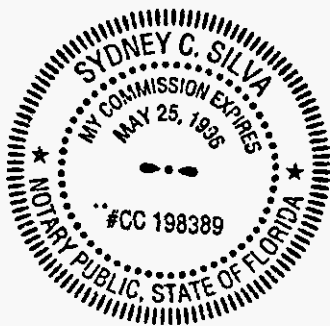
17 :

18 COUNTY OF LEON)

19 The foregoing certificate was acknowledged
before me this 19th day of May, 1993,
by PAMELA A. CANELL, who is personally known to me.

20 Sydney C. Silva

21 Notary Public - State of Florida



FLORIDA PUBLIC SERVICE COMMISSION

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: HELEN HILL

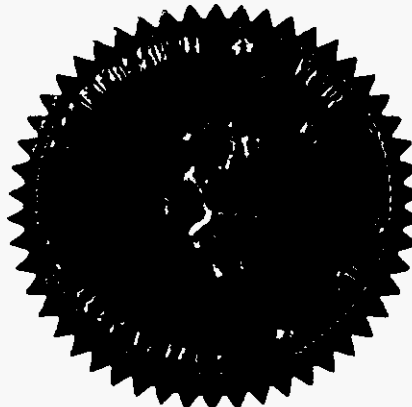
TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 903 West University Avenue
Second Floor Conference Room
Gainesville, Florida

TIME: Commenced at 1:55 p.m.
Concluded at 2:09 p.m.

DATE: Monday, April 26, 1993

REPORTED BY: PAMELA A. CANELL
Official Commission Reporter



FLORIDA PUBLIC SERVICE COMMISSION

1 APPEARANCES:

2 ROBERT BEATTY, c/o Marshall M. Criser, III,
3 150 South Monroe Street, Suite 400, Tallahassee,
4 Florida 32301, Telephone No. (904) 222-1201, on behalf
5 of Southern Bell Telephone and Telegraph Company.

6 CHARLES BECK, Office of the Public Counsel,
7 Claude Pepper Building, Room 812, 111 West Madison
8 Street, Tallahassee, Florida 32399-1400, Telephone No.
9 (904) 488-9330, appearing on behalf of the Citizens of
10 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

16 ALSO PRESENT:

17 STAN GREER, FPSC Division of Communications

18 CARL VINSON, FPSC Division of Research &
19 Regulatory Review

20 TERRILL BOOKER, FPSC Division of
21 Communications

22 EARL POUCHER, Office of Public Counsel

23 .. WAYNE TUBAUGH, Southern Bell

24

25

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WITNESS

HELEN HILL

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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.

HELEN HILL

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

EXAMINATION

BY MR. BECK:

Q .. My name is Charlie Beck, and I'm with the Public Counsel's office. And I'm going to be the first person asking question. Ms. Wilson may have some others, as may be people from the Public Service Commission, too.

Would you please state your name?

A Helen Hill.

Q Are you employed by Southern Bell?

A .. Yes.

Q What position did you hold?

A .. Maintenance administrator.

Q Is that here in Gainesville?

A Yes.

Q How long have you held that position?

A I don't know. Probably about ten years.

Q Okay. Could you just describe a little bit what a maintenance administrator does?

A Depends on what position they're working at the time. Basically, they just screen the reports, decide what needs to be done with them, dispatch them

FLORIDA PUBLIC SERVICE COMMISSION

1 in, dispatch them out, call the customer, verify that
2 it's working okay, whatever needs to be done to clear
3 the report that comes in.

4 Q Is there a particular area that you've
5 concentrated in?

6 A For the last year or two, yes.

7 Q .. What's that?

8 A DTAG, which is dial tone assistance group.

9 Q What does that group do?

10 A Simple programming, sending other reports to
11 RCMAC to program. If a man in a field changes a cable
12 pair and it also changes the office equipment, we have
13 to program it to the new office equipment.

14 And sometimes we'll expedite an order, you
15 know. If a customer calls a business office because of
16 whatever, and the service rep calls us and they need an
17 order expedited, they call DTAG and we work with RCMAC
18 to get the order programed. Verify whether they have
19 whatever is supposed to be on the line, what not.

20 Q I might have missed this. How long have you
21 been involved with DTAG?

22 A I've done it before. Right -- presently for
23 the last year or two. It's one of the MA functions.

24 Q Before DTAG, what was the function you were
25 involved in?

1 A Dispatching, screening. I still do some of
2 that. We all do some of that.

3 Q How is your productivity evaluated? Are
4 there certain things that you know of that management
5 looks at, evaluates how well you're doing?

6 A They've looked at two things as far as I can
7 figure out. Basically how much work you do and how
8 good you do it.

9 Q So the amount and how well you do that
10 amount?

11 A Right.

12 Q Are you ever compared to how well other
13 people are doing?

14 A I don't know how they set up their scale.
15 I'm sure that some kind of average is in there because
16 they expect so much out of you, but I don't know what
17 they use.

18 Q Have you ever heard of any employee or any of
19 the MAs opening up and closing repair reports at the
20 direction of management, thereby making their
21 productivity looking better than the others?

22 A I don't understand what you mean, "opening
23 up."

24 Q Creating a fictitious repair report and then
25 closing it out to say test-OK?

1 A I've never done it. .

2 Q But have you ever heard of others doing it?

3 A Sure I've heard of it. I mean, with all this
4 stuff that's been going on for four years, I've heard a
5 lot about it.

6 Q Let me be specific about my question. Let me
7 ask you, do you know Billie Sommer?

8 A Yes, I know Billie Sommer.

9 Q She's one of the MAs that works here also?

10 A Yes.

11 Q

12

13

14 A No.

15 Q Okay. Do you know about that or have you
16 heard about it with respect to any other maintenance
17 administrators?

18 A I don't know whether people do.

19 Q Do you have any knowledge about management
20 directing any MAs to create reports and then close them
21 out?

22 A I have no knowledge of that.

23 Q Have you ever heard of the phrase "building
24 the base?"

25 A I don't -- to tell the truth, I've heard so

1 many things in the last couple of years, I don't know
2 if I heard them in the last couple of years or I heard
3 them -- I really don't know.

4 Q Okay. Would you know what it means to build
5 the base, though? Does it mean anything to you?

6 A It doesn't mean anything to me.

7 Q " Let me ask you this. Do you know of any
8 instances where anybody has backed up the clearing time
9 on a repair report?

10 A Clearing time and closing time are two
11 different things. A clearing time can be prior to the
12 closing time because the trouble itself may be cleared,
13 but there's more routine work or cable needs to be
14 closed or something else done before the report is
15 closed per se.

16 Q Okay. So it clears the time when the service --

17 A " Clears the time the customer got service
18 back.

19 Q " Do you know of or have you heard of any
20 instances where the report -- the clearing time would
21 be backdated to a time prior to when service was
22 restored?

23 A No. At one time we were encouraged -- if the
24 man called in three minute later than what the clearing
25 time should have been, we were to ask him, "Did the

1 customer have service just now, or did the customer have
2 service 10 or 15 minutes ago?"

3 Q Okay.

4 A In fact, we were to ask; and depending on the
5 answer, that's what was put down.

6 Q That was the proper use of clearing time?

7 A Right. I mean, just to make sure that we
8 didn't miss a commitment by two minutes because the guy
9 called in two minutes late and had to sit on hold. But
10 we were to ask, not just back it up. At least that was
11 my instructions.

12 Q Other than that, do you know of any instances
13 about backing up clearing times to a time other than
14 the time service was restored?

15 A No.

16 Q Have you given a statement to Southern Bell
17 investigators previously?

18 A Not under oath or anything like that, but I
19 have talked to security when I was upstairs before.

20 Q It was security people came and asked you
21 questions?

22 A Yep.

23 Q Was that some time ago?

24 A That was prior to FDLE or around the same
25 time.

1 Q Okay.

2 A I don't know. May have been after, may have
3 been before.

4 Q Did anybody talk to you about what you should
5 say or should not say to the Southern Bell
6 investigators?

7 A No, no. They -- I think they were just
8 trying to do their own little internal thing.

9 Q Other than the questions I've already asked
10 you, do you have any knowledge of any other kind of
11 instances of where a repair report may have been
12 falsified in some respect?

13 A .. I don't know what you mean by "falsify."

14 Q Any information put down on a report that
15 wasn't accurate or true?

16 A I don't get involved with making reports.

17 Q That's all I have -- one moment. I may have
18 a few others. (Pause)

19 In the maintenance center here is there a
20 back room or something called the "back room"?

21 A Yeah, it's where the control foreman is.

22 Q That's the management?

23 A .. That's the man that controls the work load
24 outside.

25 Q .. Has there ever been an occasion where if any

1 trouble went over 24 hours it, had to be referred to the
2 control foreman or the people in the back room?

3 A If we get a report and we know that it's
4 getting close to the time, we refer it to him so he can
5 get someone on it for sure. I mean, if we just
6 subsequently report it -- so, other than that, I
7 wouldn't know whether it was due or not once it's in
8 the dispatch pool.

9 Q Would you actually turn it over to them and
10 they would handle it from that point on or would you
11 see it through to completion?

12 A I just turn it over to them. That's their
13 job.

14 Q Was that a rule in place that you should turn
15 it over to them if it's getting close?

16 A I let them know, that's all. I may not even
17 go in the back. I may tell them that, you know, "I've
18 just got a subsequent one that's due at 5:00 today," or
19 something to that effect.

20 Q Okay.

21 A But it's not my job.

22 Q Have you ever made a grievance -- or I should
23 say even informally -- to the union about anybody
24 else's productivity reports?

25 A About someone else's productivity reports?

1 Q Right. Or any falsification about reports
2 that was adversely --

3 A No, I have not.

4 Q Have you ever seen or heard of reports being
5 closed out before the repair was made and then reopened
6 the next day as an employee-generated report?

7 A I can't do that.

8 Q You don't know? Do you know anything about
9 that?

10 A No.

11 MR. BECK: That's all I have. Thank you.

12 EXAMINATION

13 BY MS. WILSON:

14 Q I just wanted to ask you, when the service
15 techs call in with a clear time, why didn't the
16 maintenance administrator just accept their statement
17 of what the clear time was?

18 A Well, they don't usually say they cleared it.
19 I mean, a lot of times -- most of the time the guy
20 calls in and he's closing the report. And I ask him,
21 "What time did the customer have service?" I mean,
22 that's a standard question, "What time did the customer
23 have service," or "What time did you get him back in
24 service," or something to that effect.

25 Q So the service tech would give you a time?

1 A So the service tech would give you a time.

2 Q And so, would it not be your job just to
3 enter that time?

4 A I enter that time. But if he hasn't given me
5 a time, I'll ask him for it, especially if we're
6 running close. There's times that you can't keep from
7 missing it, especially if you have problems, cable
8 problems, multiple problems.

9 Q So when you asked him to give you a time, why
10 not just ask him, "Give me a time"?

11 A I did ask him to give me a time.

12 Q He would give it to you but there might be
13 instances where management has told you to maybe have a
14 conversation with the service technician as to, "Are
15 you sure you cleared it at that time," where you noted
16 they were running close to missing the 24-hour
17 objective?

18 A I only asked him once, you know. If he
19 doesn't know what time he's cleared it, then, you know,
20 there's a problem.

21 If he calls in to close a trouble and it's a
22 little past the time that the customer should have been
23 cleared -- if he just calls in and he's ready to close,
24 I ask him, "What time did you have this person in
25 service?" And he gives me a time. If he has not given

1 me a time -- if we're not even close, a lot of times I
2 didn't ask and later on I did ask always.

3 But there wasn't any reason to ask if we had
4 five more hours before we're even worried about it, you
5 know, what difference does it make then. But if we're
6 running close especially, I would ask him, "Did the
7 customer have service before our commitment"? If he
8 says, "No, he didn't." You know, that's all there is
9 to it.

10 But I didn't ask him two or three times, I
11 didn't grill him. I mean, whatever he told me, this is
12 what I put down. Same with these codes, you know. If
13 he told me whatever close it out to, he's the one
14 that's out there. He knows what needs to be done.

15 Q Sure. Did you say that there were sometimes
16 a service tech couldn't remember when they had cleared
17 a trouble?

18 A No, I did not. I said a service tech would
19 know when he cleared the trouble because he's the one
20 that's in the field.

21 MS. WILSON: I have nothing further.

22 MR. BEATTY: That's it.

23 MR. BECK: Thank you much.

24 (Thereupon, the deposition concluded at 2:09 p.m.)

25

- - - - -

AFFIDAVIT OF DEPONENT

This is to certify that I, HELEN HILL, have read the foregoing transcription of my testimony, Page 1 through 16, given on April 26th, 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.

HELEN HILL

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

1
2
3
4 F L O R I D A)
5 :
6 COUNTY OF LEON)

CERTIFICATE OF OATH

7 I, the undersigned authority, certify that
8 HELEN HILL personally appeared before me and was duly
9 sworn.

10
11 WITNESS my hand and official seal this

12 19th day of May, 1993.
13
14

15 Pamela A. Canell

16 PAMELA A. CANELL

17 Notary Public - State of Florida
18
19



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

1 STATE OF FLORIDA)

CERTIFICATE OF REPORTER

2 COUNTY OF LEON)

3 I, PAMELA A. CANELL Official Commission
4 Reporter,

5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
6 deposition of HELEN HILL;

7 I FURTHER CERTIFY that this transcript,
consisting of 16 pages, constitutes a true record of
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,
9 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.

10 DATED this 19th day of May, 1993.

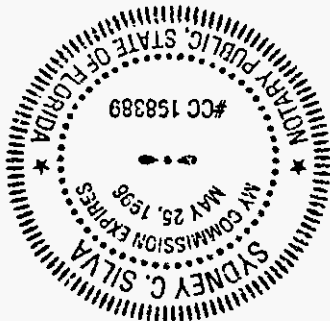
11 Pamela A. Canell
12 PAMELA A. CANELL
13 Official Commission Reporter
14 Telephone No. (904) 488-5981

15
16 STATE OF FLORIDA)

17 COUNTY OF LEON)

18 The foregoing certificate was acknowledged
before me this 19th day of May, 1993,
19 by PAMELA A. CANELL, who is personally known to me.

20 Sydney C. Silva
21 Notary Public - State of Florida



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BEFORE THE
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In the Matter of	:	DOCKET NO. 910163-TL
..	:	
Investigation into the	:	
integrity of SOUTHERN BELL	:	
TELEPHONE AND TELEGRAPH	:	
COMPANY'S repair service	:	
activities and reports.	:	

DEPOSITION OF: BARBARA COMBS

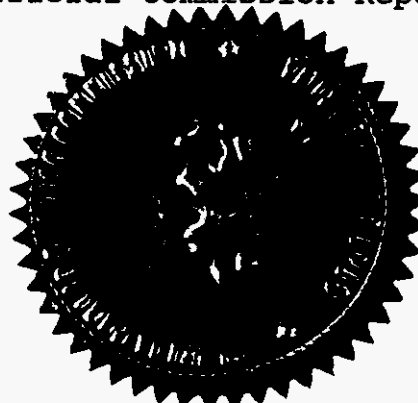
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Official Commission Reporter



1 APPEARANCES:

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3 150 South Monroe Street, Suite 400, Tallahassee,
4 Florida 32301, Telephone No. (904) 222-1201, on behalf
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12 Services, 101 East Gaines Street, Tallahassee, Florida
13 32399-0863, Telephone (904) 487-2740, on behalf of the
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18 CARL VINSON, FPSC Division of Research &
19 Regulatory Review

20 TERRILL BOOKER, FPSC Division of
21 Communications

22 EARL POUCHER, Office of Public Counsel

23 RICHARD BEARMANN, Communication Workers of
24 America

25 WAYNE TUBAUGH, Southern Bell

I N D E XPage No.

ERRATA SHEET

4

STIPULATION

5

AFFIDAVIT OF DEPONENT

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CERTIFICATE OF OATH

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CERTIFICATE OF REPORTER

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WITNESS

BARBARA COMBS

Examination by Mr. Beck

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S T I P U L A T I O N

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BARBARA COMBS

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

EXAMINATION

BY MR. BECK:

Q Ms. Combs, my name is Charlie Beck and I'm with Public Counsel's office. I'm going to start off asking the questions. Earl Poucher sitting next to me is also with our office. Ms. Wilson is from the Public Service Commission, as are all the people on the wall there. They may have some other questions also, but I'm going to go ahead and get you started.

Could you please state your name?

A Barbara Combs.

Q Have you been previously -- was your name prior to this Barbara Rose?

A Yes, it was.

Q When did your name change to Barbara Combs?

A February 9th, 1992.

Q Are you employed by Southern Bell?

A Yes, sir.

Q What is your job with Southern Bell?

A I'm a maintenance administrator.

Q Is that here in Gainesville?

A Yes, sir.

FLORIDA PUBLIC SERVICE COMMISSION

1 Q How long have you held that position?

2 A Since 1981.

3 Q Could you briefly state what your job
4 entails, sort of things you do?

5 A We test telephone troubles, dispatch
6 repairmen to the field, we do computer corrections on
7 custom calling features. And at the present time, I
8 work in a position, a dial tone assistance group. I
9 interact with the service order group.

10 Q All right. Have you given statements to
11 Southern Bell investigators previously?

12 A Yes, sir.

13 Q Do you know how many occasions you've done
14 that?

15 A Once or twice, I don't remember.

16 Q Were you under oath or was your statement
17 sworn that was given to the investigators?

18 A The Southern Bell -- I believe it was just a
19 sworn testimony. I don't remember.

20 Q Did somebody ask you to raise your right hand
21 like you did this morning and swear to tell the truth?

22 A I don't think so, not then.

23 Q Do you understand the significance of being
24 sworn in before you give testimony?

25 A Yes, sir.

1 Q At the time or just before you gave
2 statements to Southern Bell investigators, did Gary
3 Swilley get you together with anybody else and tell you
4 to tell the investigators that you didn't know
5 anything?

6 A No, sir.

7 Q Did Gary Swilley tell you anything with
8 respect to what to tell the investigators?

9 A He told us to tell the truth.

10 Q Can you describe that meeting where he told
11 you to tell the truth?

12 A I don't remember that much about it. On
13 several occasions has always told us that any time we
14 were questioned about anything to tell them the truth.

15 Q And do you recall that specifically being
16 before you gave statements to the investigators?

17 A No, sir, I don't remember when that was.

18 Q Has Gary Swilley ever asked to you create a
19 trouble report for a customer that had no trouble and
20 to close it out as a test-OK?

21 A No, sir, he has not.

22 Q Has any person in management ever told you to
23 do that?

24 A Not that I remember.

25 Q Do you know the difference between the

1 clearing. and the closing time. on a repair report?

2 A Yes, I do.

3 Q .. Could you tell us the difference between
4 those two?

5 A The clearing time is the time that dial tone
6 or the trouble was actually corrected, and the clearing
7 time or the closing time was the time that the man
8 finished up all the work he had to do. Many times dial
9 tone is restored on line whenever he still has other
10 work to do.

11 Q .. Are you familiar with a requirement or a goal
12 of clearing 95% of the out-of-service reports within a
13 24-hour time period?

14 A I know that there is a certain percentage
15 we're supposed to meet, but I don't know what
16 percentage it was.

17 Q Do you have any knowledge or has anybody ever
18 told you to back up the clearing time on a report to a
19 time earlier than when the report or the trouble was
20 repaired?

21 A .. No, sir.

22 Q Have you ever heard of anybody else doing
23 that?

24 A No, sir.

25 Q Are you familiar with exclude codes?

1 A Yes, I am.

2 Q Can you tell me what they are?

3 A Those are certain codes that do not count on
4 the indices. There's only certain reasons and
5 particular instances that they can be excluded.

6 Q Can you give me some example of exclude
7 codes?

8 A Yes, well, like custom calling features. If
9 a customer called in and perhaps it was not on their
10 line, they were not being billed for it. That's a
11 nonbilled feature they reported. A service order that
12 is in progress. Let's see what else.

13 There's so many of them I can't even think
14 right know. We have a book that we refer to constantly
15 that we put the proper narrative on there and it has to
16 be substantiated.

17 Q Have you ever used or do you know of anybody
18 ever using an exclude code where it shouldn't have been
19 used on that report?

20 A No, sir.

21 Q Are you familiar with a cause code for
22 lightning? Do you know what that is?

23 A 410 and 420. One's moisture and one's
24 lightning. I think it's 410 now.

25 Q Do you know of any instances where anybody

1 has used a code for lightning in cases where the
2 trouble was not caused by lightning?

3 A No, sir.

4 Q Did you know we took Billie Sommer's
5 deposition here today?

6 A Yeah, she sits near me.

7 Q Did she talk to you after her deposition this
8 morning?

9 A Just for a few minutes. I just asked her how
10 it went. She said okay.

11 Q What else did she say?

12 A She didn't go into any detail. She just
13 said, "He basically asked the same questions we've been
14 asked in other times."

15 Q Did she say what any of the questions were
16 that she asked?

17 A No, she didn't.

18 Q Did you discuss with her what your statements
19 would be here today during your deposition?

20 A No, sir, I did not.

21 Q She sits next to you downstairs?

22 A Not right next to me, but a few feet away.
23 She has a different job function.

24 Q And have you talked to Gary Swilley about
25 your statement here today?

1 A " Have I?

2 Q Yes.

3 A " No, sir. You mean about things that would be
4 said or whatever?

5 Q Yes.

6 A No, huh-uh.

7 Q If a trouble comes in and it's determined
8 that the trouble is with a person's inside wire, not
9 the network, how is that coded or reflected in a repair
10 report?

11 A " You mean on the closeout?

12 Q Yes.

13 A " Well, it depends on whether they have a
14 maintenance contract or not -- the closing code. If
15 they have no maintenance contract, then it's coded
16 differently. If the man was sent to the field and the
17 trouble is inside, then they would be billed for the
18 trouble.

19 Q What are the codes whether they have a
20 maintenance contract or not?

21 A " 1200, I believe. 210 would be customer. I
22 believe that's what it is now. I would have to look it
23 up. I don't close out too many troubles anymore doing
24 the particular job that I'm doing.

25 Q Do you know of or have you heard any

1 instances where those codes were used on repairs where
2 the trouble was not associated with inside wire?

3 A No, sir.

4 Q " Do you ever have trouble meeting the 95% rule
5 on some of the smaller exchanges in the areas served by
6 here?

7 A I wasn't familiar with the 95%, no.

8 Q Have you ever dealt with an occasion where a
9 switch went down for one of the exchanges?

10 A Yes, I am.

11 Q How do you code that when the trouble is in
12 the switch?

13 A It would be an 05 and whatever the problem
14 was.

15 Q And would that typically affect a large
16 number of customers?

17 A Well, in the small exchanges, you probably
18 wouldn't get that many reports on it.

19 Q I'm sorry, you wouldn't get that many reports
20 on it?

21 A Well, depending on the size of the exchange
22 and whatever and how long the system is down.

23 Q And would you show that trouble being related
24 to the switch?

25 A Oh, absolutely.

1 Q Have there been any instances that you know
2 of where switches has gone down and some of the trouble
3 reports were listed as test-OK for a customer trouble
4 report?

5 A Not lately. It seems like quite a while back
6 we might have in the past done that occasionally. Only
7 if you didn't know the closing code and you called the
8 customer and it was okay at that particular time, but
9 that's a rare instance.

10 Q That would be in instances where the switch
11 went down but then it got fixed and you called the
12 customer?

13 A Yes. You know, suppose the trouble had been
14 closed out, most of them, and you have another report
15 coming later on; and you called it, you tested it and
16 was okay. You called the customer and it was okay, so
17 you just close it test-OK rather than a switch because
18 you couldn't prove that it was a switch at that
19 particular time.

20 Q Do you know of or have you heard of any
21 instances where test-OK was used improperly on a repair
22 report?

23 A That's a broad code, you know. Explain what
24 you're asking me.

25 Q Had it ever been used in cases where it

1 shouldn't have been applied to the trouble, the
2 test-OK?

3 A I'm sure it has been. Not deliberately, I
4 wouldn't think.

5 Q Do you know of any instances where a trouble
6 was closed out at the end of day and then reopened the
7 next day as an employee-created report to close out the
8 trouble?

9 A Not recently. That has been done in the past
10 quite a while back.

11 Q Can you tell us a little bit more about that
12 being done in the past?

13 A Well, it's one like perhaps, you know, you
14 restore service to the customer or something but you
15 didn't finish the job and didn't close it out. And we
16 would have the next day to finish, so the man would
17 have time -- something to charge his time to.

18 Q Could you elaborate in that instance you just
19 described? Would the trouble be fixed at the end of
20 day?

21 A Well, not entirely. You know, service would
22 be restored but if he needed something to go back on
23 the next day rather than hold the trouble open all
24 during the night when the customer did have service.
25 There might be some routine to finish up is what I'm

1 saying.

2 Q But you're saying the trouble would be fixed
3 at night before it's closed out?

4 A Right, uh-huh.

5 Q Do you know of any instances where no-access
6 is put down on a trouble report at the end of the day
7 when, in fact, there was no problem getting access to
8 the customer location?

9 A No-access and we didn't go on it?

10 Q Yes.

11 A No.

12 Q Do you know of any instances where no-access
13 was put down to close out a report and then it's
14 reopened the next day as an employee-generated report?

15 A No.

16 Q Have you heard of any of the other
17 maintenance administrators making a complaint about
18 your productivity being increased by false reports
19 being generated and then closed out, making the others
20 look bad while yours look good?

21 A False reports? No, sir.

22 Q Have you ever heard of trouble reports being
23 created from the telephone book?

24 A

25

1 Q

2

3

4 A No, sir.

5 MR. BEATTY: Just for the record, her last
6 statement is privileged and confidential, subject to
7 attorney-client privilege and the internal work product
8 doctrine.

9 Q (By Mr. Beck) Have you heard of or do you
10 know of fictitious employee codes being used on any
11 repair reports?

12 A No.

13 Q How about employee codes of other employees
14 being used instead of the employee code related to the
15 person working on the report? Have you ever heard of
16 that of that being done?

17 A No, sir. You don't want anybody else using
18 your codes for sure, employee codes.

19 MR. BECK: That's all I have.

20 MS. WILSON: I have no questions.

21 MR. BEATTY: That's it. Thank you very much.

22 (Thereupon, the deposition concluded at 3:00
23 p.m.)

24

25

AFFIDAVIT OF DEPONENT

This is to certify that I, BARBARA COMBS, have read the foregoing transcription of my testimony, Page 1 through 17, given on April 26th, 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.

BARBARA COMBS

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

My Commission Expires:

1
2
3
4 F L O R I D A)
5 :
6 C O U N T Y O F L E O N)

CERTIFICATE OF OATH

7 I, the undersigned authority, certify that
8 BARBARA COMBS personally appeared before me and was
9 duly sworn.

10
11 WITNESS my hand and official seal this

12 19th day of May, 1993.
13 ..

14
15 Pamela A. Canell

16 PAMELA A. CANELL

17 Notary Public - State of Florida
18
19
20



PAMELA A. CANELL
MY COMMISSION # CC 246413 EXPIRES
December 16, 1996
BONDED THRU TROY FAIR INSURANCE, INC.

1 STATE OF FLORIDA)

CERTIFICATE OF REPORTER

2 COUNTY OF LEON)

3
4 I, PAMELA A. CANELL, Official Commission
Reporter,

5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
deposition of BARBARA COMBS;

6 I FURTHER CERTIFY that this transcript,
7 consisting of 17 pages, constitutes a true record of
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,
9 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.

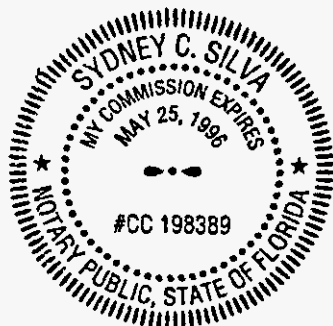
10 DATED this 19th day of May, 1993.

11 Pamela A. Canell
12 PAMELA A. CANELL
13 Official Commission Reporter
14 Telephone No. (904) 488-5981
15

16 STATE OF FLORIDA)

17 COUNTY OF LEON)

18 The foregoing certificate was acknowledged
before me this 19th day of May, 1993,
19 by PAMELA A. CANELL, who is personally known to me.



Sydney C. Silva
Notary Public - State of Florida

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: ROBERT JOSEPH RYAN

TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 903 West University Avenue
Second Floor Conference Room
Gainesville, Florida

TIME: Commenced at 9:57 a.m.
Concluded at 10:52 a.m.

DATE: Tuesday, April 27, 1993

REPORTED BY: SYDNEY C. SILVA, CSR, RPR
Official Commission Reporter

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16

17 ALSO PRESENT:

18 RICHARD BEARMANN, Communications Workers of
19 America

20 STAN GREER, FPSC Division of Communications

21 TERRILL BOOKER, FPSC Division of Communications

22 .. EARL POUCHER, Office of Public Counsel

23

24

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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.

ROBERT JOSEPH RYAN

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

EXAMINATION

BY MR. BECK:

Q Mr. Ryan, my name is Charlie Beck. I'm with the Office of Public Counsel. And I'm going to start with the questioning but there may be other questions after I'm finished also.

A Certainly.

Q As we go through this, if you have any questions -- if you don't understand what I'm asking, please stop me so we can straighten it out right away.

A Okay.

Q " For the record, could you please state your name.

A " My name is Robert Joseph Ryan.

Q Are you employed by Southern Bell?

A I'm an employee of Southern Bell, my date is 2-1-71.

Q All right. What position do you hold with the Company?

A I am what they call a facility technician.

Q What does that job entail, just very briefly?

A " The facility technician is a combination of

1 two old titles, cable splicing and cable repair. And I
2 am in\ the cable repair portion of it, I'm considered
3 cable repair MT.

4 Q And that's here in Gainesville?

5 A It's here in Gainesville.

6 Q And how long have you been doing cable repair
7 here in Gainesville?

8 A .. 15 years.

9 Q Who do you report to here?

10 A .. George Moore, Jr.

11 Q How long have you reported to him?

12 A Since October 1992.

13 Q Okay. How about before that?

14 A I've worked for several supervisors.

15 Q Okay. Could you give us the names?

16 A Yes. My first supervisor was Al David. My
17 second supervisor was George Moore. My third
18 supervisor was Bill Oxidine (phonetic). Then I worked
19 for Cliff Lewis and back to George Moore.

20 Q .. Are you involved at all in the process of
21 putting data into trouble reports or providing input
22 into trouble reports?

23 A Only in the closing out portion.

24 Q Could you describe that a little bit?

25 A Well, all the repair personnel have what we

1 call the CAT machines, which are little terminals. And
2 this terminal we use to receive and close out trouble
3 tickets that we receive.

4 Q Okay. Right now there's no distinction between
5 the clear and close time, is there, on trouble reports?

6 A Between clear and close time?

7 Q Right.

8 A Oh, yes.

9 Q There is a distinction?

10 A Well, there is. However, on the CAT machine,
11 you cannot, for instance, say you clear a trouble at
12 10:00, you can't input at that time that you cleared
13 the trouble, you have to wait until you close it out
14 and then it comes up, one of the screens comes up is
15 what time you cleared the trouble and then you enter
16 the time that you cleared the trouble.

17 Q Okay.

18 A And you don't actually input the closing
19 trouble, it automatically picks it up, the computer
20 picks it up in the act of closing it out.

21 Q .. Has anyone ever put any pressure on you to
22 enter a clear time that's earlier than the time that
23 the customer received service?

24 A No.

25 Q Have you heard of that or are you aware of

1 such pressure being put on anybody else?

2 A Yes.

3 Q What do you know about that?

4 A Mainly in closing out some troubles in the
5 past, there was a concern of whether there was
6 lightning or something involved in the out-of-service,
7 what caused it to be out of service. There was, you
8 know, the question was asked, challenged by the -- when
9 we used to close out manually, before we got the
10 terminals, that what was causing the trouble? Was it
11 lightning or was it an act of God, a storm or whatever?
12 Which made a clear difference in how the out-of-service
13 was looked at.

14 Q Okay. Who would ask you those sorts of
15 questions?

16 A The person that did the closing out, which
17 was generally a craft person.

18 Q Would it be a maintenance administrator?

19 A Maintenance administrator, yes.

20 Q Did you take that as to them suggesting that you
21 use, you know, one of those acts of God or lightning type
22 codes to close -- be the cause of the report?

23 A Repeat that again.

24 Q I want to try to understand how you
25 interpreted that. You know, did you interpret that as

1 them putting some kind of pressure on you to use, for
2 example, the 410 code for lightning as the cause of the
3 report?

4 A Well, for a fact that there was a concern in
5 the maintenance center to make sure that the proper code
6 was used, okay? And there was also the employees felt
7 pressured that they needed to challenge the facility or
8 the cable repair or the service techs, that if there was
9 trouble caused by a situation which was caused by an act
10 of God then it should be used appropriately.

11 Q I guess my question is how you were
12 interpreting that? Do you think that they were just
13 trying to make sure the right code was being done, or
14 did you interpret it as suggesting that you use one of
15 those codes?

16 A I wouldn't say that they were saying right
17 out that, you know, "You need to close it this way."
18 The concern was that the maintenance administrators were
19 told to make sure that the appropriate code was used. And
20 if it was not used, you know, they need to find out what
21 the right code was, or there could have been problems with
22 quality reporting from the maintenance administrator.

23 Q Did you ever change the code to lightning as
24 a result of one of those questions?

25 A No, I always told it as it was.

1 Q .. Do you know if anybody else ever had to change
2 or ever did change a code as a result of such questioning?

3 A .. Only hearsay.

4 Q What do you know from hearsay?

5 A Just that --

6 MR. BEATTY: Objection, hearsay.

7 A Just hearsay.

8 Q You can answer the question.

9 MR. BEATTY: You can respond.

10 A What was the question?

11 Q .. Okay. What did you hear?

12 A Oh, what did I hear?

13 Q .. Yeah.

14 A There were some allegations by some repair
15 person that their supervisor or that they were
16 challenged by a supervisor to put the right -- to, you
17 know, use a code that wasn't specifically used, was the
18 appropriate code used.

19 Q Did you hear whether it was other facility
20 techs or maintenance administrators?

21 A .. I heard it from the repair people themselves.

22 Q So that's the people that had the same job
23 you do? ..

24 A Well, maintenance -- see, maintenance is
25 divided up into two houses, cable repair and then the

1 installation and repair portion, which are the ones
2 that deal with the inside wiring, drop wire. If it
3 goes into the cable situation, then it goes to a person
4 like myself.

5 But there was never -- like I say, that was
6 just hearsay, there was never any -- you never really
7 had any proof that this was done.

8 Q Did you ever hear the names of the
9 supervisors who had done that?

10 A Not really. We've had such a supervisory
11 turnaround in changes, responsibilities, and what not,
12 I really can't say that I know exactly, you know, who
13 said what.

14 Q .. Okay. So do you know of anybody who ever
15 changed a code?

16 A .. Other than just what they -- what individuals
17 said that they were told to. Whether they did or not
18 follow through with it, I don't know.

19 Q Do you know what time period this was
20 occurring in?

21 A It was several years ago, '80s.

22 Q Can you give us a feeling about how long a
23 time period during the '80s it was, though, that this
24 was occurring?

25 A Well, there was -- not exactly. It was just

1 that there seemed to be more emphasis on
2 out-of-services when they're -- and I can't say what
3 date the time frame started, but all of a sudden, we
4 were more closely watching out-of-services and closing
5 out out-of-services and what not. And it seemed like
6 everything tightened up from that time forward.

7 Q Do you know if anybody ever backdated the
8 clearing time on a repair report?

9 A I don't know of anybody that actually did, no.

10 Q Okay. Do you know of any occasion when
11 anybody was asked to or some kind of influence was put
12 on somebody to try to get them to back a clearing time?

13 A Only that some individuals were told they
14 should have.

15 Q That they should have backed up the clearing
16 time?

17 A Yeah.

18 Q When you say "back up a clearing time," would
19 that be to the time it was actually cleared or time
20 prior to when the service was restored?

21 A Time when it was actually cleared.

22 Q Okay. Well, there wouldn't be anything
23 wrong, would there, backing it up to a time that was
24 actually -- to a time that service was actually
25 restored?

1 A Well, if the clearing time and closing time
2 was the same within five minutes or so and the person
3 closed it out two hours later for whatever reason, then
4 I think that was the instance where, you know, it
5 should be backed up, okay, something like that. But
6 if, in fact, a supervisor or somebody says, "We missed
7 the commitment by an hour," and the trouble was cleared
8 at the time when personnel called in it was an hour
9 over, then by backing up, that's wrong.

10 Q Do you know of any instances of that, the
11 latter?

12 A Not actual backing up, just observations that
13 it should have been done.

14 Q I'm sorry, observations by whom?

15 A Their manager.

16 Q Okay. The manager was suggesting to somebody
17 that she should have backed it up?

18 A Yeah.

19 Q Do you know the names of any of those
20 managers who did that?

21 A At that particular instance, I believe it was
22

23 Q Okay. And do you know to whom he was making
24 those statements?

25 A Yes.

1 Q Who did he make the statements to?

2 A To Frances Harris.

3 Q Were you there when this was done?

4 A " No.

5 Q How do you know about it, then?

6 A " I am the President of the CWA local here in
7 Gainesville and we've had Ms. Harris file a couple of
8 grievances; as a matter of fact, we had several
9 grievances filed on a particular memo that was sent
10 out. And also just being the representative of a
11 bargaining unit, which the maintenance administrators
12 are, whenever they have problems or they perceive
13 problems, they would notify me.

14 Q " What is the memo that you refer to that
15 Frances Harris had a grievance on?

16 A " It basically just said to make sure when
17 you're closing out and clearing out that the MA
18 challenged the repair person to make sure that the
19 clearing time was proper. For a long time I think we had
20 a problem with repair people would close out and they
21 would show that as a clearing time when actually they may
22 have cleared a little bit time before. So it was just the
23 wording of it.

24 " It just seemed tense to the folks; plus the
25 environment that the maintenance administrators are in

1 is kind of a tense situation anyway, and it is just
2 something they felt threatened about, particularly the
3 comments that was made with it, as well.

4 Q What were the comments made with it?

5 A Well, we have, in our Company, we have
6 progressive discipline steps. And the manager
7 indicated that this was a progression step that this --
8 the next step could be a warning or a suspension or a
9 termination. That this is one of the steps of it if
10 they violated the -- if they made an error in the
11 closing out process.

12 Q Was this memo directed to Frances Harris
13 specifically?

14 A No, it was specifically given to all the
15 maintenance administrators.

16 Q How could that be one of the steps if it was
17 given to everybody? It was like everybody was given a
18 small step?

19 A Yeah. Basically, it was a formal -- see, our
20 steps are an informal, a formal, the warning,
21 suspension and termination. And basically by covering
22 the group with this letter, they were saying this is a
23 formal notification, any violation of this would be viewed
24 as the next step would be a disciplinary action, whatever
25 steps the Company thought was appropriate.

1 Q The comments about the disciplinary action,
2 were they in the memo itself or just verbally stated
3 when the --

4 A No, this was just verbally stated.

5 Q Do you know who wrote the memo?

6 A The memo came from Jim Ramsey.

7 Q Okay. Were any other management persons
8 involved in that memo?

9 A I can't say for sure.

10 Q .. Okay.

11 A Although, let me retract that. The MA said
12 that they came from -- that Mr. Ramsey said it came
13 from Dick Collamati, who was a second level supervisor
14 of the maintenance administrators. It came out of his.

15 Q Whatever happened with Frances Harris's
16 grievance?

17 A Well, we basically had the memo retracted and
18 tried to defuse the situation. Because the two -- the
19 memo that came out, you know, like it said, it just
20 heightened the tension in there. And, you know, we
21 looked at trying to make the workplace more comfortable
22 for the employees themselves. So basically we had, you
23 know, the pressure was taken off somewhat and the memo
24 was kind of like forgotten, basically.

25 Q How long have you been president of the CWA

1 local?

2 A I've been president for -- this is my third
3 year, but I was vice president for six years prior. As
4 vice president, my main duty was to relieve the
5 president and also handle all grievances in the second
6 level capacity.

7 Q Okay. Do you recall when Frances Harris
8 filed this grievance?

9 A It was either in -- I think was somewhere in
10 1988. Well, let's see, no, I really can't say. It was
11 between '88 and '90, I would say in '90, somewhere in
12 that vicinity. I don't even remember what the date on
13 the memo was; but whatever the date of the memo came
14 out, which I'm sure you probably have access to, it was
15 in that time frame.

16 Q Was the retraction of the memo done formally?

17 A No.

18 Q How was the retraction communicated to
19 everybody?

20 A It was basically contracted verbally.

21 Q Have you ever heard of or are you aware of
22 any complaints being made about
23 productivity reports being higher because she was creating
24 trouble reports and closing them out and thereby making
25 the productivity of others look not as good?

1 A Not a craft person. .

2 Q What do you mean, "not a craft person"?

3 A Well, I've never heard of being
4 accused of that.

5 Q Have you ever heard of any of the supervisors
6 doing that?

7 A Yes.

8 Q What have you heard about that?

9 A at one time or another created
10 several fictitious reports, created and closed them out in
11 a very short time frame in a particular CDO.

12 Q Did that create any problems for the MAs?

13 A Well, it was brought to my attention because
14 of the curiosity that there's a group of report troubles
15 being taken at one time and then all of a sudden being
16 closed at one time. And one of them took the action of
17 finding out the numbers and discovered that they were
18 taken in order from the telephone directory.

19 Q When you say "one of them," is it one of the
20 craft people that did that?

21 A Yeah.

22 Q Do you recall who that was?

23 A I'm not at liberty to really say. You know,
24 I had like -- at the time I was dealing with something
25 like 11 or 12 MAs that all had concerns dealing with

1 the situation that was going on in there.

2 Q Other than the incident you just
3 described, have you ever heard of any other management
4 people being involved in creating trouble reports and
5 then closing them out?

6 A No. That was the only instance.

7 Q Have you ever had any complaints from any of
8 the MAS about their productivity, that management was
9 looking at their productivity and whether it was
10 satisfactory or not?

11 A Yes. I've had numerous complaints about
12 employees being discussed with the productivity being
13 down -- or mostly errors in screening the troubles or
14 what not.

15 Nobody is perfect, you know; and a lot of
16 these, we were just going into the age where everything
17 was being computerized and everything, and there was a
18 lot of errors being made; and the employees felt they
19 were unjustly being not given the training and the
20 opportunity once they got the training to be able to
21 work in the environment and get use to the systems and
22 what not.

23 And then they had to change over systems, one
24 system wouldn't be working and then they'd bring in
25 another system, you know, which was different than this

1 system. So there always seemed to be some upheaval
2 about that situation. And, you know, just in many
3 cases some folks are faster than others, some pick it
4 up faster than others, and that instance right there.

5 Q Did any of them involve any accusations of
6 deliberately miscoding any of the reports?

7 A Miscoding the reports?

8 Q Putting down false information in the reports.

9 A Only in closing out that they would use
10 different -- they would close out troubles and use an
11 employee number that either was -- that was not there
12 that day.

13 Q .. Can you tell us a little more about that,
14 what kind of --

15 A .. Well, for instance, if they had a trouble and,
16 you know, they decided it was okay or whatever, they would
17 close it out and then they would use an employee number,
18 and generally the employee number that they would use
19 would be an employee that wasn't there that day.

20 Q Why would that occur?

21 A Why?

22 Q Yeah, why?

23 A .. I have no reason, I don't know.

24 Q Did management ever come down on any of the
25 craft people because of that?

1 A Well, it was challenged up from the employees
2 of why they did that.

3 Q I don't understand the phrase "challenged
4 up."

5 A Well, some of my employees are more observant
6 than others and would recognize that so-and-so, John
7 Doe, was not here yesterday but here's a trouble that
8 was closed out by him, okay, and that situation.

9 Q And then what, would they come to you and
10 just say that?

11 A Yeah.

12 Q What action did you take?

13 A Well, in discussion, you know, we talked
14 about, you know, that if they're going to close it out
15 that they need to use appropriate numbers, whether they
16 use their supervisory number or whether they have a
17 craft person close it.

18 Our main concern with the craft people was
19 that work was being taken away from them. And if there
20 was a trouble to be closed out legitimately, you know,
21 found-OK, then use the appropriate number, an employee
22 that was there, let them close it out instead of
23 management closing it out and using a number that they
24 picked of an employee that wasn't there, whether it be
25 an inside employee or outside employee.

1 Q Do you have any instance where management was
2 involved in telling somebody to use a code if somebody
3 wasn't there?

4 A No, they did it themselves.

5 Q The management themselves would use those?

6 A According to my -- what my MAs that brought
7 it to my attention observed.

8 Q What did you do upon receipt of that
9 information?

10 A Well, we talked, we talked in length about
11 what the managers, you know, that -- again, we're talking
12 about work being taken away from, perceived to be taken
13 away from our bargaining unit folks. And legitimately if
14 you got a trouble to close out, we want the appropriate
15 craft people to do it, that's all we ask.

16 Q Okay.

17 A At the time, there was no -- nothing going on
18 that you know, was illegal or anything, there was no
19 investigations or anything going on. Our only concern
20 was that the bargaining unit people that we considered
21 a bargaining unit job, let us do it.

22 Q Were managers using employee codes of craft
23 persons but just craft persons who weren't there?

24 A Yes.

25 Q Wouldn't that help the productivity of that

1 craft person who wasn't there?

2 MR. BEATTY: Objection to the form of
3 question. It's leading. You can respond.

4 A I don't know about the productivity part
5 because there was instances where outside people's
6 codes were being used. And there's really, you know,
7 if a found-OK is a found-OK, there's no credit for it.
8 So there wasn't really anything going on in the
9 productivity side that I see.

10 Q Did you talk to management then about them
11 using the employees' codes who, either the outside
12 people or people that weren't there?

13 A As I said, we asked that our bargaining
14 people, it's their job to close out troubles and we
15 wanted them to close out troubles and they would use
16 their own code.

17 Q The manager would use their own code?

18 A The employees would use their own ID number
19 when they closed out. See, when the trouble is closed
20 out, you know, it's closed out to who closed it out.
21 And we just wanted to make sure that those folks'
22 numbers appeared on them because they were the ones
23 doing the work. And we wanted to make sure that they
24 were doing the work.

25 Q Did you ask the managers why they were using the

1 codes of people who weren't there to close out reports?

2 A I'm sure it came up in the discussion but,
3 you know, this is something that happened, you know,
4 three or four years ago; so I really can't honestly
5 say, to answer that question.

6 Q .. Do you recall anything they said about the
7 reasons why they were using those codes?

8 A .. I don't recall.

9 Q Who were the managers you talked to about this?

10 A Let's see, there was -- see, the test center
11 has had a turnover in supervisory personnel during that
12 length of time. At the time I believe we talked to
13 maybe at one time or
14 another about it.

15 Like I said, there was nothing really going
16 on investigation-wise that, you know, we weren't
17 looking at it to -- we just wanted to make sure that
18 our bargain people were doing the work. That's what
19 the bargaining people were concerned about, because of
20 a situation of centralization or what not, and there's
21 always been rumors that the maintenance center could
22 close down, so they wanted to make sure they were given
23 the opportunity to do the work, to show that they are
24 doing the work and that it's not an office that's not
25 doing anything.

1 Q You mentioned three managers,

2 Were each of them engaging in the activity
3 of using employee codes of persons who weren't there?

4 A Well, the problem is that we really couldn't
5 say who did it, you know, because one assumed that --
6 who might have done it. And what I can remember, I
7 think, that none of them really said that they did it,
8 but we know that it was some manager doing it, okay?
9 It wasn't craft people doing it.

10 Q Okay.

11 A So if the craft people aren't doing it, then
12 it has to be somebody else. But nobody took
13 responsibility for it or took the blame or anything for
14 it. It was just a practice that we asked to be stopped.

15 Q Did any of the craft people identify which
16 managers were doing it?

17 A There was -- you know, there was opinions,
18 but nobody ever saw anybody actually doing it.

19 Q .. What were the opinions?

20 A Basically, those three people, at one time or
21 another.. Like I said, we've had such personnel change
22 in the management structure in the maintenance center
23 that, you know, if you asked me what day was
24 in there, I couldn't, and what not. So.

25 Q Okay. And you say all of this predated any

1 investigations of Security coming in?

2 A Yeah.

3 Q Was it in the late 1980s?

4 A Yeah. It was when I was -- I became vice
5 president in like 1983, so during my term between '83
6 and '90, basically. Mostly I think it was in my second
7 term, which was like '86 to '89, where we really had
8 some problems. And that corresponds with the Company,
9 you know, becoming more concerned about out-of-service,
10 carryovers and what not.

11 Q Have you ever received complaints about
12 fictitious repair reports being created and then being
13 closed out?

14 A Other than just the instance I told you
15 about, that.

16 Q Are you aware of any instances where people
17 were encouraged to use an exclude code such as
18 lightning on repair reports?

19 A No.

20 Q Whether or not lightning might apply to the
21 repair report?

22 A .. No. Not in that particular instance. But
23 there were times when we used to be able to -- if a
24 customer reported out-of-service and they tested it and
25 it wasn't out of service, you know, they called the

1 customer and talked to them, that we could probably get
2 it downgraded to a LIT. We'd still go out on it but it
3 wouldn't be treated as an out-of-service. And that was
4 something that happened all the time; and that's only
5 changed because of the Public Service Commission rules,
6 changes or what not, enforcement.

7 Q Okay. Have you ever heard the term "building
8 the base"?

9 A Yeah.

10 Q And what does that mean to you?

11 A Well, to me, that's what did when
12 he built the base in Cedar Key to have a better -- when
13 you have troubles, you have a larger trouble base and a
14 larger clearing base on it.

15 Q Do you know it was Cedar Key that was
16 involved in?

17 A I believe so, yes.

18 Q Have you ever heard of building the base with
19 respect to any other exchange other than Cedar Key?

20 A No, that was the only instance that I heard of
21 actual -- that it was actually told to me by an employee
22 that they actually believe that that had happened.

23 Q Do you have any knowledge yourself or
24 otherwise of believing that the base was built in any
25 other exchange?

1 A No.

2 Q Are you familiar with the term "CON code?"

3 A No.

4 Q Do you know or have you heard of any
5 instances where no access being provided by the
6 customer was reported on a trouble report when, in
7 fact, there wasn't any problem obtaining access?

8 A There was some allegations made of that.

9 Q Okay. Could you elaborate a little on that,
10 what was involved?

11 A Just that some maintenance administrators
12 felt that there was some instances of that happening,
13 that management was closing out troubles to no access
14 and what not without a repairman going out. But that
15 was just their observations.

16 Q What did you do with that information?

17 A Well, I gave it -- again, you know, we're
18 concentrated on the bargaining unit work being done by
19 management, so, you know, that was part of another
20 discussion.

21 Q To ensure that the craft were getting credit
22 for that?

23 A Exactly, yeah.

24 Q Who did you talk to about that?

25 A Well, somewhere along the line, I believe we

1 even had a discussion with Mr. Collamati concerning,
2 you know, craft work. We had a -- the atmosphere in
3 that office was very explosive, okay? And we had many
4 numerous conferences between the union and the Company
5 in trying to defuse the situation. And, you know,
6 bargaining unit work being done by craft was
7 continuously one that we always had problems with and
8 we always had discussion with.

9 Q Why do you say it was explosive?

10 A Personalities.

11 Q Collamati?

12 A Yeah, between Mr. Collamati and the
13 personalities and some of the maintenance
14 administrators. The personalities between Mr.
15 Collamati and his management. And it was not a very
16 wholesome place to work.

17 Q So, what happened as a result of your meeting
18 with Mr. Collamati?

19 A Well, things would, you know, they would --
20 things would back down. The craft people would be
21 doing craft work again; and then all of a sudden
22 something would slip through, another would slip
23 through; then I'd get a call and I'd go back and remind
24 them what craft people's responsibilities were and we
25 wanted to continue.

1 And we had, in the meantime, a new process
2 came into effect in which the management would start
3 inputting a trouble for the employees that used the CAT
4 terminal, that they would actually bypass the MA in
5 dispatching trouble.

6 What they would do is they would hit a
7 trouble ticket and the employee number and then that
8 would come up on the employee's CAT when they went into
9 the database and bypass the MA. So there was some bad
10 feelings from the MAs that, you know, we should be
11 doing that type of work, we should be the one doing
12 that. But this was a Company policy that we were not
13 able to grieve on that the Company union above us, it's
14 something that they had worked on and we don't totally
15 agree with it but there's nothing we really can do
16 about it.

17 Q The supervisors were allowed to directly
18 route a specific trouble to a specific person?

19 A And that's the way the procedure still is.

20 Q Okay. Did you try grieving on that at all?

21 A Well, we didn't grieve on it, we brought an
22 informal discussion on it. Because we were told that it
23 is basically a Company policy and that the union
24 apparently felt that they wouldn't be able to win on it.

25 .. But we just talked to them and, you know, to

1 find out if there was a possibility that our people
2 could be trained to do it. But we were told basically
3 that the Company is doing it, management is doing this,
4 it's management function and that's the way it's going
5 to be. So, you know, there again, get the threat of
6 the MAs losing their jobs because there's a work
7 function that has been taken away from them.

8 Now, they still manually dispatch at times.
9 There are folks that may be borrowed from the other
10 department that they have to manually dispatch them;
11 but by and large, that system is still intact and as
12 more people are getting the terminals. So the MAs are
13 going from a function of dispatching to basically
14 screening troubles.

15 Q All right. Back up a minute to no-access
16 theme that you were talking about before, is it
17 supervisors who were actually putting down no-access on
18 specific trouble reports?

19 A Well, the MAs told me that, yes, there was --
20 that troubles are being closed out, either found-OK or
21 no-access, and then it had a fictitious code to it or a
22 code of an employee that was not there.

23 Q Do you know of any way that a supervisor
24 could put down no-access or would know to put down no-
25 access to reflect what's actually going on?

1 A I don't understand what you mean.

2 Q How would a supervisor know to put down no-
3 access?

4 A Well, it's, you know, they wouldn't. It
5 would just be something to close out a trouble -- in my
6 point of view, that's what it would be, whether it was
7 found-OK or no-access or whatever.

8 Q Do you recall the approximate time frame that
9 was going on?

10 A Well, as far as I know, it was an ongoing
11 situation. It was brought to my attention when all this
12 other material started surfacing; and like I said, it all
13 related to the tightening of the out-of-service
14 carryovers.

15 Q Did the no-access occurrences, did that
16 precede Southern Bell investigators coming in?

17 | A Yeah.

18 Q Okay. Do you recall which managers were
19 thought to be involved in that?

20 A Well, you could ask the MAs and they'd give
21 you a range of names. Whatever manager was working in
22 there at the time, whether it was

23 or whoever. Nobody ever
24 owned up to it, but, you know; the employees knew that
25 they didn't do it because their codes were not on

1 there, their ID numbers were not on the troubles.

2 Q Did the MAs feel this was prevalent, I mean,
3 that this happened all the time?

4 A Yeah, to one degree or another.

5 Q " Was there any manager that was felt not to be
6 involved in that?

7 A " Well, it's not really fair to say who to
8 point your finger at. Because if you have -- you know,
9 the maintenance center has always had at least five or
10 six managers and there are some that were not liked and
11 there were some that were very much liked. Some that
12 would go out of their way to help the employees, there
13 were some that they felt that they wouldn't throw them
14 a lifeline if they were drowning. So, you know,
15 personal opinions determines who you ask.

16 Q Okay. Are you aware of any instances where
17 managers would call in on the AIRO system to create a
18 report and then close out the trouble report?

19 A No.

20 Q How about from anybody else?

21 A I don't think we even had AIRO back then.
22 You know, AIRO is just something that just developed in
23 the last couple years.

24 Q Right. Have you heard of any instances from
25 anybody doing that, using AIRO to create a report where

1 no trouble exists?

2 A No.

3 Q Has lightning ever been or has any pressure ever
4 been put on people to use lightning to close out or as the
5 cause code on a trouble report that you've heard of?

6 A Well, personally, when I closed out troubles
7 that, you know, were in the critical frame, that was a
8 question that was repeatedly asked, "Was this a
9 lightning trouble or was this some other?"

10 .. And in some instances, like if you get a
11 trouble that's burnt, you don't know whether it's a
12 ground burn from a electrical wire getting into our
13 cable or whether it's a direct shot from lightning a
14 lot of times; but there was a emphasis, you know, that
15 you were asked, "Was this a lightning firm or was this
16 a direct result of a lightning strike?" Basically.

17 Q Did any of the MAs to your knowledge
18 interpret any of that as being -- or any of the
19 facility technicians interpret that as pressure being
20 put on to use that code?

21 A My MAs did, yes. Particularly when the
22 letter came out, too, you know, that they felt that
23 there was some subtle hints, particularly when it was
24 said about the disciplinary action, that there must be
25 some sort of subtle policy that we will not have -- the

1 direct quotes I received from the MAS were that "We
2 think that this is a subtle hint that there will be no
3 24 hours, period. Everything will be cleared within 24
4 hours, whether they are or not."

5 Now that was their perception. And that's
6 the reason why they were concerned about the letter
7 because they perceived that there could be dismissals
8 and what not if they showed a trouble being carried
9 over 24 hours. What I told them was that, "You tell
10 the truth and we'll let the chips fall where they may."
11 And as far as I know, that's what they did. They, you
12 know, if it was cleared over 24 hours, then it was
13 showed cleared over 24 hours.

14 Q The letter you're referring to is the Jim
15 Ramsey letter that Frances Harris --

16 A Yes.

17 Q All right. Just another minute to review my
18 notes here, we're about to finish up.

19 A Sure. How come you don't have a pitcher of
20 water? (Laughter)

21 Q .. Have you ever been involved in any large
22 cable cuts that take a lot of people out of service?

23 A Uh-huh.

24 Q How are those reported in the trouble
25 reporting system?

1 A Well, once we start getting the reports that
2 we understand we have a large failure, then it just,
3 you know, it's different now with the computer than it
4 was manually, back manually they used to keep taking
5 reports keep -- and sometimes they missed a lot.
6 They'd send STs out, you know, and then they'd find out
7 that it's a cut cable and then it would make its way
8 through the pool.

9 Now, with our computers, supposedly they're
10 supposed to be smart enough that when we get a large
11 facility like that we can input what we have; and when
12 the troubles come in from the customers, it
13 automatically is routed to that one particular cable
14 trouble. But In the old days, we could get 50 or 60
15 cable troubles created because of a large cut cable.

16 Q And the 50 to 60 reports would come in before
17 somebody would realize that it was a cut cable?

18 A Or even while it was being done. While we
19 knew it was, we would still get customer reports and
20 maybe because it was wired out-of-limits or if it was
21 in the other section of town or anything, or if it was
22 an account that our engineering plats didn't show,
23 indicate, that that was the true count. But it used to
24 be quite interesting, we'd have a 2700 cut and we'd,
25 you know, try to get all the counts and we'd still get

1 people being sent out and they'd come out and say, "Do
2 you have this count in? Do you have that count in?"
3 The computers definitely made it a lot easier in
4 tracking those problems.

5 Q Now, those would be counted -- if a customer
6 called in, that would be counted as a
7 customer-originated trouble report, would it not?

8 A True.

9 Q Do you know of any instances or have you
10 heard of any instances where people who were affected
11 by a cut but didn't call in, that trouble reports would
12 be opened up for them and then closed out?

13 A You mean what, they would create something?

14 Q Right.

15 A No, I never heard of that. Our base problem
16 was what we call double dispatch, that was a base
17 problem that we had.

18 Q What does that mean, the double dispatch?

19 A Like I said, if we have a cut cable and we
20 have a defined account but we're getting people being
21 dispatched on troubles that's in the cut cable, that
22 wasn't picked up, whatever.

23 MR. BECK: Mr. Ryan, that's all I have, thank
24 you very much -- well, hold on a second, just a moment,
25 please. (Pause)

1 Q " (By Mr. Beck) Let me follow up on a few
2 questions I asked earlier.

3 A .. Sure.

4 Q When we talked about the no-access, do you
5 know which MAs brought that to your attention?

6 A Just about all of them.

7 Q Okay. How about the incidence with
8 any MAs in particular bring that to your attention?

9 A Two or three of them did.

10 Q Do you recall which ones those were?

11 A " Frances Harris, I believe; Cindy Armel.
12 Trying to think. Those two I believe for sure.

13 Q " How about JoAnn Norris?

14 A JoAnn is a very watchful observer, too. But
15 I don't know if she was here at that time or not. But
16 JoAnn is -- like I said, they're watching to protect
17 their jobs. And when they see things that's not right
18 that they feel is threatening to their job, they're
19 very vocal about bringing it to your attention or to
20 their manager's attention, too.

21 Q " On the lightning problem, were there any
22 specific MAs that brought that to your attention?

23 A " Well, I knew there was something going on
24 because, you know, the way they would challenge me
25 personally when I would close out a trouble. But, of

1 course, when that memo came out, then everybody was
2 concerned about it.

3 I even had nonmembers who don't belong to the
4 union also sign grievances for that particular letter.
5 So there was a major concern for everybody in the
6 office.

7 Q Okay. And no-access was just about everybody
8 on the MAs bringing that to your attention?

9 A Several of them.

10 Q Do you recall which ones or who were more
11 observant of that?

12 A Well, Frances and Cindy and maybe a couple of
13 them that are retired now. But I think those two for
14 sure. They were like -- like I said, they were very
15 observant and they were very protective of the work,
16 any craft work.

17 Q Any others that -- or do you recall the
18 retired folks?

19 A Well, I know James Wilham (phonetic) was very
20 vocal in some, you know, very vocal about work being
21 taken away from -- because he was an old-time test
22 deskman and test deskmen used to do everything there
23 was. So, they pretty much all indicated, you know, at
24 one time or another when they observed something which
25 they felt was threatening to their work.

1 Q Do you know if James Wilham (phonetic) is
2 still in the area?

3 A I don't believe he is. He retired several
4 years ago.

5 Q Do you have any idea where he went to?

6 A No. I know he was from up north, but he was
7 only here in Gainesville for about maybe six or seven
8 years, then he retired. But like I said, generally,
9 just about everybody in the office at one time vocal in
10 their observation about something which they felt
11 threatened in their job.

12 Like I said, the problems we had in there,
13 the different fires that kept coming up for this and
14 that, this and that, you know, myself representing
15 them, you know, I can't accurately say, well, this and
16 this and this and this, because in my mind it's just
17 all jumbled up.

18 Like I said, it was just an explosive atmosphere
19 for two or three years and just seemed like every week
20 there was another trouble, another problem. So, it was
21 just never-ending. The Company was down on the union, the
22 union was down on the Company. And the relationships
23 between the union and the Company, and the Company and the
24 employees just wasn't very stable. So it's easy to get
25 things mixed up, names and what not.

1 Q Was the grievance brought by Ms. Harris,
2 Frances Harris, was that a formal grievance?

3 A Yeah.

4 Q There would have been some paperwork
5 generated on that?

6 A Well, we settled it in an informal level, but
7 we do have a document, an occurrence form, which the
8 employee feels they have a grievance fills out.

9 Q And that got submitted to the Company?

10 A No.

11 Q So that would be in your files?

12 A Yes.

13 Q But you don't think that would have made it
14 to it the Company's files?

15 A No. No. But they -- you know, when we have
16 the meeting, you know, they write down that they had a
17 meeting and what the, you know, what was the instance,
18 because of the meeting, what was the occurrence and the
19 employee and things like that.

20 On that particular issue they're talking
21 about, I had at least 12 or 13 grievances, I believe,
22 filed on that particular memo.

23 Q Okay. Did any other of the items we
24 discussed today make it to a grievance of some sort,
25 something going down in writing?

1 A That memo was the only thing we really had a
2 grievance filed on. The rest of it was informal
3 discussions. And we don't really take notes, it was
4 trying to reach a solution on a gentleman's agreement
5 about the situation.

6 Q I'm going to ask you kind of an all-compassing
7 question if I can, to finish up here. Do you have any
8 knowledge about reports being falsified in any way or
9 pressure being applied in any way to put down false
10 information on trouble reports that we haven't discussed
11 here so far today?

12 A Just the fact that Ms. Harris indicated that,
13 you know, she was told that she should have closed --
14 she should have backed the time up in that one
15 particular instance.

16 Another instance she had where the repairman
17 closed the trouble the night before; and because there
18 was no MA on duty, she did not close it out until the
19 next morning when the repairman called in, even though
20 the clearing time was the night before. Well, you
21 can't back up the time and, you know, she was told by
22 -- basically that said she should be
23 fired for making that error because it knocked him from
24 like number one to number two in out-of-services
25 carried over.

1 And, you know, it's like what can an employee
2 do? You know, she was very upset for the threat and
3 very upset because of the situation that she had no
4 control over.

5 Q Did tell her that, that she should
6 be fired?

7 A He inferred that to a messenger of a manager;
8 and the, you know, the manager basically said that to her,
9 "That thinks you should be fired because you
10 knocked him from number one to number two just because of
11 this trouble." Which I can't believe one trouble would
12 knock you down from one spot to another spot.

13 Q Who was the manager who was the messenger?

14 A I don't remember. I'd have to look at my
15 notes, I don't have them with me.

16 Q Is there anything else we haven't discussed?

17 A No. Pretty much what we've been through I
18 think is what I've told you and to my best recollection
19 of instances and what not. It's just that the MAS just
20 felt that there was pressure on them not to carry
21 24-hour services over. But we never had a disciplinary
22 action case where a person did carry it over 24 hours
23 and showed it 24 hours and never was disciplined on it.

24 MR. BECK: Okay. Thank you a lot.

25 Appreciate it. There may be other questions.

EXAMINATION

1

2 BY MR. GREER:

3 Q Mr. Ryan, just one or two. I didn't really
4 understand when you were talking about management and
5 dispatching, could you explain that a little bit more
6 to me because I didn't understand that.

7 A You mean the case that's going on right now?

8 Q Yes.

9 A With the employees getting these terminals
10 that we all have, okay? A manager, I think they call
11 them control forms, okay? When they get the troubles,
12 okay, they input the trouble into the system with the
13 employee it should be routed to. So instead of the MA
14 actually doing that or actually dispatching the
15 trouble, the manager does it.

16 And when like, for instance, they'll load --
17 say, they'll put a trouble on me for in the morning.
18 And when I finish that, I call my supervisor to let
19 them know I'm getting ready to finish and he may tell
20 me but there's already another one backed up to you, I
21 mean it's that's already in the system with your number
22 on it so when you close out the trouble it
23 automatically comes back on. So what we've done, we've
24 bypassed our MAs who used to do the manual routing; and
25 our contention was that our MAs could do that just as

1 easy as a manager.

2 Q So a manager can input a trouble and then
3 route it to a specific person outside?

4 A Sure, uh-huh. And that's -- as far as I
5 know, that's an ongoing situation for the whole
6 Company. Now, we've had some disagreement, you know,
7 we feel that's a craft job, a craft person can do that
8 just as easy as a management person, but it's an
9 instance where they have prevailed.

10 MR. GREER: Okay. That's all I have.

11 MS. WILSON: Thank you. Mr. Beatty, do you
12 have some questions?

13 MR. BECK: I've got just one other line of
14 questions.

15 FURTHER EXAMINATION

16 BY MR. BECK:

17 Q Are you familiar with the back room here in
18 the maintenance center?

19 A That's where the control foreman sits.

20 Q Was there ever a practice that you're aware
21 of where the control foreman or the people in the back
22 room would handle all the trouble reports that went
23 over 24 hours?

24 A You mean personally?

25 Q That they would close out the trouble reports

1 over 24 hours.

2 A No. The only thing I know in relation to
3 that is when you had a trouble that was cleared over the
4 24 hours, the maintenance administrator had to call the
5 back room to get an okay by the management to close it
6 out. Which I thought was kind of absurd myself, but, you
7 know, that was a -- you know, I guess that was a quality
8 control item that they felt that they had to do.

9 For instance, like I said, when the
10 maintenance administrator said, "Is this trouble caused
11 by lightning or whatever?"

12 And I say, "No." And they said, "Okay." So
13 then they would call the back room, and say "Okay, so
14 and so -- employee closing out this, it's over 24
15 hours." And then the manager would say, "Okay."

16 I guess what they had to do, I guess they had
17 to -- when they closed out a 24-hour trouble that was
18 over 24 hours, I guess they had to have some sort of
19 management initials that the management knew that it
20 was being closed out.

21 Q Do you know whether the management ever told
22 the MAs which code to use to close it out?

23 A No, no, they never said that to the repairman
24 while they were on line as far as I know. It never has
25 happened to myself, it was never suggested.

1 Now, I know sometimes you get into a
2 situation where you don't know where to close it to,
3 because our codes are vague, still are vague today. If
4 you get a situation -- for instance, if you have a
5 customer service that is caused by ants in splice, okay,
6 there's no code for that. So, I mean, what do you close
7 it to? And they tell us you can't close it to a 300 code,
8 which is plant equipment. So, I mean, you know, what do
9 you do? You're in a Catch 22 situation.

10 " A lot of times you find yourself with those
11 kind of situations. So, you know, you just -- and
12 sometimes a repairman will discuss with an MA, "What do
13 you think, what have you found in this occasion? You
14 know, what's the appropriate code to close?" But
15 never in the instance of like, you know, trying to
16 evade the 24-hour out-of-service.

17 MR. BECK: Okay, thanks a lot.

18 MR. BEATTY: Thank you very much.

19 (Thereupon, deposition concluded at 10:52 a.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, ROBERT JOSEPH RYAN,
have read the foregoing transcription of my testimony,
Page 6 through 48, given on April 27, 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.

ROBERT JOSEPH RYAN

Sworn to and subscribed before me this

_____ day of _____, 19____

NOTARY PUBLIC

State of _____

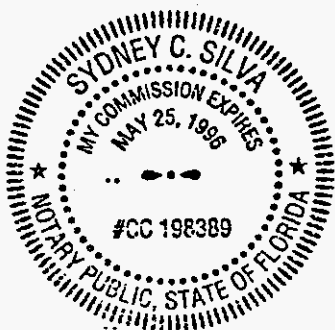
My Commission Expires:

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4 F L O R I D A)
5 :
6 C O U N T Y O F L E O N)
7

CERTIFICATE OF OATH

8 I, the undersigned authority, certify that
9 ROBERT JOSEPH RYAN personally appeared before me and
10 was duly sworn.

11 WITNESS my hand and official seal this 19th
12 day of May, 1993.
13



Sydney C. Silva

SYDNEY C. SILVA

Notary Public - State of Florida

1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

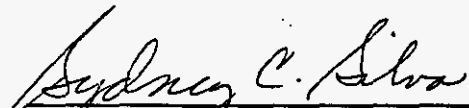
3 I, SYDNEY C. SILVA, CSR, RPR, Official
4 Commission Reporter,

5 DO HEREBY CERTIFY that I was authorized to
6 and did stenographically report the foregoing
7 deposition of ROBERT JOSEPH RYAN;

8 I FURTHER CERTIFY that this transcript,
9 consisting of 48 pages, constitutes a true record of
10 the testimony given by the witness.

11 I FURTHER CERTIFY that I am not a relative,
12 employee, attorney or counsel of any of the parties,
13 nor am I a relative or employee of any of the parties'
14 attorney or counsel connected with the action, nor am I
15 financially interested in the action.

16 DATED this 19th day of May, 1993.

17 

18 SYDNEY C. SILVA, CSR, RPR,
19 Official Commission Reporter
20 Telephone No. (904) 488-5981

21 STATE OF FLORIDA)
22 COUNTY OF LEON)

23 The foregoing certificate was acknowledged
24 before me this 19th day of May, 1993, by SYDNEY C.
25 SILVA, CSR, RPR, who is personally known to me.

26 

27 PAMELA A. CANELL
28 Notary Public - State of Florida



29 PAMELA A. CANELL
30 MY COMMISSION # CC 246413 EXPIRES
31 December 16, 1996
32 BONDED THRU TROY FAIR INSURANCE, INC.

AFFIDAVIT OF DEPONENT

This is to certify that I, HOWARD T. ADAMS , have read the foregoing transcription of my testimony, Page 1 through 12, given on April 26, 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.

Howard T. Adams Jr.
HOWARD T. ADAMS, JR.

Sworn to and subscribed before me this

3rd day of June, 1993

Jean M. Ray - JOAN M. RAY
NOTARY PUBLIC

State of Florida

My Commission Expires: **Notary Public, State of Florida**
My Commission Expires May 5, 1995
Bonded Thru Troy Fain - Insurance Inc.

Howard Adams is personally known to me.

AFFIDAVIT OF DEPONENT

This is to certify that I, GREGORY BRUCE HART,
 have read the foregoing transcription of my testimony,
 Page 1 through 18, given on April 26th, 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.

Gregory Bruce Hart
 GREGORY BRUCE HART

Sworn to and subscribed before me this

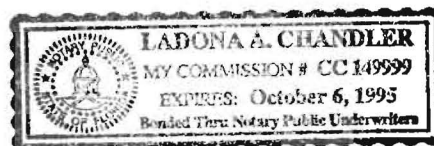
7th day of June, 1993

Ladonna A. Chandler
 NOTARY PUBLIC

State of Florida

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA.
 MY COMMISSION EXPIRES: Oct. 6, 1995.
 BONDED THRU NOTARY PUBLIC UNDERWRITERS.



AFFIDAVIT OF DEPONENT


This is to certify that I, PATRICIA O. MURPHY, have read the foregoing transcription of my testimony, Page 1 through 38, given on April 21, 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.


PATRICIA O. MURPHY

Sworn to and subscribed before me this

28 day of May

1993.


NOTARY PUBLIC

State of Florida

My Commission Expires:



PAULETTE S. WIMBERLY
MY COMM EXP 5/03/96
BONDED BY SERVICE INS.
NO. CC198298

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: DINAH D. SANCHEZ

TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 666 N.W. 79th Avenue
Room 640
Miami, Florida

TIME: Commenced at 8:45 a.m.
Concluded at 10:05 a.m.

DATE: Wednesday, April 21, 1993

REPORTED BY: SYDNEY SILVA, CSR, RPR
Official Commission Reporter



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AFFIDAVIT OF DEPONENT

This is to certify that I, DINAH D. SANCHEZ, have read the foregoing transcription of my testimony, Pages 6 through 50, given on April 21, 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.


DINAH D. SANCHEZ

Sworn to and subscribed before me this
17 day of JUNE, 1993


NOTARY PUBLIC

State of FLORIDA
My Commission Expires: 10/25/96



BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of : DOCKET NO. 910163-TL
:
Investigation into the :
integrity of SOUTHERN BELL :
TELEPHONE AND TELEGRAPH :
COMPANY'S repair service :
activities and reports. :

DEPOSITION OF: FRANCES T. SHANAVER

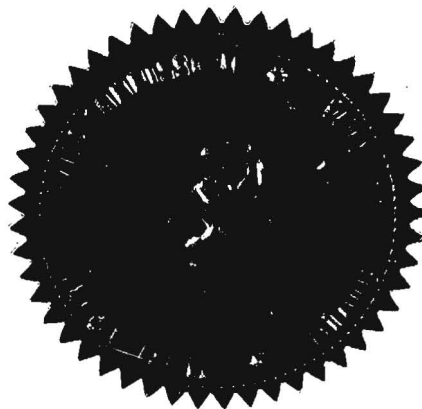
TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 666 N.W. 79th Avenue
Room 640
Miami, Florida

TIME: Commenced at 10:50 a.m.
Concluded at 12:15 p.m.

DATE: Wednesday, April 21, 1993

REPORTED BY: PAMELA A. CANELL
Official Commission Reporter



AFFIDAVIT OF DEPONENT

This is to certify that I, FRANCES T. SHANAVER, have read the foregoing transcription of my testimony, Page 1 through 62, given on April 21, 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 sheets attached hereto.


FRANCES T. SHANAVER

Sworn to and subscribed before me this

26 day of August, 19 93
Karen Osborne

NOTARY PUBLIC

State of Florida

My Commission Expires:

