

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition on behalf of CITIZENS)  
OF THE STATE OF FLORIDA to Initiate )  
Investigation into Integrity of )  
SOUTHERN BELL TELEPHONE & TELEGRAPH )  
COMPANY'S Repair Service Activities )  
and Reports. )

DOCKET NO. 910163-TL

~~92260-7~~

COPY

DEPOSITION OF:

BETTY J. MALONE

TAKEN AT THE INSTANCE OF:

Citizens of the State of  
Florida, by and through  
Jack Shreve, Office of  
Public Counsel

DATE:

Friday, July 31, 1992

TIME:

Commenced at 11:50 a.m.  
Concluded at 12:30 p.m.

PLACE:

6451 North Federal Highway  
Room 1015A  
Fort Lauderdale, Florida

REPORTED BY:

JANE FAUROT  
Notary Public in and for the  
State of Florida at Large

ACCURATE STENOTYPE REPORTERS, INC.  
100 SALEM COURT  
TALLAHASSEE, FLORIDA 32301  
(904) 878-2221

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APPEARANCES:

REPRESENTING THE SOUTHERN BELL TELEPHONE AND  
TELEGRAPH COMPANY:

HARRIS R. ANTHONY, ESQUIRE  
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REPRESENTING THE FLORIDA PUBLIC SERVICE  
COMMISSION:

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REPRESENTING BETTY J. MALONE:

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613 S. E. 1st Avenue  
Fort Lauderdale, Florida 33301

ALSO PRESENT:

WALTER BAER, Office of Public Counsel.  
CARL VINSON, FPSC Division of Communications.

\* \* \* \* \*

I N D E X

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WITNESS:

PAGE NO.

BETTY J. MALONE

Direct Examination by Ms. Richardson

8

CERTIFICATE OF REPORTER

37



1           there are four. The first is that the deposition is  
2           taken pursuant to proper notice by Public Counsel,  
3           number one. Number two, that without your agreement,  
4           ma'am, and, of course, your counsel's agreement, we  
5           will not go off the record. Number three, that we will  
6           save all objections, except objections to form. And  
7           third (sic), the reading and the signing of the  
8           deposition will not be waived, unless, of course, you  
9           and/or your counsel would like to do so.

10           Let me further say that, as you know, I believe,  
11           Southern Bell has conducted an internal investigation  
12           regarding the matters, some of which you may talk about  
13           here today. That investigation was conducted pursuant  
14           to the attorney/client privilege and the attorney work  
15           product privilege. And those privileges seek to  
16           protect the information and everything that occurred in  
17           the context of that investigation. I'd appreciate it  
18           if in your responding to questions here today, that you  
19           not disclose anything that occurred or anything that  
20           you know about regarding that investigation. Okay?

21           THE WITNESS: Okay.

22           MR. BEATTY: Very good. Thank you.

23           MS. RICHARDSON: And along those lines, if I ask  
24           you a question that comes from that investigation, I  
25           need you to indicate to me that you do have some

1 information. Don't just voluntary withhold it, because  
2 Mr. Beatty will need to make an objection for the  
3 record, and I will need to know that you have  
4 information but you're not disclosing it because of his  
5 direction. Is that clear?

6 THE WITNESS: Huh-uh.

7 MS. RICHARDSON: You're not real clear?

8 THE WITNESS: No.

9 MS. RICHARDSON: In other words, if you know  
10 something about it, okay, and you think it's related to  
11 that investigation, you need to let me know you know  
12 something about it. And then he will object, and then  
13 we will carry it from there. Is that clear?

14 MR. BEATTY: Now, what she means is, in that  
15 respect you will not disclose any information. You  
16 will merely say -- if she asks, for example, "Do you  
17 know something about the investigation?" Your answer  
18 can only be "yes" or "no," because -- I will request  
19 that your answer be that, and that you give me then an  
20 opportunity to object to any further questions that  
21 might reveal the real substance of what you know.  
22 Okay?

23 THE WITNESS: Okay.

24 MR. HITCHCOCK: And if you have any questions,  
25 just stop and say, "Hey, I don't get it." Okay?

1 MS. RICHARDSON: That's basically it, yes.  
2 And at any time if you need to ask your attorney,  
3 Mr. Hitchcock, a question, we will just go off the  
4 record and you can discuss with him whatever you need  
5 to discuss, so that you feel comfortable with that. If  
6 there is something I ask you that you don't understand,  
7 okay, please feel free to ask me to clarify, because  
8 you have to feel comfortable that you're responding to  
9 my question and what -- in what you know. All right.  
10 If you don't understand my question, then for our  
11 purposes, yours and mine, when we look at this record,  
12 we need to both understand what we are talking about.  
13 Okay? Is that all right?

14 THE WITNESS: Yes.

15 MS. RICHARDSON: And then I have just two little  
16 more things before we start.

17 THE WITNESS: Okay.

18 MS. RICHARDSON: One is "I don't know." If you  
19 tell me that you don't know something, that means you  
20 just, really, you don't know it. You haven't heard  
21 anything about it, you don't have any firsthand  
22 knowledge about it, nothing; you just don't know. Is  
23 that okay?

24 THE WITNESS: Uh-huh.

25 MS. RICHARDSON: The other one is "I don't

1 remember," "I can't recall." If you tell me that you  
2 don't remember or recall, you have an absolute blank.  
3 There are no little tickling thoughts out there that  
4 are vague memories or something. If you do, then I  
5 would like for you to qualify your answer, saying, "I  
6 don't remember, but there is just something vague.  
7 It's out there, but I can't remember all the details."  
8 Is that acceptable?

9 THE WITNESS: (Witness indicating yes.)

10 MS. RICHARDSON: That's okay? We are clear on  
11 that.

12 Okay. Well, we'll start with something real  
13 easy, Ms. Malone.

14 DIRECT EXAMINATION

15 BY MS. RICHARDSON:

16 Q Would you please tell the court reporter your name  
17 and spell it for her, so we will have it accurately?

18 A Betty, B-E-T-T-Y, J. Malone, M-A-L-O-N-E.

19 Q Okay. And your address?

20  
21 Florida.

22 Q And zip code?

23

24 Q Ms. Malone, what is your present position with the  
25 Company?

1 A I'm a maintenance administrator..

2 Q All right. And are you craft?

3 A Yes.

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

5 A As maintenance administrator, I don't remember,  
6 '86, '87. I don't know, four or five years. I can't  
7 remember exactly.

8 Q Okay. But around '86 or 87?

9 A Yes.

10 Q Okay. And has it been in the same IMC all the  
11 time?

12 A No.

13 Q All right. Can you tell me which IMCs you have  
14 worked in as a maintenance administrator?

15 A I worked in Boca maintenance center.

16 Q Okay.

17 A I worked in Boca ten months. I worked in  
18 Hollywood six months. And I have been in Pompano ever since  
19 that time. And I can't remember exactly. I don't know,  
20 four years, I guess. Four years, I think.

21 Q Okay. And who is your present supervisor?

22 A Her name is Cathy Eswada (phonetic). I don't know  
23 how to spell it. She's my new boss this week, so I don't  
24 know how to spell her last name.

25 Q Okay. And who is her supervisor?

1 A Dennis Slattery.

2 Q All right. And who was your supervisor just  
3 before the new one that we can't pronounce the name right?

4 A Carla Lockerd.

5 Q Is that L-O-C-K --

6 A E-R-D.

7 Q -- E-R-D. All right. And has Mr. Slattery been  
8 your supervisor all that time, then, as a maintenance  
9 administrator?

10 A You mean over --

11 MR. BEATTY: Over what time?

12 BY MS. RICHARDSON:

13 Q All of the time that you have been in Pompano, was  
14 he your supervisor then?

15 A Yes.

16 Q Was he your supervisor when you were in Boca?

17 A No.

18 Q When did you start with the Company, Ms. Malone?

19 A January the 16th, 1978.

20 Q Okay. And what did you start as?

21 A I started as an administrative clerk.

22 Q What does an administrative clerk do?

23 A I was like a secretary to a manager, you know, the  
24 manager. I did secretarial type of work, answered the  
25 phones, did reports, that type of thing.

1 Q All right. Throughout your tenure with the  
2 Company, the time that you have worked for them, can you  
3 tell me about what percent or the number of years that your  
4 work has involved dealing with customer trouble reports?

5 A That's like -- I don't understand.

6 Q Let me try again. That's fine. Okay. Have you  
7 had any -- well, does your present position as an MA deal  
8 with handling customer trouble reports?

9 A Yes.

10 Q Okay. And as an MA, when you were in Boca and the  
11 other times, did that also require you to handle trouble  
12 reports?

13 A Yes.

14 Q Okay. Have you had any other positions, other  
15 than an MA, that required you to deal with customer trouble  
16 reports?

17 A Yes.

18 Q And can you tell me what they were?

19 A Well, I worked in coin, so I don't know if that's  
20 considered reports -- customer reports, too, so that was  
21 coin. I worked in the Coin Department.

22 Q All right. So, if there was a trouble on a public  
23 phone, then that was part of your responsibility, was  
24 handling that? Is that what you mean?

25 A Yes.

1 Q Okay. Ms. Malone, if you could help me with what  
2 your duties are as a maintenance administrator to kind of  
3 clarify and give me more specifics about what you do on a  
4 daily basis when you handle a customer reports, that would  
5 be helpful.

6 MR. BEATTY: I object to the form of the question.  
7 Are you asking her what she does as a maintenance  
8 administrator?

9 MS. RICHARDSON: As a maintenance administrator.

10 THE WITNESS: What my job duties are?

11 BY MS. RICHARDSON:

12 Q Yes, what your job duties are.

13 A Clearing out trouble reports, when the customer  
14 calls into repair, being -- I call the customer, I try to  
15 reach them, and at that time I determine and isolate where  
16 the problem is. It could be with the customer, say, the  
17 customer's equipment. If I need to send a guy out or just  
18 instruct them on how to work a feature, or whatever, just  
19 closing it out.

20 Q Okay. Do your duties at all involve opening a  
21 trouble report from the customer call-in and getting that  
22 report initially opened?

23 A No.

24 Q So, then, you get the report after somebody has  
25 opened it, and you test it. Is that the first time you have

1 anything to do with that report?

2 A Yes.

3 Q Can you tell me how you decide whether the report,  
4 when it's called in, is an affecting service or an  
5 out-of-service report?

6 MR. BEATTY: Object to the form of the question.  
7 It presumes facts not in evidence at the moment.

8 BY MS. RICHARDSON:

9 Q Do you know what an affecting service report is?

10 A Yes.

11 Q And would you briefly explain what one is?

12 A An affecting?

13 Q Affecting service or a service affecting report.

14 A Okay. You know, I don't understand your question.

15 Whether --

16 Q Well, what is an out-of-service report? Do you  
17 know what one is?

18 A Yes.

19 Q All right. And what is an out-of-service report?

20 A When a customer has no dial tone.

21 Q All right. Is that the only type of  
22 out-of-service report there is?

23 A When the customer has no dial tone, yes, that is  
24 considered out-of-service.

25 Q Is anything else considered out-of-service?

1           A     No. I mean, out-of-service, you know, one thing,  
2 you have no dial tone. The phone is out-of-service.

3           Q     That's fine. That's what I'm asking just to make  
4 sure that we're clear?

5           A     Yes.

6           Q     Then do you know what an affecting service report  
7 is?

8           A     Yes.

9           Q     Okay. And then can you tell me what an affecting  
10 service report is?

11          A     For instance, static.

12          Q     Okay.

13          A     That's affecting. You have service, but it's  
14 affecting it, you're not clear. So, that's service  
15 affecting.

16          Q     All right. Now, can you tell me how you determine  
17 whether a customer trouble report is affecting service or  
18 out-of-service when a customer report comes to you?

19               MR. BEATTY: Objection to the form of the  
20 question. It still presumes facts not in the record.

21 BY MS. RICHARDSON:

22          Q     In terms of your training and experience in  
23 testing trouble reports -- first of all, I want to make  
24 sure, I think you told me you did, but let me make sure. Do  
25 you test trouble reports when they come to you, screen them

1 do the initial screening of the report?

2 A Yes, I test them.

3 Q And in that screening process, do you determine  
4 whether a report is out-of-service or not out-of-service?

5 A Yes, sometimes. Yes. Well, yes, we determine it.  
6 The computer, you know, we have automatic.

7 Q Okay. Will you explain that, then?

8 A Yes.

9 Q Would you explain that to me, how it gets  
10 determined, whether the report is out-of-service or not?

11 A Out-of-service. If there's no dial tone, you're  
12 out-of-service; you have no service. The phone is dead.  
13 That is out-of-service.

14 Q Okay. And would that definition or that  
15 determination be made by the system, the computer system,  
16 the mechanized testing system or by you? How would you find  
17 out the customer had no dial tone?

18 A When they call in, you know, through mechanized,  
19 they, you know, they press a button and it tells her, or  
20 whomever, they say, "No dial tone," you know.

21 Q Okay. In your position in handling these reports,  
22 do you ever make a decision, based on talking to the  
23 customer, that the report should be statused out-of-service?

24 MR. BEATTY: I object to the form of the question  
25 as vague.

1 BY MS. RICHARDSON:

2 Q In other words, if it comes across and the test  
3 says it's affecting service when you get it, do you ever at  
4 any time change that affecting service status to an  
5 out-of-service status? Is that part of your job?

6 A I don't understand that question. Would you  
7 explain it again.

8 Q I'll try again. When the trouble reports comes to  
9 you -- do you ever receive trouble reports that come that  
10 are not statused out-of-service when they get to you?

11 A Uh-huh.

12 Q You do. Okay. And then on some of those reports  
13 that you get that are not out-of-service when they come to  
14 you, do you ever have occasion to restatus them as  
15 out-of-service, to change that status from service affecting  
16 to out-of-service?

17 A Well -- okay. Maybe I'm misunderstanding. Okay.  
18 When the trouble reports come in, and after speaking to the  
19 customer, is that what you're saying.

20 Q Yes, after speaking to the customer. You've  
21 gotten the report, and it is affecting service. And then  
22 you talk to the customer. Then after talking to the  
23 customer would you ever change it to out-of-service?

24 A If I talk to them, no. You mean, if I speak to  
25 the customer?

1 Q Yes.

2 A That means service affecting, and not  
3 out-of-service.

4 Q Okay. What if you talk to the customer, but he is  
5 calling you from someone else's phone?

6 A All right.

7 Q Would there ever be an incidence then when you  
8 would restatus it as out-of-service?

9 MR. BEATTY: I object on the grounds that it is  
10 speculative, unless you're asking her has she done it.

11 BY MS. RICHARDSON:

12 Q Can you answer that question the way I've asked  
13 it?

14 A No. Wait a minute.

15 Q Okay. I'm really not trying to confuse you. I  
16 really am not, okay? Just relax, okay? It's okay and you  
17 can take as much time as you need to think about the  
18 question. And if you think you know what I'm asking, you  
19 can answer it. That's fine. If you can't, I will work with  
20 you. And we'll just rephrase it, and we'll work at it.  
21 Okay?

22 A Okay.

23 Q Now, let's try it another way. I thought of  
24 another way maybe I can ask it for you. Do you know what a  
25 result code is? The RSL code that shows up on the screen

- 1 with the DLETH, the customer report?
- 2 A Yes.
- 3 Q You do know what a result code is?
- 4 A Yes.
- 5 Q Have you seen the 100 result codes?
- 6 A Uh-huh.
- 7 Q Okay. And what does the 100 mean?
- 8 A Out-of-service.
- 9 Q Out of service. Okay. And are you familiar with  
10 the 900 result code?
- 11 A Yes.
- 12 Q And what does a 900 result code mean?
- 13 A Service affecting.
- 14 Q Service affecting. Okay. Now, when you work with  
15 these reports and -- do some of them come to you with a 900  
16 result code on them already from the test that has been  
17 done?
- 18 A Now some of them with automatic, yes.
- 19 Q So, some of them do. Then after you get those  
20 reports that already have a 900 result code on them, and  
21 it's your job, then, to screen them and figure out exactly  
22 what is wrong, is that correct, from that point?
- 23 A Yes.
- 24 Q All right. Then do you ever have an occasion to  
25 change that 900 result code to a 100, based upon what you

1 have learned?

2 A No. No, I don't, no.

3 Q Okay. Ms. Malone, have you recently been  
4 disciplined by the Company?

5 A No.

6 Q No. Have you heard of anybody being disciplined  
7 by the Company recently in relation to this investigation?

8 A No. What do you mean, like my co-workers?

9 Q Yes. Uh-huh.

10 A No.

11 Q No. Have you heard of any of your supervisors  
12 being disciplined in relation to this investigation?

13 A Yes.

14 Q Who have you heard?

15 A I don't know. I don't know the, you know, names.  
16 I just know that they were.

17 Q That some people were?

18 A Uh-huh.

19 Q Okay. Do you know where these people were  
20 located, which IMC they were in?

21 A Yes.

22 Q Okay. And can you tell me which IMC?

23 A My location.

24 Q Your location. Does your location mean Pompano or  
25 Boca Raton or Hollywood?

1 A Pompano.

2 Q Okay. Ms. Malone, have you talked to any of the  
3 Company investigators in relation to this investigation?

4 MR. BEATTY: Objection on the grounds that it  
5 seeks information regarding the investigation which is  
6 protected by the attorney/client privilege and attorney  
7 work product privilege.

8 BY MS. RICHARDSON:

9 Q Okay. And then if you will give me a "yes" or  
10 "no."

11 MR. BEATTY: I would ask that counsel instruct her  
12 not to answer this. (Pause)

13 MR. HITCHCOCK: I will instruct the witness not to  
14 answer that.

15 MS. RICHARDSON: Based on?

16 MR. HITCHCOCK: Based on what appears to be a work  
17 product, attorney/client privilege. And I don't know  
18 all the details, but it just seems like it's seeking  
19 information that may be protected. Arguably is  
20 protected.

21 MS. RICHARDSON: All right. I would like her,  
22 just for the record, to state she is not going to  
23 respond based on your advice.

24 THE WITNESS: I will not respond based on my  
25 attorney's advice.

1 BY MS. RICHARDSON:

2 Q Have you heard the term "backing up the time" in  
3 respect to customer trouble reports?

4 A Yes.

5 Q You have. And what have you heard?

6 A What do you mean? Like --

7 Q Explain to me what your understanding of backing  
8 up the time is in relation to customer trouble reports?

9 A Backing up the time to meet the commitment, back  
10 up time.

11 Q Uh-huh. Okay. And I'm not sure what you mean by  
12 "backing up the time to meet the commitment." Can you be a  
13 little more clear for me on that, please?

14 A A technician is in the field, and we have, say, a  
15 5:00 commitment. He calls at, say 5:15. He is not sure of  
16 the time and, you know, as far as clearing, the time that he  
17 cleared it. So, you know, to meet the commitment with him  
18 cleaning up his truck and everything, putting his ladder on  
19 the truck and getting into us, which he could have been  
20 delayed. You know, we meet the commitment like, you know,  
21 15 minutes or so. So, that's what I mean backing up.  
22 That's what I mean.

23 Q Okay. Have you heard of anyone backing up the  
24 time on a trouble report in order to meet the  
25 out-of-service-over-24-hour index?

1           A     The 24-hour?

2           Q     Let me preface that with another question. Do you  
3 know of the requirement that the Company clear  
4 out-of-service reports within 24 hours at least 95 percent  
5 of the time?

6           A     Not until -- I didn't know about it prior to this,  
7 no.

8           Q     Prior to today, you mean?

9           A     Yes.

10          Q     Okay.

11          A     That's it.

12          Q     Do you know of any practice in a maintenance  
13 center where MAs were asked to call a manager to get  
14 permission to close out a report?

15          A     Meaning, for instance, like what? You know, I  
16 don't understand your question.

17          Q     That's good. You're doing just right. Ask me if  
18 you don't understand. That's great. I will try to rephrase  
19 it for you..

20          A     All right.

21          Q     Do you know of any practice in a maintenance  
22 center where a supervisor has directed the MAs, when an  
23 out-of-service report is about to go over the 24-hour time,  
24 that they are to call a manager before they close it out?

25          A     Do I know -- just one more time. I just want to

1 make sure I understand the question.

2 Q That's fine. Has a supervisor ever directed  
3 maintenance administrators, that you know of, to call a  
4 manager before closing out an out-of-service report?

5 A I don't remember. It has been so long ago, I  
6 don't remember.

7 Q Okay.

8 A I don't remember.

9 Q Okay. Has any supervisor that you have worked for  
10 ever directed you to talk to a manager and get their  
11 initials before you close out an out-of-service report that  
12 is about to go out-of-service over 24 hours?

13 A Yes.

14 Q I'm sorry?

15 A As far as -- yes.

16 Q Yes. Okay. Can you explain exactly what the  
17 directions were, what you were supposed to do?

18 A If we're out-of-service 24 hours. Well, let me  
19 see. I can't remember. It has been so long.

20 Q I understand. Just relax.

21 A I can't remember, you know. I can't remember.

22 Q Do you remember about what center you were working  
23 in at the time?

24 A I went to three offices, so I'm trying --

25 Q Just relax. It's all right. Just take a deep

1 breath and relax. It's all right. We can wait for you.

2 A I'm trying. I, you know, I can't remember. You  
3 know, it's so long, I can't remember, you know.

4 Q But do you remember it happening?

5 A Yes. I can't, you know, I don't remember.

6 Q Okay. Ms. Malone, do you know what a no access  
7 code is?

8 A Yes.

9 Q Can you briefly explain to me your understanding  
10 of what the no access code is?

11 A When a technician goes to a premise, the  
12 customer's home, and they were not home or they can't gain  
13 access, then it's a no access.

14 Q Okay. Do you know whether the technician, when  
15 they go, is supposed to leave some kind of notice for the  
16 customer that they have been there and they couldn't get in?

17 A Yes.

18 Q You know that?

19 A Yes.

20 Q Okay. Do you know of anyone who has no accessed a  
21 report without notifying the customer?

22 A No.

23 Q Okay. Do you know whether the no access code  
24 stops that 24-hour clock on an out-of-service report?

25 A Let me see. Do I know it now? Yes, I know it

1 now.

2 Q Okay. How did you come to learn this?

3 A Just, you know, everything with, you know --

4 MR. BEATTY: I would object. I would object if,  
5 in fact, what you're about to say would reveal  
6 something that you learned in the investigation, then  
7 it's not proper to be disclosed.

8 THE WITNESS: Okay.

9 MR. BEATTY: If you learned it outside the  
10 investigation, then it's okay.

11 THE WITNESS: No, you know, as far as the no  
12 access, no.

13 BY MS. RICHARDSON:

14 Q Okay. I think we need to get a little clear,  
15 then, on your "no," because I'm not quite sure where your  
16 "no" is coming from. You know that no access stops the  
17 clock, but are you saying you don't know it from the  
18 investigation?

19 A I know it from that.

20 Q From the investigation. Okay. So, just for the  
21 record, okay, I need you to tell me that you're not  
22 responding because you learned that through the Company's  
23 investigation?

24 A Yes.

25 Q I'll accept that. Do you know of anyone,

1 Ms. Malone, who has no accessed a trouble report in order to  
2 avoid it going over the 24 hours?

3 A No, huh-uh.

4 Q Have you ever heard of that being done?

5 A No.

6 Q Okay. Have you ever done that yourself?

7 A No.

8 Q Has anyone ever directed you to do that?

9 A No.

10 Q Do you know what it is to exclude a report?

11 A Yes.

12 Q Would you briefly tell me your understanding of  
13 what it means to exclude a report?

14 A Instructing a customer, like a call waiting,  
15 that's instructional. Say for -- the customer wants  
16 information, that is excludable. That's it.

17 Q All right. Then, in your training and your  
18 experience -- let me back up for a minute. Do you have  
19 available to you at your station where you work the Company  
20 procedures and definitions for codes? Do you have that as a  
21 reference?

22 MR. BEATTY: Objection to the form of the  
23 question. It's compound.

24 BY MS. RICHARDSON:

25 Q Do you use Company procedures for coding reports?

1 A Yes.

2 Q Have you been trained on the Company procedures  
3 for coding reports?

4 A Yes.

5 Q Then based on your training and your experience,  
6 do you know if it is proper to exclude an out-of-service  
7 report?

8 MR. BEATTY: Objection to the form of the  
9 question. It calls for a legal conclusion. You can  
10 respond.

11 BY MS. RICHARDSON:

12 Q Do you want me to repeat it?

13 A Yes.

14 Q Okay. Do you know if it's proper to exclude an  
15 out-of-service report?

16 A Could you explain?

17 Q Let me ask you a different way.

18 Would you ever exclude an out-of-service report  
19 that you handle?

20 A (Indicating no.)

21 Q For the reporter, did you say "no?"

22 A Excluded a report out-of-service?

23 Q Yes.

24 A No, I wouldn't exclude an out-of-service.

25 Q Okay. Do you know anyone who has excluded

1 out-of-service reports and then reopened them in order to  
2 clear and close them?

3 A No.

4 Q Have you ever heard of that being done?

5 A No.

6 Q Has anyone ever told you to do that?

7 A No.

8 Q And have you ever done that yourself?

9 A No.

10 Q Do you know what a commitment time is on the  
11 customer report?

12 A Yes.

13 Q Okay. And would you briefly tell me what your  
14 understanding of a commitment time is?

15 A When a customer calls into repair, we give them a  
16 commitment time, and by that time we will have the report  
17 cleared.

18 Q All right. Do you know of anyone who has extended  
19 that commitment time without contacting the customer?

20 A No.

21 Q Okay. Have you ever extended a commitment time  
22 without contacting the customer?

23 A No.

24 Q Has anyone ever told you to do that?

25 A No.

1 Q Do you know what the carryover no or the C-O-N,  
2 the CON code is?

3 A CON, yes.

4 Q You are familiar with that one?

5 A Yes.

6 Q Okay. Can you tell me what your understanding of  
7 that code is?

8 A CON? Wait a minute. CON?

9 Q Yes, The carryover no or the CON?

10 A Let me see. That is like a future date requested.

11 Q Okay.

12 A Okay. That's it.

13 Q Okay. In terms of your training and your  
14 experience in working with trouble reports and what you have  
15 been directed to do, do you know or would you ever use the  
16 CON code to change a commitment when the Company could  
17 repair the service by the time of the commitment?

18 MR. BEATTY: Objection on the grounds that it is  
19 vague and compound.

20 BY MS. RICHARDSON:

21 Q Do you want me to repeat it?

22 A Yes.

23 Q When the Company is about to miss the commitment  
24 time, what happens? Do you know?

25 A (Witness indicating no.)

1 Q When the Company is about to miss a commitment  
2 time, is it part of your job to call the customer and tell  
3 them that you're not going to be out there in time to make  
4 the commitment?

5 MR. BEATTY: Objection, leading. You can respond.

6 THE WITNESS: No.

7 BY MS. RICHARDSON:

8 Q No. Okay. Do you know of anyone who has used the  
9 CON code to extend the commitment time in order to meet the  
10 out-of-service-over-24-hours index?

11 A No.

12 Q Do you know what a test okay is?

13 A Yes.

14 Q Would you briefly tell me what your knowledge of a  
15 test okay is?

16 A That the line is testing okay. You know, I call  
17 the customer and the line is testing okay on a test.

18 Q Then within the context of your training and  
19 experience and what you do, would you ever yourself take a  
20 test okay and close it to out-of-service?

21 MR. BEATTY: Object to the form of the question.  
22 You can respond.

23 THE WITNESS: No.

24 BY MS. RICHARDSON:

25 Q You would not. Why?

1           A     Because that's wrong. You know, a test okay is a  
2 test okay. I wouldn't change it. What do you mean "change  
3 it"?

4           Q     (Indicating yes.)

5           A     No.

6           Q     Okay. Do you know of anyone who has taken test  
7 okay's and closed them to out-of-serve to meet that 24-hour  
8 requirement?

9           A     No.

10          Q     Have you ever heard of that being done?

11          A     No.

12          Q     Has anyone ever told you to do that?

13          A     No.

14          Q     And have you ever done that yourself?

15          A     No.

16          Q     Okay. Do you know of anyone who has violated  
17 company procedures for handling trouble reports?

18                   MR. BEATTY: Objection to the form of the  
19 question. It calls for a legal conclusion.

20 BY MS. RICHARDSON:

21          Q     You can answer.

22          A     No.

23          Q     Okay. Have you, yourself, ever violated a Company  
24 procedure for handling customer trouble reports?

25                   MR. BEATTY: Same objection.

1 THE WITNESS: No.

2 BY MS. RICHARDSON:

3 Q Has anyone ever told you to violate a Company  
4 procedure for handling a customer trouble report?

5 MR. BEATTY: Same objection.

6 THE WITNESS: No.

7 BY MS. RICHARDSON:

8 Q Ms. Malone, do you know what an employee code is,  
9 a personal employee identification code?

10 A Yes.

11 Q Do you have one?

12 A Yes.

13 Q Okay. Is every employee code different for every  
14 employee, for the individual, to each employee? In other  
15 words, is your code the same as someone else's?

16 A No.

17 Q So, every employee has a different employee code?

18 A Yes.

19 Q Okay. Do you know of anyone who has used somebody  
20 else's employee code in statusing a trouble report?

21 A No.

22 Q Have you ever used someone else's employee code in  
23 statusing a trouble report?

24 A No.

25 Q Has anyone ever directed you to use another

1 employee code in statusing a report?

2 A No.

3 Q Okay. Do you know what disposition and cause  
4 codes are?

5 A Yes.

6 Q Can you briefly explain for me what a disposition  
7 code is?

8 A It's the code that is used to close out a trouble  
9 report, the disposition, you know. It's in our closeouts as  
10 part of the closeout code.

11 Q Okay. And would it have something to do with what  
12 kind of trouble was found?

13 A Yes.

14 Q Okay. Would a disposition code, for instance, be,  
15 say, for inside wire, if it was inside the house, the  
16 problem was inside the house? Would there be one code for  
17 that?

18 MR. BEATTY: Objection, leading.

19 BY MS. RICHARDSON:

20 Q You can answer if you know. Like a 1200 code?

21 A Oh, yes. Those, yes.

22 Q Okay. Would another example of a disposition code  
23 be maybe a cable code, that they have found a problem out in  
24 the cable?

25 A Yes.

1 Q Okay. Would another disposition code maybe be for  
2 a central office problem?

3 A Yes.

4 Q So you're aware of those. Can you briefly tell me  
5 what a cause code is? What your understanding of a cause  
6 code is?

7 A The cause of the problem. You know, the way they  
8 have -- you know, the cause of it, yes. You know, I can't  
9 explain.

10 Q Can you think of an example of one, not the actual  
11 code number, but an example of a cause?

12 A A service order has a cause code, you know. If  
13 something was left off in error, and they forgot to program  
14 it, the cause was for that particular department. They get  
15 that code. That is the cause code.

16 Q Okay. Let's say we have a defective carbon that's  
17 burned out, and it was caused by lightning, would there be a  
18 code for lightning as a cause? Do you know?

19 A I think there is.

20 Q You think there is. What about for hurricanes?  
21 If the problem is caused by a hurricane, would there be a  
22 cause code for hurricane? Do you know?

23 A I'm not sure.

24 Q You're not sure. Do you know if any of these  
25 disposition and cause codes would exempt an out-of-service

1 report from being counted in that over 24 hours index? .

2 A No.

3 Q You don't know. Okay. Do you know if you exclude  
4 a report if it would be taken out of that 24 hours index?

5 A No. I didn't know that, no.

6 Q Ms. Malone, do you know of anyone who has  
7 falsified a customer report?

8 A No.

9 Q Have you, yourself, every falsified a customer  
10 record?

11 A No.

12 Q Has anyone ever told you to falsify a customer  
13 record?

14 A No.

15 Q In the maintenance centers that you have worked  
16 in, have any managers, on days when there have been a lot of  
17 rain, ever directed you and other MAs to not status any  
18 out-of-service reports?

19 A No.

20 Q Have you ever heard of that being done?

21 A No, I haven't.

22 Q Ms. Malone, in the time that you have been a  
23 maintenance administrator, have you ever noticed or observed  
24 another employee who may have been doing something that you  
25 thought was improper in terms of handling a customer trouble

1 report?

2 A Could you repeat the question?

3 Q Be glad to. While you have been in the  
4 maintenance center, the whole time, have you ever noticed  
5 another employee handling a customer report in a way that  
6 you thought was improper?

7 A No.

8 MS. RICHARDSON: Ms. Malone, I've run out of  
9 questions. I want to thank you for personally  
10 appearing here today, and I appreciate your time. The  
11 Public Service Commission Staff may have one or two  
12 questions for you before you go.

13 MS. WILSON: I have no questions.

14 (The deposition concluded at 12:30 p.m.)

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CERTIFICATE OF ADMINISTERING OATH

STATE OF FLORIDA:  
COUNTY OF LEON:

I, JANE FAUROT, Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that on the date and place indicated on the title page of this transcript, an oath was duly administered by me to the designated witness(s) before testimony was taken.

DATED THIS 27th day of September, 1993.



JANE FAUROT  
MY COMMISSION # CC295576 EXPIRES  
July 16, 1997  
BONDED THRU TROY FAIR INSURANCE, INC.

*Jane Faurot*

JANE FAUROT  
100 Salem Court  
Tallahassee, Florida 32301  
(904) 878-2221

MY COMMISSION EXPIRES: 7/16/97

CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF LEON )

I, JANE FAUROT, Court Reporter, do hereby certify that the foregoing proceedings was taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages numbered 1 through 36 are a true and correct record of the proceedings.

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

DATED THIS 27th day of September, 1993.

*Jane Faurot*

JANE FAUROT  
100 Salem Court  
Tallahassee, Florida 32301  
(904) 878-2221

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 27th day of September, 1993, IN THE CITY OF TALLAHASSEE, COUNTY OF LEON,

1 STATE OF FLORIDA, BY THE ABOVE PERSON WHO IS PERSONALLY  
2 KNOWN BY ME.

3 *Melanie Y. Bradford*  
4 NOTARY PUBLIC  
5 STATE OF FLORIDA

