

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

920060

IN RE: Petition on behalf of CITIZENS )  
OF THE STATE OF FLORIDA to initiate )  
investigation into integrity of SOUTHERN )  
BELL TELEPHONE & TELEGRAPH COMPANY'S )  
repair service activities and reports. )

DEPOSITION OF: DONALD LEWIS HOUSE  
TAKEN AT THE INSTANCE OF: Office of Public Counsel  
PLACE: Southern Bell Offices  
903 West University Avenue  
Gainesville, Florida 32601  
TIME: Commenced at 11:30 a.m.  
Concluded at 11:55 a.m.  
DATE: Thursday, July 30, 1992  
REPORTED BY: Marie C. Gentry  
Court Reporter

COPY

DOCUMENT NUMBER-DATE  
11546 OCT 26 82

MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

## 1 APPEARANCES:

2 CHARLES J. BECK, ESQUIRE, Associate Public Counsel,  
3 Office of Public Counsel, c/o The Florida Legislature, 111 W.  
4 Madison Street, Room 812, Tallahassee, Florida 32399-1400.  
5 Telephone No. (904) 488-9330.

6  
7 TRACY HATCH, ESQUIRE, Chief, Bureau of Communications,  
8 Division of Legal Services, Florida Public Service  
9 Commission, 101 E. Gaines Street, Tallahassee, Florida  
10 32399-0863, Attorney for Florida Public Service Commission.  
11 Telephone No. (904) 487-2740.

12  
13 R. DOUGLAS LACKEY, ESQUIRE, and NANCY B. WHITE, ESQUIRE,  
14 4300 Southern Bell Center, 675 West Peachtree Street,  
15 Atlanta, Georgia 30375, Attorneys for Southern Bell.  
16 Telephone No. (404) 529-5387.

17  
18 TERRILL BOOKER, Engineer, Bureau of Service Evaluation,  
19 Division of Communications, Florida Public Service  
20 Commission, 101 East Gaines Street, Tallahassee, Florida  
21 32399-0866. Telephone No. (904) 488-1280.

22  
23 STEVEN A. LEITMAN, Lewis, Price & Leitman, 203 Washington  
24 Street, Jacksonville, Florida 32202, Attorney for Donald  
25 Lewis House. Telephone No. (904) 356-3993.

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page No.

ERRATA SHEET	4
STIPULATION	5
AFFIDAVIT OF DEPONENT	24
CERTIFICATE OF OATH	25
CERTIFICATE OF REPORTER	26

WITNESS

DONALD LEWIS HOUSE

Examination by Mr. Beck 6

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.

DONALD LEWIS HOUSE,

1  
2 appeared as a witness and, after being duly sworn by the  
3 court reporter, testified as follows:

4 - - -

5 MR. LACKEY: Mr. House, my name is Doug Lackey.  
6 I'm representing BellSouth Telecommunications and  
7 Southern Bell in this deposition.

8 We've got a couple of preliminary matters we need  
9 to take care of before these folks start asking you  
10 questions.

11 First, this lady is a court reporter and she's  
12 taking down everything that I'm saying, she's going to  
13 take down all the questions and your answers. We do  
14 not know yet whether this will be transcribed but it  
15 may be at some point and, in those circumstances, you  
16 are entitled to read, make any corrections to it, and  
17 sign this deposition. It's my understanding that you  
18 do not want to waive that right.

19 MR. LEITMAN: That's correct.

20 MR. LACKEY: The second thing I need to do is to  
21 give you an instruction and I'm going to try to make it  
22 as clear as I can, but if anything is confusing to you  
23 and you don't understand it, if you'll simply tell me so,  
24 I'll try to clarify it.

25 It may be in the course of this deposition that

1 Mr. Hatch or Mr. Beck asks you a question which would  
2 require you to divulge information that you learned  
3 during the course of an investigation conducted by  
4 Southern Bell under the direction of its Legal  
5 Department. If such a question is asked, I'm going to  
6 object on the grounds that it calls for privileged  
7 information and I'm going to instruct you not to  
8 answer the question. However, it may be, if such a  
9 question is asked, that you will have personal knowledge  
10 that would be responsive to the question, that is,  
11 knowledge that you did not learn as a result of your  
12 participation in that investigation, and, in that  
13 case, you should answer the question fully and  
14 completely or as your attorney directs.

15 It is also possible that a question will be asked  
16 that I will not object to the question but that you  
17 realize that in answering the question you're going  
18 to reveal information that you learned during the  
19 course of the investigation I referred to a moment  
20 ago. If that happens, if you, rather than answering  
21 the question, will simply tell me that, we will stop  
22 the deposition and I'll talk to you and I'll handle  
23 it from there.

24 Now, this whole matter is complicated somewhat  
25 in Gainesville because there were two investigations.

1 One investigation occurred in October, November,  
2 December of 1990 regarding out-of-service reports.  
3 That investigation was conducted by the Security  
4 Department of Southern Bell and it is not privileged  
5 and we have made no such a claim. The instruction I  
6 just gave you does not relate to that investigation.  
7 If Mr. Beck or Mr. Hatch ask you a question and you have  
8 information regarding that investigation, you should  
9 answer them completely and fully subject to the advice  
10 of your attorney. I don't know if you even know anything  
11 about it. I'm just giving it on the chance that you do.

12 The other investigation I can only identify as  
13 saying that if you were involved in it, if you were  
14 interviewed concerning it, there would have been a  
15 Southern Bell attorney present who would have identified  
16 themselves as such and it would have been more recent  
17 than the time period I just identified for you a moment  
18 ago.

19 Now, is my instruction clear or any questions  
20 about it?

21 MR. LEITMAN: I do have one question, Mr. Lackey.  
22 I understand the focus is two investigations. You're  
23 noting that one is the time period, October, November,  
24 December of 1990?

25 MR. LACKEY: That's correct.

1 MR. LEITMAN: And you're saying another  
2 investigation is before this time?

3 MR. LACKEY: No, subsequent to that time. I'm  
4 sorry if I didn't make that clear.

5 I believe the distinction between the two is clear.  
6 We had a problem earlier where one of the deponents had  
7 learned something in the first investigation, it had  
8 been mentioned in the second, and, therefore, he became  
9 confused and thought he wasn't to discuss it because it  
10 had simply been mentioned in the second, and I want to  
11 make sure that Mr. House understands the two are  
12 entirely separate. He may not have anything to do with  
13 either of them, I don't know, but that he understands  
14 that the two are entirely separate and he is fully free  
15 to discuss anything that he may have learned, if  
16 anything, by that first one.

17 MR. LEITMAN: Do you understand that, Mr. House?

18 THE WITNESS: I don't understand what's he's  
19 talking about in the second investigation unless it  
20 comes out, because I don't know what you're talking  
21 about.

22 MR. LACKEY: That's fine.

23 - - -

24 EXAMINATION

25 BY MR. BECK:

1 Q Mr. House, my name is Charlie Beck. I'm with the  
2 Office of Public Counsel. I'm going to start with the  
3 questions and there may be other questions after I'm done.

4 A Okay.

5 Q Could you please state your full name?

6 A Donald L. House, Donald Lewis House.

7 Q Are you employed by Southern Bell?

8 A Yes.

9 Q What position do you hold?

10 A I'm assistant manager over installation and  
11 maintenance.

12 Q In what location?

13 A Gainesville.

14 Q How long have you held that position?

15 A Eight years. There was a break in between that  
16 eight years, but approximately eight years in that title.

17 Q What was the break?

18 A I was the division safety supervisor for about six,  
19 seven months, approximately, and I was an assistant manager  
20 in the IMC, which is the maintenance center, for about five  
21 months.

22  
23  
24  
25 A Yes, sir.

1 Q Were there any other persons there besides those  
2 two persons and yourself?

3 A No, sir.

4 Q And could you tell me, the best you can recall,  
5 what they told you during that meeting?

6

7

8

9 A I don't remember. There was conversation, but I  
10 just don't remember what the conversation was.

11 Q Do you remember the gist of them even if not word  
12 for word?

13 A No, not really. I really don't.

14

15

16

17

18

19

20

21

22

23

24

25



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

heard of from Southern Bell.

Q And then what happened?

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



1 last comment.  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1

2

3

4

5

6

7

8

9

10

11

12

13

14 Q In your position here in Gainesville, do you  
15 sometimes work in what's called the back room?

16 A Yes, sir. I did. I don't now.

17 Q When did you work there?

18 A From January through August -- no, from February  
19 through August or the beginning of August. I guess it would  
20 be February through July of '91. Five months, five and a  
21 half months, something like that.

22 Q Could you just tell me briefly what the back room  
23 is?

24 A Load control foreman. You have various number of  
25 screens and you shift people to different areas of town based

1 on the number of tasks that are in that area, and that's what  
2 you do. You control the outside personnel to put them in the  
3 hottest areas of town that have the most tasks.

4 Q Was there a requirement in effect that maintenance  
5 administrators contact you or another supervisor to get the  
6 close-out code when the out-of-service reports went over 24  
7 hours?

8 A No, sir.

9 MR. LACKEY: I'm sorry, I didn't hear the answer.

10 THE WITNESS: No, sir.

11 BY MR. BECK:

12 Q Do you know of such a procedure ever being in  
13 effect?

14 A I heard rumors to that effect.

15 Q Where did you hear rumors from?

16 A Just -- you're talking -- just a bunch of rumors.

17 I can't give you the names. It's rumors.

18 Q Did, in fact, MAs ever call you up and ask you what  
19 type of close-out code to put on repair reports?

20 A No, sir. You don't have time for that in the back  
21 room.

22 Q Okay. Now, let's move outside of the back room and  
23 refer to any time during your experience here in Gainesville.

24 A My experience in Gainesville, no, sir. In the test  
25 center, no, sir.

1 Q Have you ever had a maintenance administrator ask  
2 you what type of code to put on to close out a report?

3 A No, sir.

4 Oh, wait a minute. They might ask -- I'm trying to  
5 think -- what does this go under, you know. You've got three  
6 or four or five or six different codes that can fall in the  
7 same category.

8 Q So they would ask you if they didn't know which  
9 code to use?

10 A Exactly. For an example -- I'll give you an  
11 example. You can have a drop that's been knocked down. Do  
12 you show it to unknown, do you show it to an employee, do you  
13 show it to a nonemployee? You're trying to figure out which  
14 is the best code to close out to that particular situation.  
15 And I cannot give you an example. I'm just trying to answer  
16 your question.

17 Q In instances other than those occasions where  
18 somebody would ask you because they didn't know which code to  
19 use, was there ever any requirement that they must ask a  
20 supervisor that you're aware of?

21 A No, sir.

22 Q Do you have any knowledge of persons backing up  
23 times on repair reports to any time other than the cleared  
24 time?

25 A No, sir.

1 Q Is my question clear?

2 A You're asking if I have knowledge of any  
3 individual?

4 Q Yes.

5 A No, sir.

6 Q Have you ever heard of that being done?

7 A Rumors.

8 Q Can you tell me where you heard the rumors?

9 A Rumors fly through the test center from everywhere.  
10 And I'm not trying to be evasive, I'm being as honest as I  
11 can be.

12 Q Okay. Can you recall specifically, any person  
13 specifically telling you about times being backed up on  
14 repair records to other than the cleared time?

15 A While this company investigation was going on,  
16 every foreman in there was questioning anything and  
17 everything that was happening. All of the test center  
18 foremen were talking among themselves. Field foremen were  
19 talking among themselves. If you want names, whoever worked  
20 in the test center.

21 Q As a result of all of those conversations was there  
22 ever anything that gave you the impression or any specific  
23 reason to believe that persons were backing up out-of-service  
24 reports?

25 A No, sir.

1 Q Are you familiar that certain exclude codes would  
2 take a report out of the PSC's requirement for out-of-service  
3 reports?

4 A Yes, sir.

5 Q Can you give me some examples of those?

6 A Acts of God. That would be the best example to  
7 give you.

8 Q Have you ever told or insinuated to someone that  
9 they use an exclude code where, in fact, it didn't apply to  
10 the situation?

11 A No, sir.

12 Q Do you know or have you heard of anybody doing  
13 that?

14 A Again, rumors; just rumors.

15 Q Do you recall anybody specifically?

16 A No.

17 Q Do you have any knowledge of the use of no-access  
18 codes to stop a clock when, in fact, there was no problem  
19 with access?

20 A No.

21 Q Are you familiar with CON Codes?

22 A I've heard the word. I don't know what the word  
23 means.

24 Q What would be put on a report if a customer asked  
25 that the repair be done at a future time later than what was

1 offered to the customer?

2 A I don't understand the question.

3 Q Well, say that you needed access to a customer's  
4 premise to effect a repair.

5 A Uh-huh.

6 Q And you said, "We'll be there by 3:00 o'clock  
7 today," and the customer says, "I won't be there, come next  
8 week instead." Wouldn't there be something that you would  
9 put on the report that showed that the customer asked that it  
10 be delayed?

11 A I don't know.

12 Q Do you have any knowledge of persons purposely  
13 statusing affecting service reports as out-of-service  
14 reports?

15 A No.

16 Q Have you heard of that being done?

17 A No.

18 Q Do you have any knowledge of Test OK reports being  
19 statused as out-of-service reports?

20 A No.

21 Q Have you heard of that being done?

22 A No.

23 Q Do you have any knowledge of employees using  
24 fictitious employee codes on repair reports?

25 A No.

1 Q Have you heard of that being done?

2 A Fictitious is -- no, not fictitious.

3 Q Have you heard of it being done with incorrect  
4 employee codes?

5 A I've heard of people using the wrong codes, the  
6 wrong employee person. MAs that worked for me saying,  
7 "Somebody is using my number. I didn't do this."

8 No, there's no way you can find out who the hell  
9 did, but, as far as fictitious, no.

10 Q Have you ever heard of that being done purposely by  
11 someone?

12 A No.

13 Q Do you know of any means being used to build up the  
14 out-of-service base?

15 A No.

16 Q Have you heard of that being done?

17 A Rumors.

18 Q In what way --

19 A In other places, not here in Gainesville.

20 Q In what ways have you heard of the base being built  
21 up?

22 A Creating reports.

23 Q You've never heard of that being done in  
24 Gainesville though?

25 A No.

1 Q Have you ever heard of employees calling in reports  
2 themselves as customer-generated reports?

3 A Customer-generated? No.

4 Q For example, have an employee call up AIRO and  
5 creating a customer-generated report?

6 A No.

7 Q Do you know of any means being used to falsify  
8 customer reports in any way?

9 A No.

10 Q Have you heard of that being done in any way that  
11 we haven't discussed today?

12 A You've got to be more specific than that. No, to  
13 answer your question -- that question, no.

14 Q Have you ever had any discussion with a person  
15 named Jim Canavan about the use of the lightning exclude  
16 codes that you recall?

17 A Have I had a discussion with Jim Canavan? No.

18 MR. BECK: Thank you. That's all I have.

19 MR. HATCH: I don't have any questions.

20 MR. LACKEY: Thank you, Mr. House.

21 (Witness excused)

22 (Whereupon, at 11:55 o'clock a.m., the deposition  
23 was concluded.)

24

25

AFFIDAVIT OF DEPONENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

This is to certify that I, DONALD LEWIS HOUSE, have read the foregoing transcription of my testimony, Page 6 through 24, given on July 30, 1992, 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.

\_\_\_\_\_  
DONALD LEWIS HOUSE

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
State of \_\_\_\_\_  
My Commission Expires:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

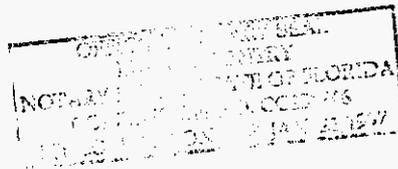
F L O R I D A )  
:  
C O U N T Y O F C L A Y )

I, the undersigned authority, certify that  
Donald Lewis House personally appeared before me and  
was duly sworn.

WITNESS my hand and official seal this 1<sup>ST</sup> day  
of October, 1993.

*Marie C. Gentry*

MARIE C. GENTRY  
Notary Public - State of Florida  
My Commission No. CC251746  
Expires: January 21, 1997



1 STATE OF FLORIDA)  
2 COUNTY OF CLAY )

CERTIFICATE OF REPORTER

3  
4 I, Marie C. Gentry, Court Reporter,  
5 DO HEREBY CERTIFY that I was authorized to and did  
6 stenographically report the foregoing deposition of DONALD  
7 LEWIS HOUSE;

8 I FURTHER CERTIFY that this transcript, consisting  
9 of 26 pages, constitutes a true record of the testimony given  
10 by the witness.

11 I FURTHER CERTIFY that I am not a relative,  
12 employee, attorney or counsel of any of the parties, nor am I  
13 a relative or employee of any of the parties' attorney or  
14 counsel connected with the action, nor am I financially  
15 interested in the action.

16 DATED this 1st day of October, 1993.

17  
18 Marie C. Gentry  
19 Marie C. Gentry  
20 Court Reporter  
21 Telephone No. (904) 264-2943

22 STATE OF FLORIDA)  
23 COUNTY OF CLAY )

24 The foregoing certificate was acknowledged before  
25 me this 1st day of October, 1993,  
by Marie C. Gentry, who is personally known to me.

26  
27 Patricia H. Vierengel  
28 Notary Public - State of Florida

29 **PATRICIA H. VIERENGEL**  
30 **NOTARY PUBLIC STATE OF FLORIDA**  
31 **MY COMMISSION EXPIRES 6/21/97**  
32 **COMM. # CC 296027**

