

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL  
FILED: June 16, 1993

920260-TL

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: CARMEN L. HERNANDEZ

DATE: June 30, 1993

TIME: Commenced at: 12:20 p.m.  
Concluded at: 1:20 p.m.

PLACE: Southern Bell Telephone and Telegraph Co.  
666 Northwest 79th Avenue, Room 674  
Miami, Florida 33126

REPORTED BY: AMAR KREDI  
Registered Professional Reporter,  
Notary Public, State of Florida At Large  
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TAKEN BY: The Citizens of Florida, by and through  
Janis Sue Richardson,  
Associate Public Counsel

PURSUANT TO: Florida Rule of Civil Procedure  
1.310 (b) (6)

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**I-N-D-E-X****WITNESS****DIRECT CROSS REDIRECT RECROSS**

Carmen L. Hernandez

(By Ms. Richardson)	4	--	--	--
(By Mr. Pierson)	43			

**EXHIBITS**

(None)

1 THEREUPON:

2 CARMEN L. HERNANDEZ,

3 having been first duly sworn, was

4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. RICHARDSON:

7 Q. Would you please state your name and spell it for the  
8 court reporter?

9 A. Carmen L. Hernandez, C-A-R-M-E-N, initial "L,"  
10 Hernandez, H-E-R-N-A-N-D-E-Z.

11 Q. And your address, please?

12 A. I work at 8610 Southwest 107th Avenue, Miami, Florida,  
13 33173.

14 Q. Phone number?

15 A. 305-598-4200.

16 Q. Are you represented today by an attorney?

17 A. Yes, ma'am, I am.

18 MS. RICHARDSON: I'll ask her to place her appearance  
19 on the record.

20 MS. BAKER: Jeanne Baker of Baker and Moscowitz for  
21 Ms. Hernandez.

22 BY MS. RICHARDSON:

23 Q. Ms. Hernandez, have you discussed this deposition with  
24 anyone other than your attorney or the attorneys for Southern  
25 Bell?

1 A. No, ma'am.

2 Q. Has anyone advised you that you would not be  
3 disciplined based upon whatever you told us here today?

4 A. Yes, ma'am.

5 Q. Has anyone advised you of the possible criminal  
6 penalties that could apply if you perjure your testimony here  
7 today?

8 A. Yes, ma'am.

9 Q. Have you given a statement to the company in the past?

10 A. Yes, ma'am.

11 Q. Do you remember when that was?

12 A. No, ma'am.

13 Q. Was it a year ago, two years?

14 A. Yeah, two years. After Andrew anyway -- I mean,  
15 before Andrew. Andrew was a mess.

16 Q. A new way to keep track of time. Place it in relation  
17 to the hurricane.

18 A. Before Andrew, after Andrew. Who knows.

19 Q. Did you give a statement just one time or more than  
20 one time?

21 A. One time.

22 Q. Do you know who was present in the room when you made  
23 your statement?

24 A. I don't remember his name.

25 Q. Was there someone from security there?

1 A. Yes, it was security.

2 Q. Was there an attorney present?

3 A. I believe so, some lady, but I don't remember her  
4 name.

5 Q. All right. Was there anyone from the Union there?

6 A. No, ma'am.

7 Q. Are you a member of the Union?

8 A. Yes, ma'am.

9 Q. Did you have an attorney with you that day?

10 A. No, ma'am.

11 Q. Who's your union steward, your shop steward?

12 A. In my office?

13 Q. In your office.

14 A. Her name is Laurie Johnson.

15 Q. Did you talk about that statement to anyone?

16 A. Well, people that went just said, oh, it was rough,  
17 this, that, but nothing to what was asked or what was said or  
18 what was answered.

19 Q. Okay.

20 A. Just comments.

21 Q. Okay. What is your position with the company?

22 A. I'm a maintenance administrator now.

23 Q. How long have you held that position?

24 A. Since '82, '83.

25 Q. Has all of that time been in Miami?

1 A. Yes.

2 Q. Which center did you work with?

3 A. I worked in Coral Gables and now South Dade.

4 Q. When did you move to South Dade?

5 A. You mean officewise?

6 Q. Officewise, yes, ma'am.

7 A. '88, '89.

8 Q. When did you start with the company?

9 A. 1969.

10 Q. And what was your entry position?

11 A. Repair clerk.

12 Q. Who is your present supervisor first level in South  
13 Dade?

14 A. My first level?

15 Q. Yes.

16 A. Dottie Ketchum.

17 Q. And how long has Ms. Ketchum been your first level  
18 supervisor?

19 A. I've had a few in this office. Since the middle of  
20 '89.

21 Q. And who was it before Ms. Ketchum?

22 A. That was Andrew already. Wait a minute. I have to  
23 think a little bit. Before Ms. Ketchum I was under Ed Lubert  
24 in the cable desk. I guess his name is Edward.

25 Q. Okay. And was that also in South Dade?

1 A. Yes, ma'am.

2 Q. All right. Then did you have any other first level  
3 supervisors in South Dade?

4 A. Bill Morrison.

5 Q. And that was Morrison?

6 A. Morrison.

7 Q. Okay.

8 A. I was working the bridge.

9 Q. The bridge.

10 And what does working the bridge mean?

11 A. Doing cable work.

12 Q. Okay. Can you tell me who your second level  
13 supervisor in South Dade is, who's your present one?

14 A. April Ivy.

15 Q. And who was it before Ms. Ivy?

16 A. Robert Suarez -- no, that's not true. Cherie Calvert.

17 Q. And that's C-H-E-R-I-E?

18 A. Calvert and Shirley Perring.

19 Q. Was there anyone else who was second level manager for  
20 you in South Dade?

21 A. No, I don't recall.

22 Q. All right. I'd like to do the same thing with Coral  
23 Gables.

24 Do you remember any first level managers in Coral  
25 Gables?



1 A. First level?

2 Q. Yes.

3 A. Mike McHale, Prudence Taylor, Dottie Ketchum.

4 Q. All right. And do you recall any second level  
5 managers that you had while you were in Coral Gables?

6 A. April Ivey, Robert Suarez. There's so many they just  
7 come and go and you can't keep track of them. I don't recall  
8 of any more right now.

9 Q. Who is your present operation manager?

10 A. Tad Rubin.

11 Q. Do you recall who it was before Mr. Rubin?

12 A. No.

13 Q. Do you know who was the operations manager while  
14 you were in Coral Gables?

15 A. I don't remember his name.

16 Q. Okay.

17 A. I can see him but I can't remember the name.

18 Q. Okay. Ms. Hernandez, what do you do as a maintenance  
19 administrator?

20 A. Presently in the DTAG.

21 Q. D-T-A-G?

22 A. Uh-huh, which means dial tone assistance group.

23 Q. Thank you.

24 A. Which means when it's releasing service orders when  
25 they're still on interfering. Meaning they still have their

1 recording and we put them in a computer and that releases them  
2 and gives them dial tone.

3 Q. Okay. And how long have you been doing the DTAG?

4 A. Since I went to work for Dottie Ketchum as first  
5 level, since the middle of '89.

6 Q. Okay. And what duties did you have when you first  
7 came to South Dade in '88 as an MA?

8 A. Mainly I was working on the bridge, the cable.

9 Q. You indicated, I believe, that you did cable also in  
10 Coral Gables.

11 A. Yes, ma'am.

12 Q. Did you work with individual residential and business  
13 customers?

14 A. I don't understand the question.

15 Q. Thank you. At any time I ask you something you don't  
16 understand, just tell me and I'll try to rephrase it so it  
17 makes more sense to both of us.

18 A. That's fine.

19 Q. And at any time if you need to go off the record and  
20 speak to your attorney, then we can do that, also.

21 Okay?

22 A. Okay.

23 Q. All right.

24 Q. When you were in Coral Gables working cable, were the  
25 trouble reports that you handled reports from residential and

1 business customers?

2 A. Yes.

3 Q. Did you work cable failures, also?

4 A. Yes.

5 Q. Did any of the trouble reports that you handled deal  
6 with single line residence customers?

7 A. Yes.

8 Q. Okay. I'd like to show you a document, Ms. Hernandez.

9 This one is Citizens Third Set of Interrogatories.

10 An interrogatory is a question that I put down and  
11 writing and I mailed it off to the company and the company sent  
12 me back a written answer.

13 A. Okay.

14 Q. This is dated June 6, 1991.

15 And I ask the company to tell me the names of  
16 employees who knew about falsifying completion times on repair  
17 reports.

18

19

20

21 Okay. At this point I'll go off the record and you'll  
22 have a chance to read this and you can talk about it to  
23 Ms. Baker, and then when you're ready, we'll go back on the  
24 record.

25 Okay?

1 (Discussion off the record, with the agreement of the  
2 witness and all parties present)

3 BY MS. RICHARDSON:  
4  
5  
6

7 Q. Okay. What is a clearing time on a trouble report?

8 A. The appointment that the customer is given.

9 Q. The commitment time that he's to be restored by?

10 A. Uh-huh.

11 Q. Okay. When you close out a trouble report, is there a  
12 bottom status line that says the time when the service was  
13 restored?

14 MS. BAKER: I'm going to object to lack of time frame.

15 BY MS. RICHARDSON:

16 Q. Let's take it from -- well, now.

17 Is there a bottom line of status on a trouble record  
18 that shows the time a customer is back in service?

19 A. Yes.

20 Q. Is that called a clearing time?

21 A. Yes.

22 Q. All right. We talked about now.

23 Has that always been the case, that that bottom line  
24 status is the clearing time?

25 A. Repeat the question.

1 Q. Sure. Your attorney made an objection that I didn't  
2 say what time frame. I was asking about that bottom line that  
3 was a clearing time.

4 A. The commitment time, uh-huh.

5 Q. Has that always been at that bottom of a trouble  
6 record all the time that you've been in MA?

7 A. Yes.

8 MS. BAKER: I'm going to object because I believe that  
9 the questions and answers may be about different times and  
10 there needs to be clarification.

11 The witness used the term "commitment time," you've  
12 been using the term "clearing time," and I'm not sure  
13 you're talking about the same thing.

14 MS. RICHARDSON: And I'm trying to get it clear. I'm  
15 working on it. I promise you I'm working on it.

16 BY MS. RICHARDSON:

17 Q. All right. When you receive a report, is there a time  
18 that showed that the customer called that report in?

19 A. The receipt time.

20 Q. There is a receipt time.

21 Okay. And then when you look at the top of a report,  
22 is there a commitment time that indicates when the company told  
23 the customer that the company is going to try to get their  
24 service restored?

25 A. Yes.

1 Q. Is that commitment time at the top of the report the  
2 same thing as the clearing time on the bottom of the report?

3 A. The clearing time is inputted by the person closing  
4 out the report.

5 Q. And who puts in the commitment time at the top?

6 A. The person that took the report in the other  
7 department.

8 Q. The Centralized Repair Bureau?

9 A. Yes, ma'am.

10 Q. Now, when I ask you about clearing time on the report  
11 and you said it was a commitment time, did you mean it was the  
12 clearing time at the bottom of the report or the commitment  
13 time that centralized repair put at the top of the report?

14 A. Rephrase that one again.

15 Q. All right. I'll be glad to because I'm a little  
16 confused, and I want to make sure that you and I both are  
17 talking about the same time.

18 A. I'm trying to follow you here.

19 Q. That's fine.

20 Is the time at the top of the report centralized  
21 repair puts in that says the customer is told that they're  
22 going to try to get that problem repaired by a certain time --

23 A. Right.

24 Q. -- what is that time called?

25 A. The commitment time.

1 Q. It's called a commitment time?

2 A. Right.

3 Q. All right. Now, the time at the bottom of the report  
4 that you put in when you're closing it out, what is that time  
5 called?

6 A. The close out time.

7 Q. The close out time.

8 All right. On the bottom of the report, are there two  
9 time lines? Is there one that's called a clearing time and  
10 then the last one that's called a closing time?

11 A. No, ma'am.

12 Q. There's just one time?

13 A. Yes, ma'am.

14 Q. And it's a closing time?

15 A. Uh-huh.

16 Q. All right. Now, in reference to the company  
17 indicating backing up clearing times, would you explain to me  
18 which clearing time you understand the clearing time to be?  
19 The one at the top of the report or the one at the bottom?

20 MS. BAKER: Object to the form.

21 You can go ahead and answer if you can.

22 MR. BEATTY: If either.

23 A. I'm sorry.

24 BY MS. RICHARDSON:

25 Q. If either one, the top or the bottom or a third

1 possibility or a fourth possibility.

2 MS. BAKER: Object to the form.

3 A. I don't think you have it right.

4 BY MS. RICHARDSON:

5 Q. Give me an example, then.

6 MR. BEATTY: Just a minute. I'm going to object to  
7 the form of the question because it is ambiguous.

8 Give you an example of what?

9 BY MS. RICHARDSON:

10 Q. Okay. Let me stop because you were about to give me  
11 something, so let me withdraw that last question and you tell  
12 me whatever you were going to say.

13 MR. BEATTY: I'm going to object to that because there  
14 was no pending question.

15 BY MS. RICHARDSON:

16 Q. When you say "clearing time, commitment time," which  
17 line on a customer trouble record are you referring to?

18 A. You're referring to two different kind of times again.  
19 Clearing time and commitment times are two different times.

20 Q. Okay. Now, in reference to question number one here  
21 where it says backing up clearing times, what is a clearing  
22 time on a trouble report?

23 A. Well, I think you're calling it clearing time. I call  
24 it close out time.

25 Q. It's a close out time to you?



1 A. Uh-huh.

2 Q. Okay. Do you know of any instances of individuals  
3 backing up closing times?

4 A. Yes.

5 Q. All right. Would you tell me about that?

6 A. Just close out.

7 MS. BAKER: Object to the form. Go ahead.

8 A. A supervisor would tell me close out this report at  
9 this particular time or I'll close out this particular trouble  
10 or the repair technician will tell me I'm closing this one at  
11 so-and-so time, and you just did what they told you.

12 BY MS. RICHARDSON:

13 Q. Okay. In this example, what supervisor was directing  
14 you to close out a particular report at a particular time?

15 A. Different supervisors along the way.

16 Q. Okay. And were the times that they gave you accurate  
17 times?

18 MS. BAKER: Object to the form.

19 A. I have no way of knowing that.

20 BY MS. RICHARDSON:

21 Q. Can you think of any particular instance when a  
22 supervisor came and asked you to back up a time on a particular  
23 report?

24 A. Not instance where I would close it out, but they  
25 would tell me don't close this one out, I'll close it.

1 Q. The supervisor -- did the supervisor actually close  
2 the report out themselves then?

3 A. If you want to call it that.

4 Q. I don't want to put words in your mouth. I'm trying  
5 to find out if that's what you indicated.

6 A. Well, I probably closed them out, too, but I was told  
7 to.

8 Q. Okay. In your opinion based on your training and  
9 experience, was this proper?

10 MS. BAKER: Object.

11 BY MS. RICHARDSON:

12 Q. You can answer.

13 MS. BAKER: If you understand the question, you can  
14 answer. If you don't understand the question --

15 A. Rephrase the question.

16 BY MS. RICHARDSON:

17 Q. Based on the training and experience that you've had  
18 as an MA, was the supervisor giving you a specific time to  
19 close these reports out proper or improper?

20 MS. BAKER: Object.

21 A. At the time I didn't think I was doing anything  
22 improper.

23 BY MS. RICHARDSON:

24 Q. Okay. Do you know now?

25 A. Now I do since the investigations and what they call

1 rebate that we were not aware of. You know, at that time we  
2 didn't think about rebates relating to customers.

3 Q. Okay. When you say "rebates," can you tell me when a  
4 customer gets a rebate?

5 A. Now I can tell you that.

6 Q. All right. Tell me.

7 A. If it's not cleared within 24 hours.

8 Q. Okay. So on these reports where the managers were  
9 telling you to put certain times on the reports, were those out  
10 of service reports that had gone over 24 hours?

11 MS. BAKER: Object to the form.

12 MR. BEATTY: I'm going to object to the form of the  
13 question. Counsel is testifying and I think counsel is  
14 actually mischaracterizing the testimony, unintentionally,  
15 I'm sure, but that being the case nonetheless.

16 BY MS. RICHARDSON:

17 Q. Can you answer my question?

18 A. Some could have been, yes.

19 Q. Did any service technicians when they were calling you  
20 to close out reports give you a time that was earlier than the  
21 actual closing time just so that it would show the report was  
22 cleared within the 24 hours?

23 MS. BAKER: Object to the form.

24 A. Yes, but they probably didn't word it that way.

25 BY MS. RICHARDSON:

1 Q. Okay. Can you tell me about any of those?

2 A. I went to lunch or I'd been on break, I need you to  
3 close out this report 15 or 20 minutes earlier, that sort of  
4 stuff but nothing you knew you were doing specifically wrong to  
5 meet the commitment.

6 Q. Would the time that the ST gave you -- you said that  
7 maybe they had gone to lunch.

8 Would the time that they gave you be other than the  
9 actual restoral time, the time that service had been restored  
10 on the report?

11 A. I have no way of knowing.

12 MS. BAKER: I just want to put on the record that I  
13 object, but go ahead. I'm glad you answered it.

14 BY MS. RICHARDSON:

15 Q. Do you know why these supervisors were giving you  
16 directions about reporting times or inputting certain times,  
17 closing times on these reports?

18 MS. BAKER: Object.

19 A. Do I know?

20 BY MS. RICHARDSON:

21 Q. Do you know why the supervisor was telling you to put  
22 certain times on reports?

23 A. It's understood it was because of the commitment.

24 Q. You mean the 24-hour commitment?

25 A. Well, to meet the customer's commitment time.

1 Q. Okay. Do you know if the customer requires out of  
2 service reports to be cleared within 24 hours?

3 A. Now.

4 Q. Okay. And when you say "now," can you give me an  
5 approximate time?

6 A. Now since the investigation, since it's been explained  
7 and talked about, made it simple for us to understand what it  
8 is we're supposed to do and what it is that's expected of us,  
9 but at that time it was just part of daily work. Nobody ever  
10 told you it was because of a rebate or because a customer was  
11 being cheated or anything like that.

12 Q. Okay. Do you know if the Public Service Commission  
13 requires the company to clear at least 95 percent of its out of  
14 service reports within 24 hours?

15 A. I don't know numbers.

16 Q. Ms. Hernandez, I want to show you another page out of  
17 this same set of interrogatories.

18 In this question I ask the company to tell me the  
19 names of employees who had knowledge about recording out of  
20 service reports as affecting service reports.

21  
22  
23  
24 And we'll go off the record again and give you a  
25 chance to look at this and discuss it with your attorney, and

1 then when you're, ready we'll go back on the record.

2 (Discussion off the record, with the agreement of the  
3 witness and all parties present)

4 BY MS. RICHARDSON:

5 Q. Ms. Hernandez, what can you tell me about receiving  
6 instructions not to status out of service?

7 A. Not to status stuff out of service?

8 There was occasions where you came in in the morning  
9 and they told us don't status anything else out of service  
10 today.

11 Q. Can you give me an approximate time frame for that,  
12 what year or years that that occurred?

13 A. While I was in Coral Gables.

14 Q. Did it ever happen while you were in South Dade?

15 A. At the beginning under -- at the beginning when I was  
16 in South Dade when I was under I think  
17 instructions. After that, I don't recall.

18 Q. Okay. And how did you receive these instructions?  
19 Did somebody just tell you or were they printed?

20 A. They were general instructions in the morning just  
21 don't status anything out of service today.

22 Q. Other than do you remember any other  
23 managers who gave those instructions?

24 A. First?

25 Q. You indicated in Gables you had

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?

A. And I did mostly cable work but I did other functions in the course of the day when it was slow, but, yes, I remember those instructions.

Q. Okay. Do you remember if ever gave you those instructions?

A.

Q. Do you remember if ever gave you those instructions?

A.

Q. Did any of your supervisors ever ask you to take a group of affecting service reports and status them out of service?

A. Affecting service?

Q. Yes, reports that were not out of service and change them to out of service.

A. You couldn't do that because they come in status already.

Q. Do you work with a final status screen when you close out a report?

A. I close out a lot of screens, yes.

Q. All right. And before or while you were in the Gables -- let me ask you this way: On that final status screen, if you can think back, I know this is asking a lot, but when you looked at that final status screen, was there a little

1 place that had OOS with a blank under it?

2 A. Yes, there is.

3 Q. Okay and if you put a "Y" in that blank under OOS,  
4 do you know if that made that report out of service on close  
5 out?

6 A. Yes, it does.

7 Q. Okay. Can you tell me what an affecting service  
8 report is?

9 A. Something that wasn't out of service.

10 Q. All right. Now, on affecting service reports, were  
11 you ever asked on those reports on final status to put a "Y" in  
12 that out of service space and make those out of service when  
13 you close them out?

14 A. Only if the customer had really been out of service.  
15 Don't forget I worked the bridge and I handled cable failures  
16 which is understood that they were out of service because it  
17 was major reports.

18 Q. On the cable failures that you received, were they  
19 initially statused as affecting service up front and left for  
20 you to status at close out as out of service?

21 MR. BEATTY: Object to the form of the question. It's  
22 leading.

23 A. Yeah, it is, because a lot of times it depends on what  
24 the customer reports and that's what makes them out of service  
25 or not affecting service and we have to guide by that, what the



1 customer reported.

2 BY MS. RICHARDSON:

3 Q. Do you know of anyone who left cable reports as  
4 affecting service reports regardless of what the customer  
5 reported?

6 A. I don't understand that question.

7 Q. All right. Do you know of anyone who took cable  
8 reports where the customer said I'm out of service but made it  
9 an affecting service status up front?

10 A. I don't follow you with that one.

11 Q. Let me try it again. That's okay. That's okay. I'll  
12 try one more time. Let me see if I can make it an example.

13 All right. You have a cable problem. A customer  
14 calls in and says my phone has no dial tone.

15 Is that an out of service condition?

16 A. Definitely.

17 Q. Now, do you know of any times when those kind of  
18 reports would come in from a customer but the manager would  
19 say, I know that that's out of service but we're going to leave  
20 that affecting service up front and then when we close it out,  
21 we'll change it to out of service? Did that ever happen?

22 A. You already asked me that question.

23 Q. All right. I've got another piece to show you.

24 A. Okay.

25 Q. This is from the same set of interrogatories and in

1 this question I ask the company to give me the names of  
2 employees who knew about recording extensions of time for  
3 repairs for the customer when the customer was not contacted.

4 A. I know what you mean.  
5  
6  
7

8 And we'll go off the record again and you'll have a  
9 chance to look at it, and when you're ready, we'll go back on  
10 and ask you questions about that.

11 (Discussion off the record, with the agreement of the  
12 witness and all parties present)

13 A.

14 BY MS. RICHARDSON:

15 Q. Okay. What can you tell me about the use of the CON  
16 code, improper use of CON code?

17 MS. BAKER: Object to the form.

18 A. Improper --

19 BY MS. RICHARDSON:

20 Q. All right. What is a C-O-N or CON procedure?

21 A. That's when the customer calls in and requests a  
22 particular appointment which is more than 24 hours out.

23 Did you follow?

24 Q. Yes.

25 A. Okay.

1 Q. Do you know if placing the C-O-N on a report would  
2 stop that 24-hour repair clock.

3 A. Yes, I do.

4 Q. And does it stop the 24-hour repair clock?

5 A. I believe it does, yes.

6 Q. Okay. Do you know of anyone who has put the C-O-N,  
7 the CON code on a report when they did not talk to the  
8 customer?

9 MS. BAKER: Object to the form.

10 A. I don't see where we contact the customer on that  
11 because the reports come in with the future commitment time  
12 already from the CRSAB.

13 BY MS. RICHARDSON:

14 Q. All right. Then would you use a CON code for a report  
15 that already had had a future date?

16 A. If it was an out of service trouble, yes. In other  
17 words, a no dial tone.

18 Q. Do you know of anyone who used the CON code on a  
19 report when it was the company that couldn't make the  
20 commitment rather than the customer?

21 MS. BAKER: Object.

22 A. It wouldn't be the company if the customer requested a  
23 future commitment date.

24 BY MS. RICHARDSON:

25 Q. Okay. Now, if the customer had not requested a future

1 commitment date, do you know of any times that the company used  
2 the CON code when the customer did not request a future  
3 commitment date?

4 A. That's the same question, but no.

5 MS. BAKER: Object to the form.

6 Just proceed to answer. If you understand  
7 the question, you can answer it.

8 BY MS. RICHARDSON:

9 Q. Do you know of anyone who has used the CON code in any  
10 manner other than what you indicated your understanding of the  
11 proper use was?

12 A. Anyone?

13 MS. BAKER: Object to form.

14 A. I can't answer that.

15 BY MS. RICHARDSON:

16 Q. Has anyone ever asked you to use the CON procedure in  
17 any way other than what you understand as being the proper way  
18 of using it?

19 MS. BAKER: Object to the form.

20 A. I don't recall.

21 BY MS. RICHARDSON:

22 Q. I have another question out of the same set of  
23 interrogatories.

24 In this one we asked the company to tell us the names  
25 of employees who have knowledge about the use of recording

1 improper exclusion codes on repair reports.

2 A. Exclusion?

3 Q. Okay. I'll let you look at it and then I'll ask you  
4 some questions about it.

5

6 : Okay.

7 Can you tell me when you close out a report, do you  
8 have to put certain codes on that report to close it out?

9 A. Yes.

10 Q. All right. Do you have to put in a disposition code?

11 A. Yes.

12 Q. Can you briefly explain what a disposition code is?

13 A. It's what explains what caused the report to go out,  
14 the item of plant that caused the problem, so you close it out.

15 Q. Is there one for cable?

16 A. Yes, there's one for cable.

17 Q. Okay. Is there one for inside wire?

18 A. There's a lot of them. Right, a lot of them for cable  
19 and some for inside wire, yes.

20 Q. All right. Do you put a cause code on a report when  
21 you close it out?

22 A. Always.

23 Q. And can you briefly tell me what a cause code is?

24 A. That's the same question you just asked me.

25 Q. Disposition and cause codes --

1 A. I'm sorry. I misunderstood you.

2 Q. That's okay.

3 A. Yes. There is a disposition and a cause code and yes,  
4 we use them both.

5 Q. And what does a cause code show?

6 A. That's what I was explaining when you asked me  
7 disposition.

8 Q. Oh, okay. Well, are there cause codes for weather?

9 A. Yes.

10 Q. Do you know if there are any of these certain  
11 disposition and cause codes that can be used that would exclude  
12 an out of service report from being counted against the company  
13 if it goes over 24 hours to repair it?

14 A. I understand your question but it wasn't quite  
15 explained to us that way. Just use this cause code and, you  
16 know, we used it. We didn't understand that it was to exclude  
17 from the out of service and the 24 hours or the rebate.

18 Q. Do you recall any of the cause codes that you were  
19 asked to use?

20 A. 420.

21 Q. Do you know what that stands for?

22 A. It was moisture, weather, like you said before.

23 Q. All right. And when you were asked to use the 420  
24 code, did the actual conditions of the troubles, were they  
25 actually caused by moisture?

1           A.    A lot of times yes, a lot of times no, but maybe  
2 because of heavy conditions in work.

3           Q.    There were too many troubles?

4           A.    Right.

5           Q.    And they couldn't all be cleared in 24 hours?

6           A.    No, no, I didn't say that.

7           MR. BEATTY:  Objection to the form of the question.

8           It's leading.

9 BY MS. RICHARDSON:

10          Q.    Can you tell me, did anyone in the South Dade center  
11 give you directions to use particular cause codes like the 420?

12          A.    I answered that question already.  Yes, I told you  
13 some days they would tell us close today to 420.

14          Q.    I'm sorry.  I'm trying to separate it.  Was it South  
15 Dade or Coral Gables or both?

16          A.    Mainly Coral Gables.

17          Q.    Okay.  And do you remember the names of any managers  
18 who were giving you these directions?

19          A.    Mainly cable failures and it was

20          Q.    Have you ever heard the phrase "building the base"?

21          A.    Yes, I have.

22          Q.    And what does that mean?

23          A.    I've heard -- I heard the statement.  Now I know what  
24 it means.  At that time it was understood that it was so many  
25 numbers needed to be met, like an index, not related to

1 customers out of service or rebates.

2 Q. Okay. Was the index to be met, did that concern out  
3 of service reports?

4 A. It wasn't clarified.

5 Q. At that time?

6 A. At that time.

7 Q. Do you know now?

8 A. Now we know the difference, yes.

9 Q. Okay. Now do you know if building the base is related  
10 to out of service reports?

11 A. Yes.

12 Q. Okay. And where did you hear the phrase "building the  
13 base"?

14 A. At work.

15 Q. At South Dade, Coral Gables, both?

16 A. Both.

17 Q. Okay. And in your opinion based on your experience  
18 and your training when you heard the phrase "building the  
19 base," was it related to proper activities, improper  
20 activities?

21 MS. BAKER: Object. Both lack of time frame and to  
22 the form of the question.

23 BY MS. RICHARDSON:

24 Q. You can still try to answer if you can.

25 A. I don't understand the question.



1 Q. Okay. Is your understanding of building the base a  
2 proper activity or an improper activity?

3 MS. BAKER: Object to the form.

4 A. I believe it was proper.

5 Q. Okay. Today with your further understanding of the  
6 phrase "building the base," do you know if it was proper or  
7 improper?

8 MS. BAKER: Object to the form.

9 A. I can't answer that.

10 BY MS. RICHARDSON:

11 Q. Okay. Do you know how someone went about building the  
12 base?

13 A. Just by statusing reports.

14 Q. Statusing them how?

15 A. Statusing -- just closing them out by the commitment.

16 Q. Do you know what the no access code is?

17 A. I don't understand that question.

18 Q. Have you ever had a no access subscriber code that  
19 you've used on reports?

20 A. Yes, we have a no access.

21 Q. Okay. Can you tell me under what circumstances that's  
22 to be used?

23 A. When, mainly when the repairman goes out to the field  
24 and the customer is not there; therefore, he calls back and  
25 tells us I tried to meet with them, I tried to get her and I

1 can't get into the house. I want to no access this trouble.

2 Q. Do you know if the no access stops that 24-hour repair  
3 clock on a report?

4 A. It would, yes.

5 Q. Okay. Do you know of anyone who has no accessed out  
6 of service reports just to stop that 24-hour repair clock

7 MS. BAKER: Object.

8 A. I'm sorry.

9 BY MS. RICHARDSON:

10 Q. Okay. Do you know of anyone who's put a no access on  
11 out of service reports just to keep that report from going over  
12 24 hours?

13 A. No.

14 Q. Do you know of anyone who has no accessed an out of  
15 service report when they actually did have access to the  
16 premises?

17 A. No.

18 Q. Do you know of anyone who has no accessed a report  
19 before it was dispatched?

20 A. No.

21 Q. Okay. Do you know how to exclude a report?

22 A. Yes.

23 Q. Can you tell me how to do that?

24 A. There's different cases to exclude on a report.

25 Q. Okay.

1 A. The wrong address reported, not enough information,  
2 that kind of stuff. I don't think we're talking about the same  
3 thing.

4 Q. No, I think we are.

5 A. Oh, okay.

6 Q. Now, is it proper to exclude an out of service report?

7 MS. BAKER: Object to the form.

8 A. I don't see how we would exclude an out of service  
9 report if we had all the information, no.

10 BY MS. RICHARDSON:

11 Q. Okay. Do you know of anyone who has excluded out of  
12 service reports?

13 A. I don't know of that practice, no.

14 Q. Okay. Do you know of anyone who's used someone else's  
15 employee code?

16 A. No.

17 Q. Do you know what an employee originated report is?

18 A. Yes.

19 Q. And would you please explain that?

20 A. It's when the customer doesn't report it but you get  
21 it from somebody else. A repairman went out there and somebody  
22 approached him and he calls in and says, I need an employee  
23 originated report on this number or my neighbor told me to  
24 report her number and I will come in and report her number.

25 Q. All right. And would that be --

1 A. Employee originated.

2 Q. Even though the customer had told you?

3 A. Well, it was a secondhand report. You know, the  
4 customer didn't do it himself so you did it for them; so you  
5 being an employee, you call yourself an employee originating  
6 the report.

7 Q. Okay. What is a customer direct report?

8 A. When the customer calls in and reports their number.

9 Q. Do you know of any changes in that definition or  
10 procedure that had been made while you were an MA in either  
11 Coral Gables or South Dade?

12 MS. BAKER: Object to the form.

13 A. I don't understand the question.

14 BY MS. RICHARDSON:

15 Q. Okay. Has that definition of an employee report been  
16 the same the entire time you've been an MA?

17 A. As far as I -- to my recollection, yes.

18 Q. Okay. Do you know of anyone who has taken an out of  
19 service report that was about to go over the 24-hour time,  
20 close it out and then open it as an employee report in order to  
21 fix the problem in closing?

22 MS. BAKER: Object to the form.

23 A. No.

24 BY MS. RICHARDSON:

25 Q. Do you know of anyone who has created fictitious

1 trouble reports?

2 MS. BAKER: Object to the form.

3 A. I don't understand the question.

4 BY MS. RICHARDSON:

5 Q. Okay. Do you deal or do you know about the trouble  
6 entry mask?

7 A. That's the customer direct report, the trouble entry  
8 mask, yes.

9 Q. And can you type in a telephone number?

10 A. Which is like an employee originated report. It's the  
11 same entry. It's the same mask.

12 Q. Okay. And when you type in the telephone number on  
13 the trouble entry mask and hit the send key, do you get a  
14 trouble report back, a trouble report mask back that you can  
15 create a trouble report from?

16 A. Well, there's a button you hit and you get a trouble  
17 entry mask.

18 Q. Okay. Do you know of anyone who has used that  
19 procedure to create dummy trouble reports?

20 A. Yes.

21 Q. Okay. Can you tell me about that?

22 A. What is it you want me to tell you? I just told you  
23 we did.

24 Q. Okay. Can you tell me an instance? Can you remember  
25 back to someone who has done that?

1 Under what conditions do you do that?

2 Let me stop. Let's start over again because you're  
3 not sure. I can see that you're hesitating.

4 Other than creating an employee originated report,  
5 do you know of anyone who has used that procedure to create  
6 customer direct reports?

7 A. Yes.

8 Q. Okay. Do you know of anyone who has used that trouble  
9 entry mask to, the trouble report mask procedure to create  
10 phony customer trouble reports?

11 A. Yes.

12 Q. All right. Can you tell me when this happened?

13 A. You mean under what conditions?

14 Q. Yes, that's fine.

15 A. Very slow conditions and they needed so many reports  
16 for the index, and they would go in and issue reports and close  
17 them out.

18 Q. Okay. And how did they get the phone numbers to  
19 create the report?

20 MS. BAKER: Object.

21 A. Depends on the person that was issuing the reports.

22 BY MS. RICHARDSON:

23 Q. Can you recall any particular person and how they did  
24 it?

25 THE WITNESS: I guess I'm not guessing, right?

1 MS. BAKER: Just what you can remember.

2 A. I'm trying to remember. From previous reports or from  
3 previous records of where there had been troubles and they  
4 would reuse those numbers.

5 BY MS. RICHARDSON:

6 Q. Okay. Did you ever hear of Mr. Morrison taking a  
7 telephone book and creating phony trouble reports for the Keys?

8 A. Not Mr. Morrison, no.

9 Q. Did you ever hear of anyone else taking a phone book  
10 and creating trouble reports from the phone numbers in the  
11 phone book?

12 A. Not from the phone book, no.

13 Q. Okay. Can you tell me did this happen in the Gables  
14 while you were there?

15 A. That's when it happened, in the Gables. I don't  
16 remember it happening in South Dade.

17 Q. Thank you.

18 Do you know of anyone who has placed false information  
19 other than what we may have already talked about on a trouble  
20 report?

21 MS. BAKER: Object.

22 A. I don't quite understand what you mean by "false  
23 information."

24 BY MS. RICHARDSON:

25 Q. Inaccurate information, incorrect information.

1 A. When? When they're issuing the report, when they're  
2 closing out the report?

3 Q. Oh, I see what you're saying. Okay.

4 Do you know of anyone -- other than what we've already  
5 talked about and we've covered a lot --

6 A. A lot, yeah.

7 Q. Okay. -- do you know of anyone who has put false  
8 intermediate status codes on a trouble report?

9 A. I don't understand the question.

10 Q. All right. Let me back off of that and go one other  
11 place.

12 I think you indicated that  
13 level manager in the Gables.

14 A. Yes.

15 Q. Do you know of any instances of handling  
16 trouble reports improperly other than what you've already told  
17 me?

18 A. No.

19 MS. BAKER: Object to form.

20 BY MS. RICHARDSON:

21 Q. Have you ever been disciplined for your handling of a  
22 trouble report?

23 A. Disciplined without an entry. Just, you know, you  
24 should have done it this way but not necessarily, you know,  
25 giving me an entry on my record or anything like that, no.



1 Q. Okay. Can you recall which manager discussed this  
2 with you?

3 A. Different times different managers. I can't give you  
4 exact names right now.

5 Q. Was this more of a training correction? They were  
6 training you to do something?

7 A. Yes, in a way.

8 Q. Okay. Have you ever filed a grievance?

9 A. Me?

10 Q. Yes.

11 A. Yes.

12 Q. Was it related to the trouble report process at all?

13 A. I don't believe so.

14 Q. Have you ever been asked to help sell products or  
15 services for the company?

16 A. Yes.

17 Q. Can you tell me when you were asked to help do this?

18 A. In the Gables.

19 Q. Okay. And were you eligible for any prizes or awards?

20 A. I did very little selling and then I did get prizes  
21 but it wasn't a big amount of prizes or anything like that or a  
22 big amount of money or anything. It was by coupons.

23 Q. And you could redeem the coupons for gifts or  
24 something?

25 A. Yes.

1 Q. Do you know of anyone who has reported a sale to a  
2 customer that the customer did not authorize?

3 A. No, ma'am.

4 Q. When you were helping to sell, did anyone give you any  
5 special sales training?

6 A. No.

7 Q. When you were helping to sell, did anyone ask you to  
8 keep track of the amount of time that you were spending on  
9 sales with a customer rather than the amount of time you were  
10 spending on helping them with their troubles? The trouble  
11 report, I mean.

12 A. I don't remember that.

13 Q. Ms. Hernandez, we've talked about a lot of different  
14 things. Is there any other activity that you can recall that  
15 in your opinion was improper there the handling or processing  
16 of trouble reports?

17 MS. BAKER: Object to form.

18 A. I don't think none of what I've done was improper. I  
19 thought it was all related to my job and I was told to do it  
20 and I was following instructions.

21 BY MS. RICHARDSON:

22 Q. Okay. Are there any other examples of those kinds of  
23 instances that we've talked about other than what you've told  
24 me?

25 A. I think we've covered all.

1 MS. RICHARDSON: Thank you. I want to thank you for  
2 being here. I appreciate your time, I appreciate your  
3 coming. I don't know if there are any questions.

4 Yeah, one or two maybe before you go.

5 DIRECT EXAMINATION

6 BY MR. PIERSON:

7 Q. These cases where you were directed not to status  
8 anything out of service on a particular day, did  
9 ever direct you to do that?

10 A. It's possible.

11 Q. Did ever direct you to do that?

12 A.

13 Q. Yes.

14 A. Possible.

15 Q. Did ever direct you to do that?

16 A. No. Well, okay. could have, yes,  
17 different occasions, different days, different jobs.

18 Q. With regard to improper backing up of clearing  
19 times --

20 MS. BAKER: Object.

21 BY MR. PIERSON:

22 Q. -- did Mr. Morrison ever direct you to back up the  
23 clearing time improperly?

24 MS. BAKER: Object to the form.

25 A. Mr. Morrison was my cable foreman and I did all my

1 closings from the repairmen in the field.

2 BY MR. PIERSON:

3 Q. Did Mr. Lubert ever direct you to do that?

4 A. Again Mr. Lubert was another cable foreman and I did  
5 my close outs from contacts from the field.

6 Q. Do you remember any particular supervisor that told  
7 you to do that?

8 MS. BAKER: By the way, I have a standing objection to  
9 any of these questions.

10 A. Repeat the question?

11 BY MR. PIERSON:

12 Q. Can you remember any particular supervisor that told  
13 you to improperly back up times?

14 MS. BAKER: Object. Go ahead.

15 A. I answered that question before to her and I told her  
16 that there was instances where they told you close out this  
17 report at this particular time, yes.

18 You want a name?

19 I can't give you names. There's so many.

20 BY MR. PIERSON:

21 Q. Other than what you've testified to, are you aware of  
22 any other ways to build a base?

23 A. I believe I answered that question already, too. It's  
24 different understandings of what that means. Now, today, I  
25 understand exactly what it means. At that time we were -- or I

1 was under the impression it meant something else.

2 Q. With your knowledge as it stands today --

3 A. Yes, sir.

4 Q. -- can you think of any other instances where you  
5 believe that you were directed to improperly build a base?

6 A. I did- --

7 MS. BAKER: I'm going to object to the form.

8 A. Mrs. Richardson, I think, covered all of it.

9 BY MR. PIERSON:

10 Q. Well, can you answer that question anyway?

11 A. Repeat the question.

12 Q. Using your knowledge as it stands today, do you recall  
13 any time or any times, any instances in which you were directed  
14 to do something that you now believe was to build a base?

15 MS. BAKER: That she hasn't already testified to?

16 BY MR. PIERSON:

17 Q. That you haven't already testified to.

18 A. No.

19 Q. Can you recall any particular supervisor who directed  
20 you to create fictitious trouble reports?

21 A. You're looking for a name?

22 Q. Yes, ma'am?

23 A.

24 Q. Can you recall any other names?

25 A. No, sir.

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MR. PIERSON: That's all I have.

(Thereupon the deposition was concluded at 1:20 p.m.)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
CARMEN L. HERNANDEZ

Sworn to and subscribed before me this \_\_\_\_\_  
day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Notary Public, State of Florida At Large

My Notary Commission No. \_\_\_\_\_

Expires:  
  
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STATE OF FLORIDA )  
   : ss.                    **CERTIFICATE OF REPORTER**  
COUNTY OF DADE )

I, AMAR KREDI, Registered Professional  
Reporter, Certified Shorthand Reporter and Notary  
Public in and for the State of Florida at Large,

DO HEREBY CERTIFY that the deposition of  
CARMEN L. HERNANDEZ, a witness called by the  
Citizens of the State of Florida in the above-  
captioned matter, Docket No. 910163-TL, was heard  
at the time and place herein stated; that the witness  
was by me first sworn to tell the truth; it is further

CERTIFIED I reported in shorthand the said  
deposition; that the same has been transcribed under  
my direct supervision, and that this transcript,  
consisting of 46 pages, constitutes a true and  
accurate transcription of my notes of said  
deposition; it is further

CERTIFIED that I am neither of counsel nor  
related to the parties in said cause and have no  
interest, financial or otherwise, in the outcome of  
this docket.

IN WITNESS WHEREOF, I have herunto set my  
hand at Miami, Dade County, Florida, this 22nd day  
of July, 1993.



AMAR KREDI

Registered Professional Reporter  
Certified Shorthand Reporter and  
Notary Public - State of Florida  
1014 Ingraham Building  
25 Southeast 2nd Avenue  
Miami, Florida 33131  
(305) 371-6228

My Notary Commission No. CC194782  
Expires: May 16, 1996

1     **REPORTERS DEPOSITION CERTIFICATE WITH ACKNOWLEDGMENT**

2     STATE OF FLORIDA )  
 3                             : ss.  
 4     COUNTY OF DADE )

5             I, AMAR KREDI, Registered Professional  
 6     Reporter, certify that I was authorized to and did  
 7     stenographically report the foregoing deposition  
 8     and that the transcript is a true record of the  
 9     testimony given by the witness.

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

15            Dated this 22nd day of July, 1993.

16   

17   AMAR KREDI  
 18   Registered Professional Reporter

19     STATE OF FLORIDA  
 20     COUNTY OF DADE

21            The foregoing certificate was acknowledged  
 22     before me this 22nd day of July, 1993  
 23     by AMAR KREDI, who is personally known to me.

24   \_\_\_\_\_  
 25   JOHN J. BLUE  
    Notary Public - State of Florida  
    My Commission No. (Not yet issued)  
    Expires: December 21, 1993