

FPSC DOCKET No. 910163-TL

SBT MOTION FOR CONFIDENTIAL TREATMENT  
AND PERMANENT PROTECTIVE ORDER

DEPOSITIONS OF: CALVERT, KUMMER, LOM-AJAM,  
LYTLE, MASER, PORTER,  
RAMSEY, ROBERTS, SCHMOLL,  
AND WHITE

ATTACHMENT B

Edited Version of 10384-92

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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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

COPY

DEPOSITION OF:

CHERIE BEYER CALVERT

TAKEN AT THE INSTANCE OF:

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

DATE:

Wednesday, July 29, 1992

TIME:

Commenced at 4:15 p.m.  
Concluded at 5:30 p.m.

LOCATION:

666 N. W. 79th Avenue  
Room 642  
Miami, Florida

REPORTED BY:

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

ACCURATE STENOGRAPH REPORTERS, INC.  
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**ALSO PRESENT:**

CARL S. VINSON, JR., FPSC Division of Research and  
Regulatory Review.

STAN GREER, FPSC Division of Communications.

\* \* \* \* \*

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S T I P U L A T I O N S

The following deposition of CHERIE BEYER CALVERT was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

CHERIE BEYER CALVERT

was called as a witness, having been first duly sworn, was examined and testified as follows:

MR. ANTHONY: Ben, before we begin, there are some stipulations that we have had for all three days of these depositions that I just wanted to let you know about.

First of all, the deposition is taken pursuant to proper notice. Secondly, we won't go off the record without Ms. Calvert's consent. Third, that reading and signing won't be waived, and, fourth, that we will save any objection until the time of the use of the transcript at the hearing or wherever it may be used.

Are those agreeable with you?

MR. KUEHNE: That is acceptable.

MR. ANTHONY: One other thing, Ms. Calvert, as you are probably aware, this deposition is part of the investigation of the Florida Public Service Commission into Southern Bell's trouble reporting practices. As I am sure you are also aware, the Company conducted its own investigation of trouble reporting practices, and that investigation was done under the control and guidance of the Legal Department; and, therefore, is privileged, which means that no outside party can get to it. It is the Company's, and no one is allowed to discover. It's not likely, but in the event that any question is directed toward you and seeks any information that is a part of that privileged information, your participation in the investigation, if any, what you may have learned during the investigation, I am going to instruct you not to answer the question. By the same token, to the extent that you have knowledge about any of that information independent of the investigation, then, of course, you should answer the question and answer it fully and completely and honestly. Is that clear?

THE WITNESS: Uh-huh.

MR. ANTHONY: Okay. Thank you.

MS. RICHARDSON: Mr. Kuehne, do you want to put in an appearance on behalf of your client for the record?

MR. KUEHNE: Yes. For the record, Ben Kuehne with the firm of Sonnett, Sale & Kuehne. I represent the deponent.

MS. RICHARDSON: And, Ms. Calvert, I just have two little preliminary matters, so that we have common grounds of understanding on some general terms that may or may not be used by you during the deposition. The first one is "I don't know." If you respond to any of my questions with "I don't know," or if I ask you do you know of anyone or anything, et cetera, and you say, "no," I take that to mean, my understanding of that is, that you have no personal, direct, firsthand knowledge of the event or the person, or whatever I am asking about. And that you also have no secondary or hearsay knowledge or any knowledge from any source about the person or the event or whatever I am talking about. Is that acceptable or okay with you?

MR. KUEHNE: Generally it is acceptable. There may be some question about its application, given some of your questions. But I think we can take those on an individual basis.

MS. RICHARDSON: That's fine, and feel free to clarify --

THE WITNESS: Okay.

MS. RICHARDSON: -- any answer that you give. And that also means that if you don't understand a question, feel free to ask me anything about the question, so you feel comfortable in answering before you answer, okay? Since you have sworn an oath, and it is being taken down, I want you to be certain of what you are telling me.

THE WITNESS: Yes.

MS. RICHARDSON: Okay. The other one is pretty much the same thing. "I can't remember," or "I don't recall," that means that your mind is an absolute blank, that there aren't any little niggling memories that are floating around out here that may not be clear, but you think maybe at one time something may have happened. "I don't recall," for me, then, tells me that that is not there. So, if you have something that is sort of hanging out here if you will tell me, "Well, I don't really remember, but there is something around here." That further clarifies your response, and maybe I can get some more questions that would help bring it into clear focus. Is that acceptable?

MR. KUEHNE: That is, but a bit more troublesome on a case-by-case basis, because there may be situations where the answer is, "I can't remember," and

the recall that the witness has is not an answer to your question. And in that regard, she will advise you that she does not recall or cannot remember. She is not going to volunteer information which may be on the outskirts of her recall that is really not in response to your question.

MS. RICHARDSON: You mean outside the subject matter of the question?

MR. KUEHNE: Not in response to your question. If you follow that up with a more artfully phrased question that gets to the area that may be on the outskirts of her recollection, she will appropriately answer that. But she will not volunteer recollection which is sketchy, if it is not in response to your question.

MS. RICHARDSON: I think I follow what you are saying. Let's just go with it and see where we get, okay?

#### DIRECT EXAMINATION

BY MS. RICHARDSON:

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

A Cherie, C-H-E-R-I-E, Beyer, B-E-Y-E-R, Calvert, C-A-L-V-E-R-T.

Q And your address, please?

A 19416 East Lake Drive, Hialeah, H-I-A-L-E-A-H,  
33015.

Q And what is your present position with the  
Company?

A Manager.

Q First level or second level?

A Pay Grade 5.

Q Pay Grade 5. And a manager of an IMC, or --

A Currently, I have an RCMAC, line and number. It's  
LNA for Line and Number Administration, SADAC and SPC.

Q Does that involve all of South Florida, or just  
certain areas?

A Each of the four entities support the South  
Florida area.

Q Okay. And who is your present supervisor?

A It is Mr. John O'Hare.

Q All right. And who is his supervisor?

A Linda Isenhour.

Q Linda Isenhour.

A Uh-huh.

Q And how long have you held this position?

A Since January.

Q Of this year?

A This year.

Q All right. And what did you do prior to this



January?

A Through November of last year, I was the manager of the Miami Metro IMC, but it closed down and went to two separate entities.

Q Okay. And what did you do between November and January?

A I took a long-deserved vacation.

Q Okay. And what pay grade were you at the Metro IMC?

A Pay Grade 5.

Q Was this position, then, a promotion or just a lateral transfer?

A A lateral move.

Q A lateral move. When did you begin your employment with Southern Bell?

A Twenty-six years ago today.

Q Today?

A Yes.

Q An anniversary.

A Ben pointed that out to me. I didn't even realize it.

MR. KUEHNE: A moment of silence, please.

BY MR. RICAHRDSON:

Q And what was your entry position with the Company?

A An operator.

Q Is that like a long distance operator?

A Exactly.

Q During your 26 years with the Company, have you had responsibilities related to customer trouble reports?

A Yes.

Q And can you give me some period of time?

A You mean as far the capacity of Pay Grade 5?

Q Any position that you may have held with the Company in an IMC, or anywhere, that dealt with the customer trouble report process. And if it is easier, if you want to just tell me what the position was and about when you held that motion, we can do it that way.

A I was an IMC manager in the South Dade IMC, approximately, because actual dates, about April of '90 to March or April of '91, and then the same capacity from April of '91 through November of '91 in the Miami Metro IMC.

Q Okay. And are those the only two positions that you have held that have had anything to do with customer trouble reporting?

A Right.

Q And does your present position at all have anything to do with customer trouble reporting?

A Not really. If my girls do something wrong it could create one, but we don't have any responsibility to the trouble report itself.

Q Okay. So, from about '88 until you took your vacation was about the time frame we are going to be talking about with customer trouble reporting?

A Not '88.

Q Oh, I'm sorry. I missed it, then. I have forgotten. I should have taken a note. From about what time frame, if you would not mind reminding me?

A Either April or May of '90 to April of '91 in South Dade and then from April of '91 through November of '91 in Miami Metro.

Q Now, I have got it down. Hopefully, I won't forget it again.

A I almost got confused.

Q I'm sorry. I certainly don't want to confuse you. One of us is enough.

In your duties in the IMC, did you supervise individuals as a manager?

A Well, I had a whole team of people. You mean directly reporting to me?

Q Yes.

A Approximately nine supervisors in South Dade. And in Miami Metro it would vary from five to six, depending on which month it was, sometimes four.

Q Okay. Would you elaborate on the scope of your duties during that period of April '90 through November of

'91?

A I was a manager over -- you mean each of the entities that reported under me for those nine individuals?

Q Yes, and what you were responsible for in terms of your job responsibilities and duties, the scope of that?

A Well, under that, and I will have to put the floor plan in my head and go around the room, okay?

Q That's fine.

A Station load control, cable load control, screening, systems administration, SSDAC, S-S-D-A-C, ICC, D-tags. And I had a particulars set up for higher management complaints, one person that would deal with answering higher management complaints or PSCs and things like that.

Q Would that be like an irate customer calling in and --

A Red phone --

Q Red phone?

A -- type of deal, right.

Q Okay.

A I think that is it.

Q And then within the scope of these duties were you required to have a full understanding of the customer trouble repair process from the very beginning through clearing and closing?

A Personally, no.

Q Do you have an understanding of the customer trouble repair processing from beginning, when the trouble report is received, through handling the repair section and clearing it and closing it?

A I understand the flow.

Q You understand the flow of the report?

A Yes.

Q Are you familiar with LMOS and the other computer systems that handle those reports?

A Yes.

Q Are you familiar with disposition codes?

A Not without having to look at the sheet on an individual basis.

Q Okay. Instead of asking you, like, do you know what Code 100 means, do you know what a disposition code is?

A Yes.

Q Generally, what its purpose is?

A Yes.

Q Go ahead and elaborate, what is the purpose for a disposition code?

A Whatever they find the trouble to be, the cause and disposition code, whatever the disposition was, whatever field code it was, inside or outside, they would close it out to the particular code that was appropriate to that

particular trouble. And then the cause code is the same thing, whatever caused that trouble could be anything.

Q Okay. And in your screening position, did that require you to be familiar with the autoscreener and the autoscreener rules?

A Not personally.

Q Not personally?

A No.

Q Do you know what autoscreener is?

A I know that the troubles that could be screened automatically by the rules that are set into that data base, certain trouble reports are eligible for that and would be screened automatically.

Q Okay. Do you know the person responsible, or did you supervise the person responsible for maintaining those rules in an active status?

A That's the systems administrator.

Q Okay. And you also mentioned that that was an area that was part of the scope of your duties?

A Well, they are under -- like if you are looking at a pyramid, if you will, all of those things come under, you know, my job descriptions, but not necessarily to have a working knowledge of doing that function.

Q Okay. But you would supervise an individual that did have working knowledge of that function?

A Correct.

Q Okay. And "station load," does that mean managing the force to load to make sure that the problems were cleared out in a timely manner?

A Yes, ma'am.

Q And, then, I think you said that cable load -- is that pretty much the same thing, but for cable repair?

A That's correct.

Q In the scope of your duties as supervising all of these activities, are you called upon to direct individuals in the performance of their duties?

A Could you elaborate on that?

Q All right. In terms of directing people in the performance of their duties, if a change came down from higher management on the use of disposition codes, would it be your responsibility to see that those under you, those supervisors under you, carried out that change and also made sure that the people they supervised carried out that change?

A If any document was sent to me first, it would be funneled through all the people under my supervision. And those managers, then, would assume the role of ensuring that their subordinates, you know, fulfilled whatever the directive was.

Q Okay. And if the directive wasn't filled, would

you hear about it?

A It would depend. The managers had responsibility for their own entities.

Q Okay. And if a manager in the systems administration section had not put in place new screening rules, assuming there has been new screening rules, and had known that he was, or she was, supposed to do that, and it was later found out that that individual had not done that, would correcting that error be within the scope of your responsibilities?

A Discussing it with that person would be under my responsibility to find out, you know, to discover if they did it or why they didn't do it. And if they chose not to do it, why they didn't inform me. And there would, you know, be like a conversation disclosure, if you will.

Q Okay. And if it was determined that one of the individuals you supervise had deliberately falsified a report, would it be within the scope of your responsibility to correct that individual?

A This is hypothetical?

Q It is all hypothetical, and you are certainly free to answer that it is a hypothetical. I am just trying to get the nature of your supervision of these people, is what I am trying to draw out further on. And that is where I am going with this.



A In a hypothetical scenario, if I had personal knowledge, you know, it would be my responsibility to act on it.

Q Okay. And by acting on it, would you just take it under your wing to correct it, or would you be called upon or required to report that further up the line to higher management?

A Well, something so hypothetical and so broad-based, I mean, it would depend, I guess, on what it was. In some instances I may deal with it myself, and in others I may report it to my superior.

Q Okay.

A I mean, a misunderstanding, you know, is one thing; a deliberate action is another, so --

Q Have you ever had occasion to report an individual for deliberately falsifying a Company record?

A Could you be more specific?

Q No, I can't give you a specific incident, just thinking back in terms of -- we are talking about your duties from April '90, so we are talking about just the last two years at this point. Let's keep it to that, so maybe your memory will be fresher. Within that time frame, have you ever had, as part of your duties, a need to report someone to higher management for falsification of customer records?

A I don't know if falsification -- in that particular instance there would not be, no.

Q Within the scope of your duties, have you ever been called upon or required to report an employee for mishandling customer trouble repair records?

(Pause)

A The answer will be no.

Q Have you ever had to report an individual, employee, under your supervision to higher management?

A I'm sorry?

Q Within the last two years have you reported any individual to higher management for any errors committed?

A For any errors committed? Yes.

Q Okay. Would you please tell me what the error was?

A Okay. The one instance was I observed an employee with numerous telephone books at their desk, and it just looked peculiar to me. So, I questioned them as to what they were doing. There was hesitation, and I asked the question again. And the response -- and I cannot remember the exact words -- was that in particular wire centers, such as the Keys, if there was a chance that they may miss the objective in the Keys, that the words were, "We take telephone numbers from the telephone books and create trouble reports and close them out."

Q Okay. And who was this individual that was doing that?

A Bill Morrison.

Q And that is M-O-R-R-I-S-O-N?

A Yes.

Q And what was Mr. Morrison's position?

A He was a Pay Grade 3 manager.

Q Pay grade 3 manager. And who did he supervise as a Pay Grade 3 manager? Did he supervise anybody?

A MAs, maintenance administrators.

Q All right. And as a supervisor or as a Pay Grade 3 manager in his position, did his duties call upon him, or the scope of his duties deal with handling customer repair reports?

A Yes.

Q Okay. And you were his supervisor?

A Yes.

Q Can you tell me approximately when this occurred?

A The best I can remember, it was the latter part of October 1990, and I don't remember the specific dates.

Q That's fine, as close as you can get. And, like I said earlier --

A That's the best I can remember.

Q You are certainly free to clarify whatever response, and I would like for you to do so, feel

comfortable doing so.

And who did you report this to?

A I reported it to his supervisor.

Q And that is?

A John Long.

Q Is that Lawrence J. Long, Lawrence John Long, do you know?

A I guess. I just called him John Long.

Q Just called him John Long.

A It may be Lawrence. I don't remember if that was his full name or not. I never referred to him as that, so it might be one in the same. I don't know.

Q Okay. And what was his position?

A Associate manager.

Q Of?

A Systems administration.

Q For which IMC? Was it an IMC at all?

A South Dade.

Q South Dade. Was any audit or operational review made of this incident or around this incident?

A To my knowledge, no.

Q Do you know if any further action was taken, other than your reporting it, of this incident?

A I reported it to my superior.

Q And that was who?

A George Lewis.

Q So, Mr. Lewis was aware of it?

A Yes.

Q Do you know if Mr. Lewis took any further action?

A No, ma'am.

Q Do you know if Mr. Long took any action?

A No, ma'am.

Q Is Mr. Morrison still in his present position?

A He retired.

Q He retired. Did you get the impression that this was a general process in the Keys, that this was the way it was always handled in the Keys?

A I honestly don't know.

Q Okay. Is that the only incident that you can recall of reporting any individual that you supervised to higher management?

A To the best of my recollection, it is.

Q Okay. And I am now referring to any time period before 1990 or through your present time?

A To the best of my recollection, it is.

Q Okay. Do you know if anyone has ever reported you as having made an error, or mistake, or something that they thought might not be quite right?

A There were allegations. I don't know who made them. I don't know when, and I don't know exactly why.

1 Q Okay. And how did you learn of these allegations?

2 A Through coverage by my supervisor that these  
3 allegation had been made.

4 Q

5

6 A Yes, I was.

7 Q

8 A My current superior, John O'Hare and Hilda Gear,  
9 who was the operations manager in personnel.

10 Q Okay. And they were the only two people involved?

11 A Present, other than myself.

12 Q Okay.

13

14 A

15

16 Q Okay. Did they tell you what --

17

18 A I'm sorry. Go ahead.

19 Q

20 A

21

22

Q Is that a central office failure to a test okay?

A Yes.

Q And did you ever do that?

1 A Never.

2 Q Do you know anyone who ever did that?

3 A No, ma'am.

4 Q Do you know why anyone would make that accusation,  
5 that they may have mistaken some other something that you  
6 did for that?

7 A I am generally very clear on my directions, so I  
8 can't imagine why anybody would either not understand or  
9 make the allegation.

10 Q Have you heard of anyone else who may have done  
11 that?

12 A No, ma'am.

13 Q

14 A

15 Q

16 A

17 Q

18 A

19 Q

20 A

21 Q

22 Q Okay.

23 A

24 A Oh, you can correctly assume that.

25 Q

1  
2 A I am not sure how to answer that.  
3 Q  
4  
5 A Right.  
6 Q Okay.  
7  
8 A Yes.  
9 Q And then what did they tell you after that?  
10 A  
11  
12  
13  
14 Q  
15  
16 A  
17  
18  
19  
20

Q And did you meet with Mr. Sanders?

A Yes, I did.

Q And would you tell me what happened in that meeting? And was anybody else present? Was it just you and Mr. Sanders?



1 A It was just Mr. Sanders and myself.

2 Q And will you tell me what happened in that  
3 meeting?

4 A

5

6

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12 Q And what was Mr. Sanders' response?

13 A He was very understanding. He listened, and he  
14 wanted an opportunity to go back and do his investigation  
15 and he would get back with me.

16 Q And did he get back with you?

17 A Uh-huh.

18 Q And what did he tell you when he got back with  
19 you?

20 A

21

22

23

24

25

1  
2 Q  
3 A Yes, ma'am.  
4 Q  
5 A  
6 Q Okay.  
7  
8 A I don't know. It is on record.  
9 Q Okay.  
10 A  
11  
12 Q I can appreciate that.  
13 Ms. Calvert,  
14  
15  
16 A  
17  
18  
19  
20  
21  
22 Q You have been a supervisor in a supervisory  
23 position with Bell for how many years?  
24 A Since 1969.  
25 Q Okay. So, well over 20 -- well, not well over,

but over 20 years you have been a supervisor of other individuals?

A (Witness indicating yes.)

Q And all of that period of time when you have supervised individuals, and you have been called upon to correct them, have you ever not told them what it was they were doing wrong?

A Me?

Q Uh-huh, you personally.

A Not told my subordinates why I was correcting them?

Q Uh-huh.

A I certainly hope not.

Q Why would you want to tell them? What would be the point of telling them what they had done wrong? Now, this may seem very simplistic to you.

A It seems strange.

Q Yes.

A If I don't tell you what you are doing wrong, you are never going to know what you did, and you will never have an opportunity to not do it again. I mean, it is a tool. It is like with your children, you develop them. You tell them why they shouldn't have done something and what the ramifications of it are. It is developmental.

Q Would you consider that part of your

1 responsibility as a supervisor, then, to follow through and  
2 let them know what they had done wrong?

3 A I would say yes.

4 Q All right. Do you know of anyone else who has  
5 been disciplined?

6 A Personal knowledge, no.

7 Q Do you have any other kinds of knowledge about  
8 people who may have been disciplined?

9 A I just know of

10

11

12

13

Q Okay. And who are those individuals?

A

Q Do you have any idea why they were disciplined?

A No, and I don't want to know.

Q Okay.

(Pause)

A I need to clarify something.

Q Okay. As soon as she gets her tape, then we'll  
make sure your clarification is put down on the record.

A You asked me if I knew of any other people that  
had received discipline?

Q Uh-huh, from any source.

A From any source, and I assumed that you meant with  
regard to this issue.

1 Q It could be in regard to any other issue, then, in  
2 recent --

3 MR. ANTHONY: Well, I am going to object to that  
4 question.

5 BY MS. RICHARDSON:

6 Q Let's define issue. Let's define issue, then.

7 A I directed my answer based on the issue that we  
8 are discussing.

9 Q Okay. Are you saying, in terms of issue, this  
10 particular Company internal investigation?

11 A Yes.

12 Q Okay. Let's make it in terms of not what the  
13 Company has necessarily investigated but the issues in this  
14 particular docket, because I don't know what the Company has  
15 investigated. Okay. I know what this docket concerns, and  
16 that concerns customer trouble reporting that has been done  
17 inaccurately or has been falsified, whether deliberately --

18 A So, your question is relevant just to this?

19 Q Yes.

20 A Then the answer is the same.

21 Q Okay.

22 A No, ma'am.

23 Q

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25 ,

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11

A I'm not sure how to answer that.

Q Uh-huh.

A

Q Okay.

A I'm not sure I answered your question.

Q That's fine. Does an employee by the last name of Moran work under you, or do you supervise a Moran?

A Currently?

Q Within the time frame, let's say, of April '90 to the present.

A I think there was a Pat Moran.

Q Okay.

A There was a Pat Moran in the South Dade IMC. I think. It is a long time we are talking, and I have had hundreds of people work for me, so --

Q Yes. Do you recall any incidents with a Pat Moran mishandling or incorrectly processing a customer trouble

report?

A Not at all.

Q Did a person by the last name of Shanaver ever work for you?

A These people didn't report directory to me.

Q Right. They worked for managers who did?

A Correct. Frank Shanaver, I believe.

Q Okay. Do you recall any incidents that may have been questionable in Shanaver's handling of customer trouble reports?

A No, ma'am.

Q Have you ever heard the term "backing up the time" in reference to the times on trouble reports?

A I am not familiar with that term.

Q Okay. Do you know of any procedure that asked maintenance administrators to check with a manager to get disposition and cause codes before they closed out a report?

A I don't know of any particular instances. None that I -- I mean, there is no one individual trouble report that comes to memory at all.

Q Okay. Just as sort of a general procedure in operating an IMC, whether it is correct or incorrect, okay? Do you know of any procedure in the IMCs that you have dealt with where MAs were asked to call a manager before closing out a report to get disposition and cause codes?

A The only way I can respond to that is any employee has been instructed, if in doubt, certainly see your supervisor for clarification.

Q Okay.

A That is a general rule. If you are not sure of what you are doing, and you need clarification, then I would expect them to do that.

Q Okay. How about for any other purposes than just clarification, the sort of a general matter, check with the manager before you close things out?

A No, not that I am aware of.

Q Okay. Have you ever heard of that being done?

A Not that I am aware of.

Q Okay. And you have never done that?

A Certainly not.

Q Do you know what the no access is? Do you know what a no access or a NAS code is?

A I know what it means.

Q Would you, for the record, tell me what it means?

A If you go to a customer's premise, and they are not there, you turn the trouble back to a no access code.

Q And do you know the effect that has on the 24-hour repair clock on a customer trouble report?

A Gosh, I can't remember. I don't know if it stops it or not. I really don't remember.



Q Okay.

A I have been out of it for awhile, so --

Q That's fine.

A And I was only there a short period of time, too, so I don't remember.

Q Okay. Have you ever had any hands-on -- I know you have supervised other people that have done the actual work, but have you ever done hands-on work yourself to learn the process of customer trouble reporting and what goes on with it?

A No.

Q Okay. Have you ever heard of anyone using a no access code to stop the clock on a customer trouble report?

A No, ma'am.

Q Have you ever heard of anyone using a no access code to stop the clock, thinking it was the proper thing to do?

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

Q Do you know whether or not anyone has ever excluded a customer trouble report before it went out of service over 24 hours?

A No, ma'am. I don't know anything about that.

Q Okay. And then I will start it again, because that was half a question. But that's fine, your answer is fine for that part of it.

A I don't know what period.

Q You don't know what period. Do you know what a "commitment time" is?

A Oh, yes.

Q All right. What is a commitment time?

A It is the interval that is set up from the time the customer reports his trouble where the clocks are set for the type of trouble, and that is when we tell the customer we will be at the premise and/or fix your trouble by this particular interval.

Q Okay. Do you know of anyone who has changed that commitment time without talking to a customer?

A Changed the commitment time on a trouble without talking to a customer. I'm trying to think if there would be any reason why we would. No.

Q Okay. Have you ever directed anybody to do so?

A No.

Q And have you ever done so yourself?

A Never.

Q Okay. Are you aware of the rule that out-of-service reports should be repaired within 24 hours, and that the Company must meet 95 percent of those repairs within that 24-hour time frame?

A Yes, ma'am.

Q Okay. And do affecting service problems get

counted in that?

A In that particular?

Q Uh-huh.

A I don't believe so.

Q Is it just out-of-service reports, then, that are counted in that index?

A The one you alluded to earlier?

Q Yes, the 95 percent repair index. Is it just out-of-service reports that go in there?

A To my knowledge on that particular index it is just the out-of-services.

Q Okay. Do you know of anyone who has taken affecting service reports and statused them out-of-service in order to build the base to meet that index, other than the telephone book incident that you mentioned earlier?

A Could you state that again.

Q All right. Do you know of anyone who has taken affecting service reports and statused them out of service to build that base to meet that 95 percent index?

A You mean remove it from service effecting and change it to out-of-service?

Q Uh-huh.

A Absolutely not.

Q Okay. Have ever directed anyone to do that?

A Never.

Q Have you ever done that yourself?

A Absolutely not.

Q Okay. Do you know of any other means that anyone might have used or anyone did use to build that base to meet that 95 percent index?

A Only the one incident that I reported to you.

Q With the telephone book?

A Yes, ma'am.

Q Do you know of anyone who has taken test okay reports -- do you know what a test okay is?

A Uh-huh.

Q -- test okay reports and statused them as out of service in order to meet that repair index?

A No.

Q Do you know of anyone, other than what you have already testified to, who has violated Company procedures for handling customer trouble reports?

A No, ma'am.

Q Do you know of anyone who has made errors in procedures in handling customer trouble reports?

A Administrative, clerical type errors?

Q Let's try that.

A I'm sure that the MA, you know, may have made mistakes, typing errors or whatever, but that would be discovered by their supervisor in a quality review. But I

purposefully or specifically wouldn't have those before me or knowledge of them.

Q Okay. Do you know of any MAS who have unknowingly violated, not just administrative errors, but unknowingly violated Company procedures?

A I have no personal knowledge. But then, again, if they made a human error, it would be uncovered by their supervisor during quality.

Q Okay. And let me ask it one more different way.

A Okay.

Q Do you know of any employees who, by virtue of training or being told to handle reports in a certain manner, then determined that the way they had been directed to handle those reports was improper, but they didn't know it at the time?

A I honestly can't answer that. I don't know.

Q You don't know of any?

A No, I don't.

Q Have you heard of that occurring?

A I haven't. But, I mean, human nature would lend you to think that -- I'm sure the possibility is there, but I don't have any knowledge of it.

Q Okay. Do you know of any employee who has used a dummy or a phony employee code to status trouble reports?

A No, ma'am.

Q How about unassigned codes, unassigned employee codes to status a customer trouble report?

A Can you be more specific?

Q Yes. You are aware of employee codes?

A Right.

Q And every individual has their own employee code?

A Right.

Q And there is a list of employee codes, because there is list of employees and each employee has their own code?

A Uh-huh.

Q For instance, an unassigned code, then, would not have an employee assigned for that particular number?

A So, just a vacant code not assigned?

Q A vacant code, an unassigned number, do you know of anyone who has used that unassigned number for statusing reports?

A No.

Q Have you ever heard of that being done?

A No.

Q And have you ever done that?

A Absolutely not.

Q Have you ever directed anyone to do that?

A Absolutely not.

Q Do you know of anyone who has used somebody else's

employee code to status a report?

A No.

Q Have you ever heard of that being done?

A No, ma'am.

Q Have you ever done that?

A Absolutely not.

Q And have you ever directed anyone to do that?

A Absolutely not.

Q Okay. Are you familiar with certain disposition and cause codes that might exclude an out-of-service report from that 95 percent index?

A The only one that I have any familiarity with would be -- and I believe, and I think it is fourth -- I believe it is the 430 code.

Q Okay.

A Flood.

Q Flood?

A I believe, and that is the only one that I have any familiarity with at all.

Q Let me try one or two more with you. What about customer action and customer malicious damage?

A I don't know what that would be.

Q What about multiple cable failure? Does that ring any bells for you?

A I know the term, but I have no idea what the code

would be.

Q Do you know whether or not a multiple cable failure would be counted or taken out of?

A I think I remember having heard that at one point, but if I had to sit here and answer "yes" or "no," I couldn't.

Q Okay. What about lightning?

A I don't know.

Q Okay. Ms. Calvert, I would like to show you a memo that has your name on it, okay, addressed all IMC managers, and ask if this is familiar to you and if this is, indeed, one of your memos?

A I think I remember writing this.

Q Take all the time you need to refresh your memory.

A No, I think I do. This was like within days of my reporting to the IMC.

Q Okay. And would you also look at that second page and tell me if that second page is the attachment that you refer to?

A This I don't remember. I don't remember seeing this, but, again, this was within days of my getting there, so it was like all new to me.

Q That second page?

A The attachment for T. C. Taylor that I refer to, that is not here.



Q Okay. That is not there?

A No.

Q Okay. That is what I needed to make sure of.

A No.

Q All right. Well, would you identify this memo in terms of date and time for the record?

A All I can say is this appears to be my signature. And to the best of my knowledge, I remember that -- the part that I remember, and only the part that I remember from this is the Sunday and holiday, because there seemed to be some confusion in the turf with regard to holiday. And I hadn't been in the center but a matter of days, and I didn't know the answer. So, I had to go to the staff, which was T. C. Taylor, to get the clarification. And all I was doing was passing on the information that had been provided to me from the staff with this cover letter. So, I mean, I think I had been on the job -- I can't even tell you how many days.

Q And that was May 30th of 1990?

A Yes. I hadn't been there but maybe ten days.

Q Okay.

A It was a question that was asked of me from the field, and I did not know the answer. So, I had to go to the staff to get the answer, and that is just an echo of what they told me.

Q Okay. And Mr. Taylor was the attached letter, and that is not here. And the second attachment, which specifies the only disposition and cause codes that can be used for exclusion from the PSC results. Do you know whether that was the second page that you saw?

A I honestly can't remember. If I got that, I would have gotten it from the staff.

Q Okay. And so you were just a pass-along-function?

A I was just the funnel.

Q Okay. But I guess to make the record clear, that second attachment, if it had been attached, did that address what you were talking about here about the disposition and cause codes?

A I will have to read it again, because --

Q The last sentence, and then look at it.

(Discussion off the record.)

BY MS. RICHARDSON:

Q Mr. Greer has provided me with another copy that is identical, but does have something from Mr. Taylor attached, so would that help?

A Are we saying -- I assume this is me. It is misspelled, but -- this was supposedly on the original document?

Q You mean the handwritten comments on Mr. Taylor's letter, is that what you are asking?

A I guess. It has got "additionally." I don't know if it is me or not, but it is misspelled. A lot of people leave the "E" off of my name.

Q Okay. So, there is a "C-H-E-R-I" handwritten in the middle of Mr. Taylor's letter is what you are saying?

A Yes.

Q That is how we received it from the Company, so I don't know if that is how Mr. Taylor originally did it, or if this is someone else's --

MR. ANTHONY: Actually that is how the Commission got it from the Company, as I understand it.

BY MS. RICHARDSON:

Q That is how Mr. Greer received it, the Public Service Commission received it from the Company.

A I can't honestly say that this is what I received. I don't remember. I don't know why it would have my name in the middle of it. Who knows?

Q But after looking at that document, no further memory comes back to you about exclude codes, disposition codes, that are excluded from PSC results?

A Other than what I told you earlier, that I was asked a question and didn't know the answer and went to the staff and Melanie Davis was -- Melanie and Ray Kummer were on the staff, and they were my points of contact. So, that is where I would have gotten this from.

Q Thank you. I appreciate that.

All right. So, the only code that you are aware of that excludes a report from the out-of-service base was the 430 flood code?

A The one that I had the most knowledge of was the 430, and that is only because of the torrential rainstorms that we had.

Q Okay. I would like to show you another memo that has your name on it, as being from you, dated October 1990, and ask you if that is what you are referring to in terms of the 430 cause code?

A Yes. There is no attachment, right?

Q No, not to that one that I have.

A Mine didn't have an attachment, either.

Q And the gist of your directions in this memo, would you explain that to me, then?

MR. ANTHONY: Are we going to put this in the record as an exhibit?

MS. RICHARDSON: I can if you have a copy of it.

MR. ANTHONY: I'm sure we can make copies.

MS. RICHARDSON: All right. That would be fine. Do you need to make them --

MR. ANTHONY: If you are going to be asking her questions about it, we might as well have the documents.

MS. RICHARDSON: Can Phil perhaps do that now while --

MR. ANTHONY: Why don't we do it now, and we can get the copies made at the end.

MS. RICHARDSON: At the end? That's fine with me, if it's fine with you.

MR. ANTHONY: It's all right with me.

MS. RICHARDSON: All right. We will have an Exhibit 1, which will be a memo from Cherie Calvert on the use of the 430 cause code dated October 1990.

(Off the record discussion)

(Deposition Exhibit 1 marked for identification.)

BY MS. RICHARDSON:

Q I am going to let you look at this, and then explain to me the gist of your directions in that memo?

A Well, do you want me to start with what initiated this?

Q Please, that would be helpful.

A I received a call from April Ivy, who was the IMC staff manager. And she had received printouts from whatever this time period is, October 10th through the 17th. And it appeared, based on her conversation with me, that there had been an abundance of trouble reports that had the 430 cause code on it. And these were cause codes placed on these trouble reports by the SPs in the field that reported to

these three people.

Q That is Mr. Mills, Ms. Perry and Mr. Phillips?

A That's correct. And what she told me she wanted me to do was -- she was going to mail these to me. She wanted me to get in touch with these three people to let them know the printouts were coming, that they needed, these three managers needed to look at these and do some investigation, because it appeared that maybe some of the codes were, you know, misused. So, I said fine, and she sent them to me. And, again, I was the voice box, because, as the IMC manager, you are the funnel. They give it to you, you put it together, you've got the responsibility of giving it out, and that is what I did. And I just did a cover letter to put it on top.

And what she wanted to do was to hold a conference call with Herb and these three and myself to discuss this. I could never get the conference call together; I couldn't get all the parties together at the same time. If my memory serves me right, Shirley had been sick. Chris was down in the Keys, and that left Ralph. So, I took what she gave me, this paragraph here, where it says, "We verified the PSC rule," there seemed to be misunderstanding in the field, not on my part but on their part. Everybody had their own idea of what this was all about. So, I said, "Once and for all, somebody tell me what it is." And I got this from April and

Ray Kummer, put that in there, and attached it to the printout, and said, "They are on my desk in a brown envelope, pick them up." And I can't remember how I got Chris' to him, since he was in the Keys. I can't remember if I mailed his, or if he was in town for a meeting, or whatever. I honestly can't remember. Ralph picked his up. Shirley had been ill and never came to get hers. And I don't remember if I took it to her office or if someone else picked it up. I honestly can't remember. But all I know is, is that all three of them got them differently, different times.

And I called April to tell them I couldn't get these people together for the conference call, and she needed to speak to them direct. So, what I told each of them to do -- and Shirley, when she got back from being ill, I told her it was there, what she needed to do, was each of them to contact April direct and find out what it was all about, and what she wanted them to do. And I was out of it.

Q Did you hear of any further action having been taken?

A No, ma'am, nor did I keep a copy because all of these trouble reports had been closed out by station techs, and they report to those people. So, I really wasn't involved in any portion of that. I don't know how many of them each of them had in their printout or anything like

that.

Q Okay. Have you, or do you have any knowledge of any other similar incidents to this where flags may have been raised by statistical reports that there may have been a problem with misusing codes or handling trouble reports?

A Gosh, to my memory, I don't think so, no.

Q Okay. And that means that you don't recall any further activity from Ms. Ivy or anyone above you passing through information from you to your employees that you supervise, to your managers, other than this 430 incident?

A Can you be more specific?

Q Do you know of any other misunderstanding by employees on the effect of any other use of codes?

A Not that I can recall.

Q Okay. Do you know of any other means in any way whatever of excluding a report from the 24-hour day?

A I don't know what they would be.

Q Okay. Do you know of anyone who has falsified a customer record at any point in time?

A Only what I reported to you earlier.

Q Okay. Have you ever heard of anyone falsifying a customer record, other than what you have already testified to?

A No, ma'am.

Q Have you, yourself, ever falsified a customer



record?

A Never.

Q Have you ever directed anyone to falsify a customer record?

A Never.

Q When your group that you were responsible for missed that 95 percent repair index, what action did you take?

A What had to be done on the individual trouble reports that were missed?

Q Uh-huh.

A They had to be investigated by the group that missed it and provide a written explanation as to why. And then I would take that written explanation and turn around and provide it to the IMC Staff to be given to Jerome Alexander who, at the time, worked for Mr. Crittenden.

Q Okay. And was this a source of stress or pressure on employees to meet the report, in your opinion?

A I can't answer for anyone other than myself.

Q Was it for you?

A No. I did the best I could, and if I didn't make it, I told them why.

Q Okay. In terms of managing and keeping track of the progress that was being made toward meeting that 95 percent record, did you use any specific charts or graphs or

memorandums or any aids to help the people you supervise know and be aware of on a daily or weekly basis where they stood in relation to that index?

A Well, there were reports that, you know, upon my arrival that were already being used, extracts from the MTAS, the mechanized tracking analysis system, I believe it is called. And there were reports that were extracted from that by one of the clerks, and that was submitted to the operations manager and all of the Pay Grade 5s. But it was a report that existed when I got there.

Q Okay. I want to show you a copy of a report, and see if this looks familiar to you as one that you may have used that you are referring to?

A This was like a second page to one of the reports that they were using.

Q And what was on the first page?

A Let me think. It had each of the four turfs on the left-hand margin. I think it was four at the time. Each of the four turfs was on the left-hand margin. And then -- and it was in the turfs, specifically for ours, they had it broken down by, like West Miami or the Keys, or however they were measured. Because I think it was broken down by exchange, if my memory serves me right. And then across the top, and I don't know if this is exactly correct, missed appointments, out of services 24, service affecting,

percent repeats, and special services.

Q Okay.

A I think. I think. And this was the second page of that report.

Q Okay. And this report shows the managers what, helps them keep track of what?

A Well, this -- just this page?

Q Uh-huh, just this page.

A As was explained to me, because I had to have them explain it to me because I didn't understand it, this is where you stood on each of the exchanges based on the number of out-of-service troubles you took in that exchange, and how many you missed of the troubles you took, and then where you were towards that 95 percent.

Q Okay. And then that bottom column that runs across the page, where it says, "Additional number required"?

A As was explained to me, this bottom line let you know if you were meeting the objective. Like this marginal, you were like a 95.6, but close to your borderline. The bottom line is a borderline, okay? And if a number should appear, that is how many -- let me think. Because I didn't use that. It didn't mean anything to me, but this was all in place when I got there. How many more that you needed to meet the objective, I think.

Q Okay. How many more out-of-services they would have to deal with in order to meet the 95 percent objective?

A I believe it was explained to me that way.

Q Okay. Do you know of anyone using this report as a way of building the out-of-service base to meet the 95 percent objective?

A I don't have personal knowledge of that.

Q Okay. Do you know any secondary or hearsay knowledge or knowledge from any other source?

A I never heard anybody say they used it for that, no.

Q Did you ever hear of anyone saying someone else used it for that purpose?

A No.

Q And did you, yourself, ever use it for that purpose?

A No.

Q And did you ever direct anyone else to use it for that purpose?

A Never, never, never, never, never.

Q Okay. And then I want to show you just one more in terms of the same type of report, but this one is dated October 8th, 1990, and it has some handwritten comments on it. Can you identify who wrote those handwritten comments?

A Okay. The note that has my name, and it says, "We

can't miss these," is a handwritten note by George Lewis. The left-hand margin note where it says, "Copy to all outside Pay Grade 5s," I don't know who wrote that. And the check mark and the date generally meant the clerk that was following the instruction of who to xerox what to, just checkmarked it. She did it in her initials, but I don't remember -- I don't know who that is.

Q Okay. How did you interpret Mr. Lewis' comment that, "We can't miss these"?

A I just took it as you have just got to manage the best you can and try to get all the troubles that come in and not miss anymore.

Q Okay.

A Do the best you can with what you have got and hope you make it.

Q Okay. We're getting close to the end, I promise you.

Ms. Calvert, did an Earl Merglsburg, M-E-R-G-L-S-B-U-R-G, is the spelling I have, ever work for you?

A No, ma'am.

Q So, you never supervised him?

A No.

Q Did a Bertha Brooks ever work under your supervision.

A Bertha Brooks. Not that I knew her by Bertha Brooks.

Q Okay.

A It doesn't mean that -- I once had a Brooks, but the Bertha Brooks doesn't ring a bell.

Q Okay. What about a Wanda Brent, B-R-E-N-T?

A Let me see. Wanda, I don't think ever really reported to me.

Q Did she report to any managers who did report to you?

A No.

Q How about a Manny Carreno?

A No.

Q And Joe Lesko, did he ever report to you?

A No, we worked as peers.

Q I'm sorry?

A We worked as peers.

Q As peers. Did that include Manny and Joe Lesko, or just Joe Lesko, as a peer?

A Well, Manny, as long as we are each Pay Grade 5s, is a peer. Now, where that happened, I don't remember.

Q Okay. Did you ever work together in the same location?

A That takes some thought. I don't think so.

Q You don't think so. And would that be the same

for Joe Lesko?

A Yes.

Q Do you have any knowledge of whether or not these people have been involved in mishandling customer trouble reports?

A No, ma'am.

Q Have you heard anything about whether or not these people have ever been involved in mishandling customer trouble reports?

A Well, the only thing I know was Joe was dismissed, but I don't know what -- I don't know what it was about. I mean, I don't know, didn't want to know, still don't want to know.

MS. RICHARDSON: Okay. Ms. Calvert, you have been very patient with me and very forthright. And I want to tell you that I very much appreciate that, and I thank you very much for being here today and for rescheduling while I was in Miami. I appreciate that. I am through with my questions for you now, but the PSC staff may have a couple, okay?

CROSS EXAMINATION

BY MR. VINSON:

Q Ms. Calvert, during your time as the IMC manager at South Dade, were any operational reviews conducted by the network staff?

A Yes.

Q Do you recall when those were?

A Right off the top of my head, gosh, there were quite a few, but I don't remember the exact dates. I know that my first official day on the job -- it wasn't even my first official day on the job. I hadn't even reported there yet, but I had been invited to a feedback session for one that had just taken place. And this was in the transition of my leaving my old job before I got into the new job. And they wanted me to hear the outcome of the findings. So, that would have been, again, this is the April/May time frame. But my official release date was, and my actual reporting date, they are never the same. So, somewhere in that time frame. Gosh, I think maybe August we had one.

Q What do you recall about the results that were reported in that August meeting?

A Gosh, it is hard for me to remember. I was in the learning mode. I had never had an IMC before. I mean, I didn't know what I was getting myself into, I was in a learning mode. So, a lot of the things maybe they reported or found at the time may not have stuck with me for my lack of knowledge of what they meant. I think I remember us stating that we maybe had a grass roots level training issue that needed to be addressed. But as far as specifics go on the review packages, you know, we would have to look at



those. I honestly could not sit here and quote them to you.

Q What were your responsibilities as the IMC manager after one of these reviews was conducted and problems were reported?

A To have staff meetings with the managers in the center. We all discussed the findings, everybody assumed their responsibilities for the good, the bad and the ugly of the review and had a plan or mode of action to, you know, fix or train or do whatever it took to, you know, improve the results, and that included training or whatever.

Q After one of these reviews, you mentioned people taking responsibility for errors. Would you attempt to identify the specific people who made the errors?

A If that information was available from the review package. I mean, if they had specific trouble reports that they had alluded to in the package, that information was available to us.

Q Were you required to make a report to any of your superiors regarding what you did in response to --

A The progress, yes.

Q Would you please describe that process?

A Well, based on the managers assuming their role, what they would do, is we would have like a progression of dates. You know, what were the findings; what did we think needed to be done to fix the finding, if it was a negative

finding; what time frame do we expect to have that element fixed, and give that feedback up the line to Mr. Lewis, and we did that.

Q Just one final question. Were follow-up reviews by the Staff organization ever conducted? In other words, if a review was conducted in one month, was another review scheduled in the next few months as a follow-up?

A I'm trying to think what the interval was. We probably wouldn't have had another official review before three months. And I can't quote that. I don't remember.

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

#### CROSS EXAMINATION

BY MR. GREER:

Q Ms. Calvert, I have a couple. Let's go back to that October '90 memo on the 430 cause code. I believe you said that you received that information from Ms. Ivy?

A Right.

Q About an exclude and that type of stuff?

A The printouts.

Q Yes. Do you consider the information in that memo as that of Southern Bell guidelines for handling 430 cause codes?

A I guess I need you to clarify your question.

MS. RICHARDSON: That is the one he is referring to, in case you want to refer to it again.

THE WITNESS: You mean the third paragraph?

BY MR. GREER:

Q The second and third paragraph.

MS. RICHARDSON: And that is Exhibit 1 for the record.

THE WITNESS: Could you repeat your question, and I will answer paragraph by paragraph.

BY MR. GREER:

Q Okay. Do you consider the second paragraph to be the guidelines, Southern Bell guidelines, for handling 430 cause codes when they are less than 24 hours old?

A All that statement is alluding to is that you have attached a printout of X number of trouble reports that the 430 code had been appended to by the station technicians. And it is just telling the managers that there are applicable uses for that code, and that it should be monitored, and to monitor them closely to ensure that they are not abused or improperly used.

Q Now go to the third paragraph?

A Okay.

Q Are those Southern Bell guidelines for handling the 430 cause code?

A Hang on. Okay. My memory is it was not clear to the managers that I spoke with, because everybody had a different interpretation. And I didn't know what happened

to the particular trouble report with regard to the PSC rule when the 430 code was invoked, okay. So, this is where I got this clarification from Ray. And I had called April, and she got Ray on the line to make sure that the language that was put here was proper and not misleading. So, I don't know if it is Southern Bell's, or the interpretation of my staff of a Southern Bell rule. I mean, I am hesitant to say, "Yes, Southern Bell said this is it and this is the way it goes."

MR. ANTHONY: If you don't know the answer to the question, it is perfectly all right to say you don't know.

THE WITNESS: I don't know if it is a Southern Bell directive.

BY MR. GREER:

Q In your opinion, does Paragraph 3 pad the base for out-of-service over 24 hours? I mean, does it do that?

A In my opinion the whole purpose of that paragraph was to ensure that that didn't happen.

Q But isn't it true that that paragraph says that if it is less than 24 hours it will be counted in the base. If it is over 24 hours it will be excluded from the base?

A Hang on. I think what it means is that the 430 code, because of it being a flood code, is excluded; whether you made it or not, not to use it to exclude it.

Q Can you say that again, please?

A I couldn't if my life depended on it.

(Answer read by reporter.)

Q Let's take the first sentence. It says, "We have verified that the PSC rule for OOS, over 24-hour (base) will include any troubles that were cleared within the objective." Does that mean that all OOS or over 24 hours is going to be included in the base?

A That is as I understood it.

Q Despite the use of the code, and we are talking about the cause code?

A Uh-huh.

Q So, that means anything over 24 hours is going to be included in the base, despite the use of the code, no matter what code you use. However, if the interval is missed and the code is applicable, the miss will be excluded from the rule and from the base?

A That is what I was told.

Q So, to me, what that says is if it is over 24 hours and you miss your 24-hour objective, then the exclude, the 430 exclude code, would not be included if you went over 24 hours. And that is not your interpretation of it, of what this paragraph says?

A If you knew how confusing this was at the time, it is even more so now. To the best of my recollection, and

that is all I can give you, is as it was explained to me, that when the 430 code was invoked and it was applicable, that it was not included as a miss towards the rule.

Q Whether under or over 24 hours, it made no difference?

A I am not clear on that.

MR. GREER: That's fine. I'm through.

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

(The deposition was concluded at 5:30 p.m.)

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )


COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 63 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.

WITNESS MY HAND AND SEAL this 1<sup>st</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

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

COPY

DEPOSITION OF:

RAYMOND KUMMER

TAKEN AT THE INSTANCE OF:

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

DATE:

Monday, July 27, 1992

TIME:

Commenced at 9:40 a.m.  
Concluded at 10:35 a.m.

LOCATION:

666 N. W. 79th Avenue  
Room 642  
Miami, Florida

REPORTED BY:

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

ACCURATE STENOGRAPH REPORTERS, INC.  
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**ALSO PRESENT:**

STAN GREER, PSC Commission Staff  
CARL VINSON, PSC Commission Staff

\* \* \* \* \*

I N D E X

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S T I P U L A T I O N S

The following deposition of RAYMOND KUMMER was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

RAYMOND KUMMER

was called as a witness, and having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. RICHARDSON:

Q Just as a point of defining some things before we get started, Mr. Kummer, so that you and I can have an agreement on the use of certain terms. Okay?

A Yes, ma'am.

Q For instance, if you use "I don't know," I want to define "I don't know" as being something that you have neither personal direct knowledge of nor any secondhand knowledge from whatever source. Okay? So, an absolute

mental blank is what "I don't know" means. So, you really don't know when you say, "I don't know." Are we okay with that?

A Sure, yes.

Q All right. And sort of the same terms for "I can't recall," or "I don't remember," have absolutely no immediate recall, no past recall, no little lingering thoughts out here floating around, no speculations, where you might put events or things that happened, and then through your own mind might relate that to something that I am saying. That to me is part of memory and part of recall. Okay? So, "I don't recall," or "I don't remember," means none of those things are going on with you mentally. Is that clear?

A That's clear.

MR. ANTHONY: Sue, before you get into your questioning, just a couple of preliminary matters. Again, we will have the same four basic stipulations and that we have already discussed that apply to the others. And, Kirk, I guess the only ones that are of interest to you is the fact that we are not going to waive reading and signing, and go off the record with the witness' consent, and that we will save any objections until the time that the transcript may be used in the hearing.

MS. RICHARDSON: And subject to proper notice.

MR. ANTHONY: And subject to proper notice. I was going to skip that one. But more importantly, now, for our purposes, I am going to make the same statement that I made in the first deposition, which is, Mr. Kummer, that if you should get any questions that seek information that you have knowledge about on the basis of the privileged investigation that Southern Bell has performed in this matter, and you may not have any, then I am going to instruct you not to answer the question. To the extent that you have knowledge that is derived from other than that investigation, then, of course, you are free to answer it, and I expect that you will do so honestly and fully.

MS. RICHARDSON: Okay.

BY MS. RICHARDSON:

Q Would you please state your name and address for the record?

A Yes. My name is Raymond Kummer, and my address is 5158 Northwest 58th Terrace, Coral Springs.

Q Okay. And what is your present position with BellSouth?

A With BellSouth, I am Systems Administrator in the North Dade Installation Maintenance Center.

Q Okay. And who is your immediate supervisor?

A Carlos Quintero.

Q And what is his title? Is he an operations manager or --

A No, ma'am. He is IMC Manager.

Q He is an IMC Manager. And what is your present title?

A Systems Administrator.

Q Systems Administrator. And Quintero is an IMC Manager. And who is above him?

A The Operation Manager, Ralph De La Vego.

Q Okay. And would you please tell me how long you have held this particular position?

A I have been Systems Administrator since May of '91.

Q And why were you placed in this position in May of '91?

A I was running the North Dade Installation Maintenance Center at the time for seven months, and my general manager said to me, after the seven months, that there was no promotions; that either I could be System Administrator or go back to staff.

Q And why was this action taken?

A She felt that I was -- she told me that she thought I was unhappy with doing the job after seven months. And also, that although I was put up for promotion for the

job, she said there was no promotions at the time; and, therefore, I would have to stay at the same level.

Q All right. So, what were you doing prior to Systems Administrator?

A I ran the North Dade Installation Maintenance Center. I was the manager or, I would say, relieving manager for seven months.

Q Relieving manager, is that a first level, second level?

A No, it is a Pay Grade 5, although I am a Pay Grade 4. I ran it as a Pay Grade 4. It is a Pay Grade 5 level. I was taken off of staff in November of '90 to run that center.

Q And what did you do in November of '90?

A What did I do in November of '90?

Q Yes. What was your position in November of '90?

A I was an Associate Manager on the Installation Maintenance Center staff.

Q And what pay grade level was that?

A Four.

Q Four still. And what did you do prior to that?

A I was an Assistant Manager in the North Dade Maintenance Center.

Q And is that considered a first level, second level?

A First level.

Q First level. And how long have you been with the Company?

A With BellSouth?

Q With BellSouth or Southern Bell, BellSouth, either one?

A March 13th of '79.

Q Since 1979?

A Yes.

Q And when you started with the Company, what was your entry position, do you remember?

A Yes, I was a deskman, craft.

Q And what does a craft deskman do?

A He tests customers' lines to determine what is wrong with them.

Q Okay. And --

A What the Maintenance Administrator does today.

Q All right. So, that particular position deals with customer trouble reporting?

A Yes.

Q And the clearing and closing of customer trouble reports?

A Yes.

Q Does that position, or any of the positions that you have held with the Company since then, deal with



knowledge about the PSC repair and rebate rules? Are you familiar with those?

A Yes, I am.

Q All right. And it is my understanding, if it is your understanding that an out-of-service trouble, if it goes out of service over 24 hours, is counted against the Company; is that accurate or not?

A Yes.

Q Okay. Is that customer entitled to a rebate at that point?

A Yes.

Q All right. Are you familiar with the disposition and cause codes used on customer trouble reports?

A Yes, I am familiar with those.

Q Do you know what it means to exclude a customer trouble report?

A Yes.

Q What happens when you exclude one?

A Yes.

Q All right. What does happen?

A It is discounted.

Q Against?

A The report is discounted.

Q For the PSC repair index, is that what you mean?

A Not necessarily for PSC, although it would exclude

it from that. It would exclude it, also, as if it has not been taken, as if the report has not been taken. There are certain reasons to exclude reports, and they are spelled out clearly in the BellSouth practice.

Q Why weren't you happy with your other position?

A I was very happy with it. I was glad to be running that center. It was closer to home for me, and I was very happy with running it, as matter of fact. It was something I always wanted to do was to run an installation maintenance center.

Q And did you share those feelings with your supervisor when she mentioned you were unhappy?

A Yes, ma'am. As a matter of fact, my supervisor who was the operation manager at the time, asked that I be -- stay on for six more months.

Q And who is that?

A That was Jack Sellers.

Q Jack Sellers?

A Yes. He asked that I stay on for six more months, but that did not occur.

Q Okay. And when you say "she," I remember --

A The General Manager, Linda Isenhour.

Q Linda Isenhour, her name has not come out yet.

A Yes. See, I had to run that center. They had terminated that manager in that center.

Q Do you know why?

A Yes, I do. I was in on the -- I was part of the review.

Q Who was it they terminated?

A Lesko.

Q Is that Joseph Lesko?

A Joseph Lesko.

Q And do you know why he was terminated?

A Yes.

Q And would you please explain?

A Although I didn't do that portion of the review, I was on the feedback. He was terminated for classifying "test okays" as out-of-service.

Q All right. Do you know if any other instances of any individuals who work for the Company who have also classified out-of-service reports as "test okay"?

A Yes, I do.

Q That have falsified?

A I don't know if it was falsified. I was on a review team, although I didn't do that specific part of the review, I was on that review team that in another instance saw "test okays" being stroked out-of-service?

Q Okay.

A And, although I didn't do that portion of the review, I did a review on autoscreen rules and cable

control. I sent back that portion of the review because the person that did that portion of the review, ma'am, was on vacation at the time of the feedback. So, I was told by my supervisor to feed it back, and that is why I have direct knowledge of other "test okays" being shown out of service.

Q In your experience, or even in your opinion, was that something that was usually done?

A No.

Q Okay. So --

A In my opinion -- was it usually done as a --

Q As a way of managing the out-of-service base?

A No, I wouldn't say you would close it -- if a customer reported a line, and it tests okay, that you would show it on close out as a test okay, no. I mean you would show it on close out as an out-of-service, because the out-of-service indicator is -- the out-of-service statusing is an indicator of the type of quality service that BellSouth is providing.

Q Okay.

A So, in my opinion, if someone reported "no dial tone," and it came in and tested okay, it wasn't proven out-of-service; therefore, it would not be shown out-of-service on close out.

Q Who was the person who went on vacation?

A Melanie Davis.

Q Melanie Davis. Did this occur, then, the review occur? Was she a supervisor at that point, and this occurred under her supervision?

A No, she was the staff reviewer.

Q She was the staff reviewer?

A Yes, and I was on the Staff at the time as part of the review team.

Q Did you find any other improper uses of --

A Well, let me clarify one thing. I didn't find those; she did.

Q Okay. She did.

A Yes. I was told to feed it back.

Q And how did you do that?

A I read from her findings.

Q To whom?

A I read it to the people that were in the maintenance center at the time, to the operation manager that was there, to all the people that are involved, normally, in a review, that are on the review team.

Q And can you name any of those people?

A I can name those people.

Q Would you please do that for me?

A Well, there was myself, and there was April Ivy on the IMC staff; Melanie Davis, who was on the IMC staff. I think Cathy Rodriguez was there on the IMC Staff. We were

feeding back to the IMC managers at the time, who were in the room. Cherie Calvert was in the room, our Operation Manager, George Lewis, was in the room. The IMC managers who normally would be in that feedback. I believe Prudence Taylor and Tina Haney, and General Manager, Linda Isenhour, I believe, was there.

Q And, again, I'm sorry, what time frame was this?

A I believe it was 1990.

Q Do you remember what month, or approximately, was it spring, summer, fall? Do you have a feel for --

A I don't remember.

Q But it was in the 1990 time frame?

A It was the 1990 time frame, I believe, yes.

Q And am I correct in processing what you told me that Mr. Lesko was terminated because of this?

A No, this was a different --

Q This was a different review?

A It was a different review. Lesko was in north Dade.

Q All right. Was any other disciplinary action, or was any disciplinary action taken as a result of this particular review?

A I have no idea.

Q You have no idea?

A No. I was only asked to provide the histories on

those that were test okay/out-of-service. The operation manager asked me to provide those.

Q Okay. You said that you were familiar with autoscreen, and that you had done some reviews of using autoscreen rules; is that accurate?

A Yes.

Q Are you familiar with anyone misusing autoscreen rules at any point in time from 1979 forward?

A As far as misusing, no, I don't believe so. On one review in the Miami Metro Test Center I know that I specifically did, because I did it myself. They had one rule that was not being stroked out-of-service that, according to the practice, should have been, but I don't believe it was misuse. It might have been an oversight.

Q Are you familiar with anyone using the wet rules to stroke affecting service reports as out-of-service in order to build the base to meet the 95 percent index?

A No.

Q Are you familiar with anyone using the wet rules or any other autoscreening rules to avoid stroking an out-of-service that should have been stroked out-of-service on the front end of the report?

A I don't have direct knowledge; all I have is hearsay information.

Q Please, will you tell me what hearsay you have?

A Well, the information, I was asked if -- as a matter of fact, in one of the questionings that I went through with BellSouth --

MR. ANTHONY: Let me just instruct the witness not to discuss what happened during those meetings.

THE WITNESS: Oh, okay.

MR. ANTHONY: If you can answer the question independent of the context of those interviews, you are free to do so. But I am going to instruct you not to discuss what was discussed in those interviews.

BY MS. RICHARDSON:

Q Okay. Then would you please make some response, either that Mr. Anthony is telling you not to respond, or you have absolutely no information outside of those interviews, or where did your hearsay come from?

A I heard hearsay come from a lunch that I had with my former supervisor and my boss.

Q And that is who?

A Who?

Q Yes. The former supervisor, was that Ms. Isenhour still?

A No, it was my former supervisor in North Dade. It was Manny Carreno and my present supervisor, Carlos Quintero.

Q And that was a lunch meeting during, or not



during, this investigation? Was it adjunct to the investigation?

A No, it was not during this investigation.

Q Okay. And the information that they discussed with you, did they tell you that it was resulting from any particular investigation, or was it just conversation, lunchtime conversation?

A It was resulting from the investigation, the internal investigation.

Q Okay. Was there anyone else present besides you and the other two gentlemen?

A No, there wasn't.

Q How did this lunch meeting happen to occur? Did you get --

A We normally go to lunch.

Q Okay.

A We normally go to lunch together. I had been asked if I had changed autoscreen rules on any occasion in the internal --

MR. ANTHONY: You can't discuss the internal investigation. You can talk about things outside of that, but you can't discuss anything on the internal.  
BY MS. RICHARDSON:

Q All right. Outside of the investigation, or that particular conversation, are you aware of anyone changing

autoscreen rules? Do you have any knowledge of that outside --

A You are saying direct or indirect knowledge?

Q Direct or indirect, outside of that particular lunchtime.

A Seeing someone do it?

Q Seeing someone do it or hearing about someone doing it.

A Hearing someone doing it, yes.

Q Outside of this particular conversation that you have had at lunch with Mr. Quintero --

A Outside of that?

Q -- and Mr. Manny Carreno. Yes, outside of that particular lunchtime.

A No, no, that is when I heard it.

Q That is the only time?

A Right.

Q Okay. So, it sounds like it is belaboring, but it isn't; it's for the record, Mr. Kummer. I appreciate your patience on this.

A That's fine.

Q So, you will not be answering my question because Mr. Anthony has directed you not to answer based upon the knowledge on the internal investigation, yes or no?

A Yes.

Q Thank you. Okay. Do you have any knowledge, personal, direct or hearsay, secondhand, of any individual, any employee backing up repair times in order to meet the out-of-service index requirement?

A No, I do not.

Q Do you have any knowledge of any individual clearing a customer trouble report to an earlier time in order to meet an out-of-service repair index?

A No, I do not.

Q Okay. Do you have any knowledge, experience or have heard of any maintenance administrator, any program in an IMC where the service techs, or even a maintenance administrator, is told to call a manager in the back room before closing out a trouble report that is in danger of being out-of-service over 24 hours?

A Yes.

Q Okay. Would you please tell us about that?

A Well, there were occasions in the maintenance center where we would ask the MAS to, if there was any that were going over 24 hours, to specifically ask when the clearing time was. And that was the purpose of management intervention, to find out exactly when the clearing time was and to show that clearing time.

Q Okay.

A But not to back up, in your words, a report to

meet the out-of-service index, no, but to show the clearing time, the specific clearing time, and to emphasize that with the person that is closing it out.

Q If the actual clearing time was, say, maybe five minutes over the 24-hour time --

A Uh-huh.

Q -- would it be cleared out at 24 hours?

A No. I wouldn't -- I specifically would not direct anyone to do that.

Q Do you know --

A I would want to show the exact clearing time.

Q Do you know of anyone who has?

A No, I do not.

Q Have you ever heard of that being done?

A Have I heard of it being done?

Q Uh-huh.

A As rumor, yes.

Q Okay. And do -- as rumor?

A As rumored.

Q As rumored, do you know who was involved in the rumor?

A No, I do not.

Q Do you know where this action was taking place?

A No, I do not.

Q But it is just sort of general information that

floats around that this has been done?

A General information?

Q Uh-huh. I use general information in terms of rumor.

A Rumor, innuendo, but not -- I don't think general information. I know specifically, myself, wanting clearing times to be emphasized for the purpose of showing the exact clearing time that a trouble report was cleared.

Q Okay.

A But as far as the other questions that you asked, no.

Q Okay. Are you familiar with anyone using the no-access code to prevent missing a commitment time?

A No.

Q Do you know of anyone who may have used, or any employee who may have used a no-access code to stop the clock?

A No, I do not.

Q Are you familiar with any employee who may be excluding out-of-service reports that are in danger of going out-of-service over 24 hours, and they just exclude them to prevent that and then open up a new report in order to run a new clock or a new time on that report?

A Excluding it?

Q Uh-huh.

A No. Well, let me put it to you this way. I have been accused of that, and I have never done it. I had someone bring it up in a staff meeting about two months ago, that someone said that I closed out reports and made employee reports. And I can tell you emphatically and without a doubt that it is a lie. I never did that.

Do I know of anyone else that did it, was the question?

Q Uh-huh.

A No, I do not have any direct or indirect knowledge of seeing someone or hearing someone doing that.

Q When you were accused of doing that, was --

A I was accused of it, yes. Right.

Q Okay. Was there any persons named who said that you had done that, or given you -- were you given any circumstances, factual or otherwise, times, dates, et cetera, to back up the accusation?

A No, I was told in a staff meeting. I was in a staff meeting with other managers about two months ago. It had nothing to do with this. I was in there with my operation manager. I was in there with my immediate supervisor, when the supervisor brought that up, which I considered harassment. I was just taken aback by it. I mean, I was shocked because I knew it was untrue, and to say something like that in front of my boss, it puts a sting on

you for no reason.

Q Do you feel that may be in part why you are in your present position with the Company?

A No. I was told it wasn't. I can only guess why I am in the present position. I was told it had nothing to do with the investigation.

Q Okay. Why do you think -- why do you feel that you are in your present position? You said you could guess. I would be interested in hearing that.

A Could I show her something?

Q Yes, as far as I'm concerned.

THE WITNESS: As far as the history on my home phone number, Mr. Anthony.

MR. ANTHONY: Let me see what it is.

THE WITNESS: Okay. I thought I had with it me.

BY MS. RICHARDSON:

Q Well, while Hank is looking at that, if I can continue, do you know of any instances where someone has reported an extension of a commitment time without contacting the customer?

A No, I do not know.

Q Do you know of statusing affecting service, and I think we have touched on this earlier, affecting service as out-of-service in order to build a base, the out-of-service base, to meet the 95 percent index?

A Yes, I told you the instances where I thought that was the case.

Q Okay.

A But let me make something clear here. Again, it was only as an observer, and it is my opinion. I did not do those reviews directly, although I was on the review team. Like I told the operation manager in South Dade when I fed it back, and he asked me what it was all about; I told him I did not do the review and I could not draw any conclusions from it; that I was feeding it back. And he asked me for the histories. And the person that did that review, as soon as they came back from vacation, the first thing I said to that person was, "Please provide him with the history."

Q Okay. Now, before you introduce this particular piece of paper, would you tell me -- you have mentioned your supervisor and showing you these titles, generic titles. Please tell me the people that were involved in this meeting where you were wrongly, in your terms, accused? Please identify the people for me?

A My operation manager was in there, Ralph De La Vego; my immediate supervisor, Carlos Quintero, Charlie Finney, who is a manager. I am trying to think. I think there was one other person. I'm not sure.

Q Okay.

A I know there was one or two other people, but I'm



not sure. It was late in the day. You know, those are the people I remember exactly were there.

Q And for the record, do you know the exact date?

A No, I do not.

Q But it was about two months ago?

A It was about two months ago in a monthly staff meeting, yes.

Q And then would you share with us your guess and whatever information you have?

A Oh, yes. I was running the North Dade Installation Maintenance Center. I was taken off staff, and I was put in charge of the center for seven months. During that time, someone had made a customer report on my home number with 611 AIRO machine and put my Operation Manager's home number as the call back number. In other words, indicated it was trouble on my home phone when there wasn't. And the report came into the North Broward Maintenance Center, and it was statused as an open out report, and it went to the dispatch pool. On that morning a repairman showed up. My wife was home with two sick children. She knew about the investigation. She felt that the man was there for -- she felt it was -- the telephone man came for no reason, that she didn't know why he was there. She became mad. She felt that -- well, I don't know what she felt, because I wasn't there. But she called the general

manager and complained to the general manager about it.

Q And what did you feel about the visit?

A I felt it was wrong.

Q Did you feel it was an effort to stack the deck against you or get some kind of evidence against you?

A Well, I felt that -- well, I didn't. My wife felt that it may have been. My wife and I talk about everything. We have been married for 23 years, and after 23 years you either talk to each other all the time and discuss everything or you don't talk much at all, I guess. And she called the General Manager, and I think what she said to the general manager, the general manager was somewhat taken aback.

Q Okay. And you feel that this information, then, was the basis of the meeting, the accusations made two months ago against you in the general meeting?

A No, absolutely not.

Q But you think it may have been?

A No, no. Absolutely not. This occurred in February of '91, and the meeting was just a couple of months ago.

MS. RICHARDSON: If we could, I would like to have a copy of this as a late-filed exhibit, Mr. Monroe?

MR. ANTHONY: It is a company document, not a --

MS. RICHARDSON: It's company document? Okay.

MR. ANTHONY: Why don't we off the record for a minute, if we can?

MS. RICHARDSON: Okay.

(Off the record briefly).

BY MS. RICHARDSON:

Q All right. Mr. Kummer, will you please identify the document that you have?

A Yes. It is a DLETH, which is the display long extended trouble history, on my home number.

Q Okay, and dated?

A February 26, '91.

Q Are you familiar with anyone using the carried over no codes to stop the clock?

A Yes.

Q Would you please explain?

A When I was on staff, and I believe it was the time frame in 1990, I was called into my supervisor, immediate supervisor's office because there was some question about Metro Test Center using the carried over no transaction.

Q And can you explain further than that?

A Yes. My supervisor, who is April Ivy, had said that there was a study done in North Florida by Jerry Pellegrini. They were looking at the use of CON. And that they had found that a high percentage of CONs were from the Miami Metro Test Center.

Q So, statistically abberational, then?

A I don't know what abberational --

Q More than would normally be the case?

A Yes.

Q Okay.

A And that they had called her about it. They had called her about it on the telephone and told her about it. And I was called into her office to look at the live load, if you will, to look at CONs to see if that was actually occurring.

Q And what was the result of your looking at it?

A I had looked at it on the screen. I had done a display job information on some of the CONs, not all of them, ma'am, but just on some, to see when the commitments were and maybe the reasons why they were being used. And I didn't think they were being used appropriately.

Q In your opinion, they were being used inappropriately. Can you elaborate on whether or not you feel that that was an attempt to meet the out-of-service index base or to improve the Company's production, or --

A I don't know if I can elaborate on it. As far as -- it was a -- an attempt to distort the out-of-service index, or the people just didn't know, you know, that they were doing it incorrectly. In my opinion, they were doing it incorrectly. I thought it was incorrect because they

were regular commitments. They were just normal commitments being offered that were used in the CON transaction, and that is not the purpose of using it. The purpose of using it is to use it on customers that request an appointment beyond the appointment being offered by the Company.

Q So, when the Company was in danger of missing the appointment, they just used the CON transaction for it?

A No, I don't think so. I don't know if that is the case for sure. I don't know if it was just misunderstanding. What I can tell you is that the appointment was -- the appointment that was given to the customer wouldn't require a CON transaction. Now, why they were doing that, I could only draw conclusions that I don't know. Maybe they misunderstood it, but I said to my supervisor I thought it was wrong.

Q You told Ms. Ivy this?

A Yes. From what I had seen on the screen, I thought it was incorrect, the incorrect use of the carried over no transaction.

Q And do you know the maintenance administrators or the employees who were misusing the CON?

A No, I don't. We called out there and spoke to them.

Q Okay. Are you familiar with anyone using a dummy or an unassigned employee code to falsify customer repair

records?

A No.

Q Are you aware of anyone using a dummy or employee code on any customer repair records?

A No, I am not.

Q Okay. Are you aware of anyone using the exclude codes, like flood, lightning, and so on, to assist or avoid having an out-of-service count against the Company on the repair index?

A No, no.

Q Okay. Do you know of any other means that may have been employed by anyone within the Company to improve the out-of-service index falsely in order to meet that 95 percent?

A Directly or indirectly?

Q Directly or indirectly.

A The only time I would hear anything such as that is in review feedbacks. I was on reviews for three years. And I don't believe it was intentional, but there were times where it was brought up that customer reports, in standardization reviews, that were stroked out-of-service -- I mean, that weren't stroked out-of-service should have been. I happened to be in review feedback.

Q And that was what, '87, '88, '89 for you?

A Yes.

Q Okay. On the personnel evaluation forms that are done on Company employees, and yours specifically, there is a line that indicates per month or by month whether or not you have met, I assume you, and I need you to explain to me, the 95 percent index base and by how much. I mean, the 95 percent out-of-service over 24-hour criteria?

A On the management commitments?

Q On the management commitments.

A Yes, on the 5100 form.

Q On the 5100 form. Do you recall in '91, in October of '91, approximately what level you made, you managed to make?

A What level?

Q Uh-huh, or what the commitment was that you put down?

A Yes, 95 -- in October, let me see. October of '91 --

Q I think I can help you.

A Yes, I would say 95 percent.

Q 95 percent?

A Yes.

Q Okay. I would like to just refresh your memory. This is not an exhibit. If you would tell me if you can identify this as being yours and what the October of '91 was?

A 76.90 percent.

Q Okay. And that is your 5100 form?

A Yes. It doesn't have much to do with what I do for a living --

Q Okay.

A -- because I am systems administrator. But, you know, as a manager to the maintenance center, it is one of my commitments, as well as small business, Telsam (phonetic) or installation results of which I have really nothing to do with as a systems administrator.

Q Okay. Does that number get down -- when does that number appear? When is that decided upon? Is it on actual data or is it just a commitment, a projection for what you intend to do?

A It is an objective.

Q It is an objective for you to reach, 76 percent?

A Oh, no, 95 percent.

Q 96 percent is the objective. And what does the 76 percent on that represent?

A It represents that the objective was not met.

Q That the objective was not met.

Do you happen to remember what the objective reported on the PSC Schedule 11 for that month was?

A I would say it was 76.9 percent. For North Dade?

Q Uh-huh.



1           A     Yes, I would say, because that is -- well, in  
2 North Dade, North Dade happens to be peculiar in that it  
3 straddles exchange boundaries, ma'am. And there is a Palm  
4 Springs portion of the Miami exchange, and there is a North  
5 Dade portion of the Miami exchange which makes up the  
6 district. So, the only way to arrive at that figure is to  
7 add up the two and divide by two.

8           Q     Okay. So, then, if I were to look at PSC Schedule  
9 11, I might see a number that is different from 76.90  
10 percent?

11          A     Yes, you would see for the North Dade district a  
12 number for Palm Springs, which is the -- part of the Miami  
13 exchange, and a number for North Dade, which is the North  
14 Dade exchange. You wouldn't see a combined number like  
15 that.

16          Q     Okay.

17          A     That number, the best I would know about coming to  
18 that number is to add up the two averages and divide by two  
19 to get the average.

20          Q

21          A     Yes, I was.

22          Q     Okay.

23          A     I don't know exactly. I have had an entry put in  
24

25          Q

1 A  
2  
3  
4 Q Okay.  
5 A Well, I am not sure.  
6  
7  
8 Q And that is who?  
9 A Okay. It was Ralph De La Vega, who is my  
10 operations manager, and Becky Dunn.  
11 Q And she is from personnel?  
12 A She is from the operation management --  
13 Q She is vice president?  
14 A I thought she was an operation manager.  
15 Q Okay.  
16 A Yes.  
17 Q All right. And you asked them why?  
18 A  
19  
20  
21  
22  
23  
24  
25

1

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5

Q Okay.

6

7

8

9

A I don't know. I didn't ask.

10

Q You didn't ask, and they didn't explain?

11

A No. Well, it had to do with the investigation.

12

And that is what the investigation was about, so I would say

13

it is a pretty good -- I mean, it would be a question that I

14

thought was obvious. Yes, I did.

15

16

Q To whom?

17

A To the vice president.

18

Q And that is Mr. Sanders?

19

A Yes, it is.

20

Q Mr. Sanders. Okay.

21

22

A Yes.

23

Q And would you please give us those names?

24

A who was there at

25

that time.

1  
2  
3 Q  
4  
5 A I don't know.  
6 Q You don't know. Have you heard any rumors to any  
7 of this?  
8 A No.  
9 Q  
10  
11 A No.  
12 Q How  
13 did that knowledge come to you?  
14 A They told me.  
15 Q They did tell you, but they didn't explain to you  
16 why they were disciplined?  
17 A No.  
18 Q They made no mention of what was going on?  
19 A  
20  
21  
22 Q  
A Yes.  
Q And the other people did not say anything to you?  
A No. I don't know --

Q Were these conversations individual, or did you get together as a group, or just kind of meet each other in the hallway?

A I would say as individuals. People talk about it a lot. It comes up from time to time.

Q Just in the course of a workday?

A Just in the course of a workday, yes. I think it is on a lot of people's minds, as it is with mine, and it comes up from time to time, yes.

Q Okay. When did you make a decision to hire an attorney to represent you personally?

A I made a decision to do that in -- I guess it was just prior to my first interview with Southern Bell. I was up for a promotion at the time. I felt that people could say things, even though they were untrue, could say things about me that could hurt my chances for promotion. I asked my brother, who is a corporate attorney. My name was mentioned in a deposition, not of being specifically accused of anything, but being in a paragraph at the end of the deposition that lumped my name along with other names.

Q Whose deposition was this?

A Frank Falsetti.

Q In Fullsetti's deposition?

A Yes.

Q Okay.

A In that deposition, he didn't accuse me of anything directly, although my name was used at the end. And I was in there with, I guess, just about every other person that worked in the maintenance center at that time.

Q And are you familiar, then, with the activities that he was making accusations about? Did they occur; did they not occur while you were there?

A The accusations that he made of other supervisors? No.

Q And with your name?

A No.

Q About the events that were going on, the falsifications that were taking place?

A No.

Q All right. So, you never saw --

A Pardon me?

Q You never saw any of that going on?

A I never saw any of it going on, no. But my name was in there. It was in there along with other managers that worked in the center. Although there was nothing directly accusing me of, I had called my brother, who is an attorney, that I mentioned, and asked him and read to him. And his advice was get an attorney. I told him that I was up for a promotion, and I thought that -- I wanted one. And I went to the first hearing with an attorney -- I mean, the

first company internal investigation with an attorney, yes. And after that, I didn't have one any more, although I went down for other questions. The Company attorney had said to my attorney, "Kummer has nothing to worry about. He is an honest person. If anything comes up, we will let you know." So, at that point I felt, you know, that everything was fine. I went down for two other interviews, and did not bring an attorney, and did not have an attorney until just -- except for this interview.

Q This particular interview?

A Yes.

Q Okay. And why did you feel like you needed a personal attorney for this particular deposition?

A I didn't feel like I needed one --

MR. MONROE: If the suggestion is some kind of inference, improper inference by retaining a lawyer, I object to that.

MS. RICHARDSON: No, no. I'm sorry. I did not mean that at all, Mr. Kirk, and you are certainly proper in making that kind of an objection. I want to be on the record that that is not what I am asking.

MR. MONROE: Well, if you can explain why you are asking him, because I am a little bit confused as to how that advances the cause in any way, other than some suggestion that someone who hires a lawyer has a

problem. As a lawyer, I tend to object to that.

MS. RICHARDSON: That's fine. I'll move on.

BY MS. RICHARDSON:

Q Let me just ask you generally, is there anything else that you are aware of that has been going on in terms of the Company employees' falsification of reports, any general knowledge that you may have that you can share with us at this point?

A Well, general knowledge, I have just heard last Friday, because I asked the person who went to Tallahassee, to give a deposition what was said about me.

Q You asked who?

A I asked Florida Green. In preparation for this meeting today, I had asked her, you know, what was said about me in Tallahassee, and she told me.

Q And what was said about you?

A Well, she said that the people said that they had heard from a friend that in North Dade I had written on the blackboard that under the threat of disciplinary action you should not stroke anything out-of-service.

Q Okay. And was there anything else that you wanted to add besides this one incident?

A No, I just thought it was -- and I can tell you it's a lie. I wish the person would have said it to me. It is a direct lie. I never did anything like that.



MS. RICHARDSON: Okay.

MR. GREER: I have got few brief questions.

CROSS EXAMINATION

BY MR. GREER:

Q You said you did autoscreener reviews?

A Yes.

Q Can you explain what that is, what you do?

A Well, what we did in autoscreen rules, is we would run the rules that were presently enforced, if you will, by the maintenance center to see if the proper ones that were decided by the area, by type and VER code combination that were being shown out-of-service.

Q Who do you report your findings to, for errors in the autoscreening rulings, if you find them?

A When I was on staff?

Q Uh-huh.

A I reported it to my supervisor in the feedback.

Q And did that come out like an operational review or something of that nature?

A Yes. I was on a few of those operational reviews.

Q Would those autoscreener errors come up in that type of review?

A Yes, they would.

Q I believe you mentioned a little while ago that you were aware of people statusing test okays as

out-of-service?

A From being part of those reviews?

Q Yes.

A Feedbacks and not directly doing that portion of the review, that is the extent of my awareness of it.

Q Do you know who -- the identities of those employees?

A Yes. I know in North Dade that it was Joe Lesko and Nancy D'Alessio by the histories. And I was told that; I didn't see it directly.

Q Is that all, just those two?

A In South Dade I heard, and it is only indirect, that it was Prudence Taylor, but I don't know that for a fact, sir, because I did not do the review. I only fed it back.

Q Okay.

A As a matter of fact, I didn't see the history. I only fed it back for the convenience of the person who was on vacation.

Q I believe you stated that in Miami Metro that you had found an autoscreener rule that they were not following, in your opinion. Is that right?

A (Witness indicating yes.)

Q Can you tell me what that autoscreener rule was?

A I think, to the best of my recollection, it was

either dial tone burst or intercept.

No, I'm sorry. Let me correct that. I know it was one of the central office rules. Let me correct that. I believe it was a VER code 33, possibly open end, is the VER code. I am just not sure. It is either intercept dial tone burst or possibly open end, but it was one of the 14 types of VER code combinations that are to be stroked out-of-service, and I found it not to be. Again, my findings from that review was that I didn't believe it was intentional. I believe it was an oversight, because I don't believe many reports come in that are statused to that out-of-service rule. I believe it was an oversight. I don't believe it was intentional. And, again, that is my opinion.

Q When you were shown that document, and I didn't see it, but the DLETH, you had said that your wife called in and had spoken to your immediate supervisor?

A No, she spoke to the general manager. My immediate supervisor was on vacation.

Q Did you feel that your general supervisor's dissatisfaction with your wife's comments stopped you from staying as IMC manager?

A Yes, I believe so. Again, that is just my perception.

Q Okay.

1           A     It may or may not be true. I just don't know. I  
2 apologized to the general manager for her.

3           Q     In the Metro Miami review of the CONs, use of the  
4 CONs status, was there something produced in that, a  
5 document saying that there was no problem with the CONs, or  
6 that the CONs -- that we had a problem with the CONs in  
7 Miami Metro?

8           A     When I looked at it -- and my boss asked me the  
9 same question. When I looked at it in her office that day,  
10 I did not run anything to the printer. I just looked at it  
11 on the monitor. So, I did not have any documentation other  
12 than what I saw. All I know is that the people that called  
13 had the documentation, and that is what prompted them to  
14 call.

15                   MR. GREER: That looks like about it.

16                               CROSS EXAMINATION

17 BY MR. ANTHONY:

18           Q     Mr. Kummer, I just have one question for you.

19           -

20           A     Yes.

21           Q     I am trying to preempt another deposition. You  
22 said that Becky Dunn was there. Could it really have been  
23 Hilda Geer who is from personnel?

24           A     I'm sorry. Yes, it was Hilda Geer.

25                   MS. RICHARDSON: Okay. Thank you.

(The deposition was concluded at 10:35 p.m.)

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )


COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 46 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.

WITNESS MY HAND AND SEAL this 1<sup>st</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

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

COPY

DEPOSITION OF:

SILVIA LOM-AJAN

TAKEN AT THE INSTANCE OF:

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

DATE:

Wednesday, July 29, 1992

TIME:

Commenced at 9:30 a.m.  
Concluded at 10:05 a.m.

LOCATION:

666 N. W. 79th Avenue  
Room 642  
Miami, Florida

REPORTED BY:

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

ACCURATE STENOGRAPHIC REPORTERS, INC.  
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TALLAHASSEE, FLORIDA 32301  
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\* \* \* \* \*



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S T I P U L A T I O N S

The following deposition of SILVIA LOM-AJAN was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

SILVIA LOM-AJAN

was called as a witness, and having been first duly sworn, was examined and testified as follows:

MR. ANTHONY: Before we proceed, Mr. DeBianchi, we have had some stipulations we have been using for all of these depositions. I just want to let you know what they are and make sure you don't have any problems with them.

First of all, that the deposition is taken pursuant to proper notice. Second of all, that we won't go off the record without the witness' consent. Third, that reading and signing is not waived, although nobody has been ordering the transcripts yet, I might

add. And that we are going to reserve any objections, except as to the form of the question until the time of the hearing in this matter, or some other use of the transcript.

There is one other matter, Ms. Lom-Ajan, is that how you pronounce your name?

THE WITNESS: Uh-huh.

MR. ANTHONY: I just want to make sure.

THE WITNESS: Correct.

MR. ANTHONY: -- that I need to address. These depositions are being taken in connection with an investigation that the Public Service Commission has into trouble reporting issues. As you may be aware, Southern Bell took its own investigation under the auspices and guidance of the Legal Department, and that investigation is privileged. So, to the extent that either Ms. Richardson, or Mr. Vinson, or anybody else with the staff were to ask you a question that involves your knowledge of that investigation itself, I am going to issue an instruction that you not answer that question, because it is Southern Bell's privilege. To the extent that you can answer any questions and your knowledge is not gained from that investigation, then, of course, you should answer the question, if it is not otherwise objectionable, answer it fully and honestly.

So, if that were to occur, I just don't want you to be surprised if I jump in.

THE WITNESS: I understand.

MR. ANTHONY: Okay. Thank you.

MS. RICHARDSON: Did you have anything, Mr. DeBianchi?

MR. DeBIANCHI: No. That is fine. We will stipulate to that.

MS. RICHARDSON: Would you like to put your appearance on the record?

MR. DeBIANCHI: Victor DeBianchi. I'm going to be representing Silvia Lom-Ajan here in this deposition today.

MS. RICHARDSON: Okay. And before we get started, I just have one or two preliminaries also. If we can come to an understanding, an agreement, on the definition of a few general terms. One of them is "I don't know." For purposes of this deposition, "I don't know," means you have no personal firsthand knowledge, nor have you heard anything from any source about the matter that I ask you about. Is that acceptable?

THE WITNESS: (Indicating yes.)

MS. RICHARDSON: You have to say, "yes" or "no."

THE WITNESS: Yes, that is acceptable.

MS. RICHARDSON: Thank you.

And then on "I can't remember," or "I can't recall," it means you have an absolute blank. There is no little lingering something out here that is not quite clear, but absolutely blank, on "I can't remember." Is that acceptable?

THE WITNESS: Yes.

MS. RICHARDSON: Okay.

DIRECT EXAMINATION

BY MS. RICHARDSON:

Q Would you please state your full name and spell it for the court reporter and the record?

A My name is Silvia Lom-Ajan, and that's -- do you want me to spell my first name?

Q Yes.

A S-I-L-V-I-A. My last name is L-O-M, hyphen, A-J-A-N.

Q "N," or "M"?

A N, as in "Nancy."

Q Thank you. And your address, please?

A My home address is 11214 Northwest 14th Court, Pembroke Pines, Florida 33026.

Q And what is your present position, Ms. Lom-Ajan?

A I am an Assistant Manager, Control, Station Control in the North Dade IMC.

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

A I have been in that position since November of last year, 1991.

Q '91?

A Right.

Q And what pay grade is that position?

A It is a Pay Grade 3.

Q Pay Grade 3. And who is your present supervisor?

A Carlos Quintero.

Q And who is his supervisor?

A Mr. Ralph De La Vego.

Q And what did you do prior to November of '91?

A I was the Station Control Supervisor in the Miami Metro Division. That does not exist now. It was disbanded, the division was disbanded into the other division.

Q And that is why you moved over there?

A Right.

Q Okay. When did you begin your employment with Southern Bell?

A Twenty years ago, 1972, I guess.

Q And what was your entry position?

A I was an operator.

Q Long distance?

A Well, just a local operator. We used to handle long distance, also.

Q Okay. At any time in your position, the 20 years

that you have worked with the Company, have you had any responsibility or duties concerning customer trouble reporting?

A At the present time, I handle something to that effect.

Q Okay. But this is the first position you have held?

A Right, this is the first position, and I used to be a secretary before. So, secretaries don't get involved in the actual -- I don't know -- the actual function of a telephone company. It is more like personnel type work and administrative type work.

Q Okay. And who were you a secretary for?

A I worked for Mr. Ralph Grieco, who is now a Vice President in Atlanta. I was also a secretary for Hubert Martin. I have been a secretary for so many people. I was a secretary for Jim Roach, who is retired. He's deceased now.

Q Well, have any of these individuals had responsibility for the customer trouble repair process within the Company?

A They were the operations managers over the whole organization.

Q Okay. So, you have some, maybe secondary knowledge from having worked for these individuals about the

customer trouble repair process?

A No, not really.

Q Did you type memos for them?

A No, not really.

Q As a secretary, what were your duties?

A Secretarial type work, I did very little typing as far as putting out anything. The letters normally came from the people that were actually in those positions, like the second level managers. And they would write them for his signature, but I never really typed. I mean --

Q But you read them?

A I'm sure I did, you know, type them at one time or another, but it wasn't all the time. His responsibilities were just -- he just had too many responsibilities. That was just part of his responsibility. I mean, he had engineering and he had all kinds of other responsibilities.

Q Okay. During that period of time when you were working for these different individuals as a secretary, did you gain any knowledge or any information concerning the IMC and handling of customer trouble reports from any source?

A No, I did not.

Q So, all of your information, then, is going to be coming from November of '91 forward in terms of customer trouble repair?

A No. I got promoted into the IMC in 1989, and that



is when I was exposed to the, you know, the actual trouble reporting and the actual IMC environment.

Q And in terms of your duties and responsibilities, are you called upon to actually handle the reports?

A No, I did not. My position in the IMC has been, for the most part, the station control supervisor. And my responsibility there is to dispatch the technicians on these trouble reports after they have been screened and put in for dispatch for the technicians to pick up.

Q Okay. And within that dispatching process, was part of your responsibility clearing and closing reports?

A No.

Q Someone else does that?

A Yes, somebody else. Well, if the technician picks up the report after he clears it, his responsibility is to close the report.

Q Okay. Do you work with reports at all, then?

A In a matter of speaking, I do, because I dispatch these report to the technicians.

Q Does that mean you load the dispatch code? Is there any dispatch status on the screen for these reports?

A No, I do not. Once the trouble has been screened, and -- those codes have been put in the report, you know, by other people in the office. I mainly take care of dispatching the trouble out to the technician through a

1 computer.

2 Q Okay. That means you work with Mapper?

3 A With Mapper, correct.

4 Q Do you work with Tracker at all?

5 A No.

6 Q So you are not responsible for dispatching cable  
7 repair, then?

8 A No.

9 Q Are you familiar with disposition and cause codes?

10 A Yes; yes, I am.

11 Q And are you familiar with intermediate status  
12 codes, like "no access" and "carry-over no" and CON codes?

13 A Yes, I am.

14 Q Ms. Lom-Ajan,

15  
16 A Yes, I was.

17 Q

18 A

19

20

21

Q And what status code was that?

A It was the CON code, CON.

Q The CON code?

A Right.

Q And how were you misinterpreting it?

A I thought, at the time, that if I was in jeopardy of missing an appointment, I could call the customer, advise the customer that his appointment was not going to be met, and if the customer agreed on a later dispatch, I could go in and status that on the report by using the CON code.

Q And why was that wrong?

A I did not know at the time, nobody ever came out and actually trained me on the use of the code. Come to find out, my supervisor came to me at a later date and said, "We are not supposed to be using that code the way that it is being used." And that is when I stopped.

Q Who told you to use it that way to begin with?

A Nobody.

Q Nobody told you?

A Nobody told me.

Q How did you find out about the CON code?

A It was in a list of codes that we could use, and I just took it as meaning that I could use it that way.

Q Do you know what effect that had on the report that -- those trouble reports?

A No, I do not know.

Q You don't know what effect it had?

A No, I did not.

Q Would putting a CON code on a trouble report stop

1 that clock, that 24-hour clock?

2 A I did not know that, no.

3 Q You didn't know that?

4 A No.

5 Q Okay. Do you know it now?

6 A I know it now. Now the code has been removed from  
7 that list. It is no longer in existence, because I believe  
8 that a lot of people misinterpreted it. And, you know, it  
9 is no longer in existence for the IMC to use.

10 Q Okay. And you think it was removed because people  
11 were misusing it?

12 A I don't know why it was removed. I know that it  
13 is just not there any more.

14 Q

15

16 A Yes.

17 Q You were specifically told. Who told you?

18 A My operations manager.

19 Q And that is?

20 A Ralph De La Vego.

21 Q Mr. De La Vego.

22

23 A It was a counseling entry. I don't quite remember

24

25

1 I remember something like that.

2 Q Okay.

3 A

4 Q Who was present at that meeting?

5 A Mr. De La Vego and Hilda Geer from personnel. She  
6 is, I believe, the district manager over personnel.

7 Q Okay. And those are the only two people?

8 A Correct.

9 Q That you met with.

10

11 A Yes, I do.

12 Q And who are those people?

13 A

14 Q And would you please tell me who they are?

15 A

16

17

18 Q

19

A I don't know exactly. I know that they got  
disciplined, but I don't know for what specific reason they  
got disciplined.

Q Have you heard of anybody else, or have you heard  
that anyone else was disciplined besides the people that you  
have just named?

1 A

2 also got

3 disciplined.

4 Q And do you have any idea why she was?

5 A No, I don't. Specifically, no, I don't.

6 Q Okay. Do you have any hearsay information or  
7 rumor about why she was disciplined?

8 MR. DiBIANCHI: I am just going to object to the  
9 form of the question. Hearsay is hearsay. You can go  
10 ahead and answer.

11 THE WITNESS: No, I don't.

12 BY MS. RICHARDSON:

13 Q Okay.

14  
15 A Very much, yes.

16 Q

17 A

18  
19  
20  
21  
22  
23 Q Did you appeal your discipline?

24 A

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

Q All right.

A Most definitely.

Q How often would you be eligible for promotion with the Company? I mean, you have been here 20 years.

A I don't believe that there are too many promotions right now in the works, maybe a few. But the Company is not really promoting within management very much now. I have seen craft people getting promoted. A lot of them have gotten promoted now. But as far as you being in management into another higher management position, it's not really happening. The openings are just not there. The Company is trying to, I guess, down the span of control or whatever, and the promotions are just not there.

Q Okay. Have you ever heard the term "backing up the time" used in reference to customer trouble reports?

A I have heard it, yes.

Q And what have you heard?

A I have heard of a technician backing up the time on a trouble report, if he forgets to close out that trouble report at the time that the customer had dial tone or the customer had actual service. If he forgets, he goes on break or whatever, and he will say, you know, or he will back up the time to when the customer, you know, actually got dial tone or had service.

Q Have you, or do you know of anyone who has backed up the time prior to delivery of dial tone?

A Not specifically, no.

Q You have no personal, firsthand knowledge is what you are saying?

A Correct.

Q Okay. Have you heard any rumors that that has been done?

A No, I do not.

Q Have you read anything or heard anything from any other source that that may have been done?

A No.

Q Okay. Have you ever, yourself, done that?

A No.

Q Have you heard of maintenance administrators having to call a manager to get disposition and cause codes in order to clear and close out a report?

A No. I deal very little with the maintenance



administrators because of my job function.

Q So, you have never done that?

A No.

Q Have you ever heard of anyone doing that?

A No.

Q Do you know if anyone has ever used the no access code to stop the clock on a repair report?

A No.

Q Have you ever done that?

A No, definitely not.

Q Have you ever heard of anyone doing that?

A No.

Q Have you, or do you know of any of the people that you have dispatched out to service a trouble report, do you know if any of them have ever statused a report as no access without leaving a card at the premises?

A No, I have never seen that, no.

Q And have you, in terms of your experience and responsibilities, have you ever, or do you know of any repairman who has no accessed a report without talking to a customer?

A No.

Q Okay. Have you done that yourself?

A No.

Q And you have never heard of it being done?

A No, I have not.

Q Do you know of anyone who has excluded an out-of-service report, so that it wouldn't go over 24 hours, and then opened it up again as a new report?

A No, I have not.

Q Have you ever heard of anybody doing that?

A No, I have not.

Q Have you ever done that yourself?

A No, I have not.

Q Do you know of anyone who has recorded an extension of time, using commitment time, other than what you have already testified to, to extend?

A I'm sorry; I don't understand what you are saying.

Q Let me start again.

A Okay.

Q And, please, if you don't understand, please tell me, and I will try to start again. That way we are both clear on what we are doing.

A Okay.

Q Do you know of anybody who has extended a commitment time without talking to the customer?

A No, I do not.

Q Have you ever extended a commitment time without talking to the customer?

A No, I always talk to the customer.

Q Have you ever heard of anybody doing that?

A No.

Q Do you know of anybody who has statused affecting service reports as out-of-service in order to build the base?

A No, I do not.

Q Have you ever done that yourself?

A No, I have not.

Q Okay. Have you ever heard of anybody doing that?

A I heard that that was what was being done in North Dade, and that is why those people had gotten fired, Joe Lesko and Nancy D'Alessio.

Q Okay. And is that the only incident that you have heard of?

A That is the only thing that I've heard, yes.

Q Okay. And where did you hear this?

A I don't remember specifically. It was just --

Q In the work place?

A Yes, in the work place.

Q Or at home or --

A In the work place.

Q Okay. So, people, other employees, then?

A It shocked everybody when they got fired, you know, because, you know, they were our co-workers. They were our co-workers, and you hear something like that, and

it is a big shock.

Q So, you knew these two individuals personally?

A I didn't know Nancy, but I knew Joe Lesko. Not that I have ever worked for him, but I knew who he was. You always feel bad for a person when he gets, you know, terminated, or whatever, for whatever reason.

Q Okay. Do you know of anyone who has taken test okay reports and statused them as out-of-service to build the base?

A No.

Q Have you ever done that yourself?

A No.

Q Have you ever heard of anybody doing that?

A No.

Q Okay. Do you know of anyone who has violated Company procedures on handling customer trouble reports?

A No, I do not.

Q Have you ever done that, other than what you have testified to with the CON code?

A No.

Q Okay. Have you ever heard from any source of that being done by anybody in the Company?

A No.

Q Okay. Do you know of anyone who has used a dummy employee code in statusing a customer trouble report, a

phony employee code or dummy code?

A No.

Q Have you ever done that yourself?

A No.

Q Have you ever heard of that being done?

A No.

Q Do you know of anyone who has used an unassigned employee code to status a customer trouble report?

A No, I do not.

Q Have you ever used an unassigned employee code number?

A No.

Q Have you ever heard of that being done?

A No.

Q Do you know what exclude disposition codes that exclude an out-of-service report from the index base, do you know about those?

A I know that there is a list. But if you asked me if I know specifically, no, I don't. I know that there is a list available.

Q Okay. Of specifically the exclusion codes?

A Right.

Q Is that list on the job aid or separate from the job aid, the LMOS Job Aid?

A Since I really don't deal in that, I don't really

know where it is. I know it is available, but since I don't close out reports, I wouldn't know. I don't know where to get it. I know I could go to my supervisor, and he would tell me where to find it, or one of my other co-workers. But, specifically, I don't know exactly where it is, if it is in a job aid or practice, probably a practice somewhere.

Q Okay. But you are aware that certain codes exclude out-of-service?

A Yes, I know that.

Q Okay. Do you know of anyone who has used those excludable codes?

A No.

Q Okay. To keep an out-of-service report from going over 24 hours?

A No, I don't.

Q Have you ever done that yourself?

A No.

Q Have you ever heard of that being done?

A No.

Q Do you know of any other means of building the out-of-service base, to meet that 95 percent index?

A No, I don't.

Q Have you ever statused or used any means, whatsoever, to build that out-of-service base to meet the the 95 percent index?

A No, I have not.

Q Have you ever heard from any source, whatever, of anyone doing that?

A No, I have not.

Q Do you know of any other means, or anyone who has used any other means of excluding out-of-service reports from being counted in the missed on the out-of-service base, that 95 percent index, to keep them from being counted?

A No.

Q Have you ever done that yourself?

A No, I have not.

Q Anything at all?

A No, I haven't.

Q Have you ever heard of anyone excluding in any way those reports?

A No, I have not.

Q Do you know of anyone who has falsified a customer trouble report?

A No, I have not, other than me using that code, the CON code. Not that it was falsifying, but it wasn't proper.

Q And that is your only instance for you, personally?

A Right.

Q Have you ever heard of anyone else, any other employee doing so?

A No, I have not.

Q Okay. Do you know if excluding a customer trouble report would prevent a customer from getting a rebate?

A Would I know that?

Q Uh-huh.

A Probably. I assume so, yes. If it wasn't in the report. If the report wasn't there, he can't get a rebate.

Q Okay. When is a customer eligible for a rebate, at what point?

A If his trouble is not cleared within 24 hours, and he is out-of-service, he gets a rebate.

Q Okay. Are you eligible for bonus pay under the team incentive plan?

A Yes, I am.

Q Is part of your eligibility based upon objectives or commitments that you make as an employee for the Company?

A Yes.

Q Is one of those objectives meeting that 95 percent out-of-service repair within the 24-hour index?

A Yes.

Q Okay. Have you consistently been able to meet that index requirement?

A Not always, no.

Q What happens when you don't meet it?

A We have to write a letter -- well, my boss writes



a letter explaining why we did not meet the objective. And I believe the letter goes to Linda Isenhour, which in turn -- I don't know exactly what she does with the letter. I guess she has to answer to her higher-ups.

Q Okay. Is a lot of emphasis placed on that index?

A I would say so, yes.

Q Okay. How often, or do you receive regular reports on whether or not you are meeting that index?

A Yes, we do.

Q You do. And are they daily, weekly, monthly?

A Staff, local staff, puts out a weekly report.

Q When it appears that you are not meeting the index, what action is taken by your manager? I mean, you haven't made the end of the month yet, but it appears that you may be in jeopardy of missing that index. What does your manager usually do?

A He, basically, comes over to me and makes sure that I am dispatching those out-of-service troubles with sufficient time for them to be cleared. And he doesn't really put a lot of, you know, emphasis on it, as far as stressing me out to the point where that is all that I have to go after. I do have other customers that are waiting for service, whether they are out-of-service or not. But he makes me aware that I should do everything in my power, you know, to dispatch those reports and get them cleared in

1 time.

2 MR. ANTHONY: You realize we have other people  
3 waiting?

4 MS. RICHARDSON: Yes. And thank you for having  
5 them present. I appreciate that.

6 Ms. Lom-Ajan, that is all I have for you today,  
7 and I want to thank you for personally coming. I  
8 appreciate it.

9 Now, Ms. Wilson may have one or two questions  
10 before we dismiss.

11 CROSS EXAMINATION

12 BY MR. VINSON:

13 Q Ms. Lom-Ajan, I have a couple of questions  
14 regarding your meeting with Mr. De La Vego and Ms. Geer.

15

16

17 A

18

19

20 Q Do you recall if Mr. De La Vego or Ms. Gear

21

22 A

23

24

25 Q

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16

I was wondering if you could tell me, was that your conclusion, or were you told that by somebody?

A I had heard of a few managers that had gone up the line to appeal, and, basically, nothing was done, or was done at the time. I don't know whether anything was done now.

Q Which managers were those, do you recall the names?

A

And that is about all.

That is about --

I don't know whether he ever got to see him. I know he is a very busy person.

Q Let me ask one question about your Form 5100 with your personal objectives. Has the emphasis on attaining the out-of-service over 24 goals changed on your Form 5100?

A I'm sorry, can you rephrase that?

Q Let me rephrase it. Is that still a part of your 1992 Form 5100?

A Yes, it is. I believe it is, yes.

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

MR. ANTHONY: I don't have anything.

MR. DeBIANCHI: No questions.

MR. ANTHONY: Thank you, Ms. Lom-Ajan.

THE WITNESS: Thank you.

MS. RICHARDSON: Thank you for coming.

(The deposition concluded at 10:05 a.m.)

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )


COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 30 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.

WITNESS MY HAND AND SEAL this 1<sup>st</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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 )

**CERTIFIED  
COPY**

DEPOSITION OF THE WITNESS, LYNN LYTLE,  
TAKEN BY OFFICE OF THE PUBLIC COUNSEL,  
ON TUESDAY, JULY 28TH, 1992.

Riviera Beach, Florida  
10:37 a.m. - 11:00 a.m.

APPEARANCES:

CHARLES J. BECK, ESQUIRE  
Assistant Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida, 32399-1400  
on behalf of the Citizens of the  
State of Florida.

TRACY HATCH, ESQUIRE  
Florida Public Service Commission  
Chief Bureau of Communications  
Division of Legal Services  
101 East Gaines Street  
Tallahassee, Florida, 32301  
on behalf of the Florida Public  
Service Commission.

(APPEARANCES CONT. ON PAGE TWO)

APPEARANCES CONT.:

TERRILL BOOKER, ENGINEER  
Florida Public Service Commission  
Bureau of Service Evaluation  
Division of Communications  
101 East Gaines Street  
Tallahassee, Florida, 32399-0866

R. DOUGLAS LACKEY, ESQUIRE  
Southern Bell Telephone & Telegraph  
675 West Peachtree Street  
Suite 4300  
Atlanta, Georgia, 30375  
on behalf of Southern Bell  
Telephone & Telegraph.

JOHN P. TYNAN, ESQUIRE  
P.O. Box 777  
212 South Old Dixie Highway  
Jupiter, Florida, 33458  
on behalf of the Deponent, Lynn Lytle.

I N D E X

	<u>Pages</u>
LYNN LYTLE	
Direct Examination by Mr. Beck	6-20
Cross-Examination by Mr. Lackey	20-22
Redirect Examination by Mr. Tynan	22-25

E X H I B I T S

(none)

1                   The deposition of LYNN LYTLE was taken  
2           before me, Maureen A. Kerns, Registered Professional  
3           Reporter, CM, and Notary Public, State of Florida at  
4           Large, at the offices of Southern Bell Telephone &  
5           Telegraph Company, 3650 Avenue E, Room 316, in the City  
6           of Riviera Beach, County of Palm Beach, State of  
7           Florida, on Tuesday, July 28th, 1992, beginning at 10:37  
8           a.m., pursuant to the Notice filed herein, at the  
9           instance of the Office of the Public Counsel in the  
10          above-entitled cause pending before the above-named  
11          Court.

12                   - - -

13                   MR. LACKEY: Ms. Lytle, my name is Doug  
14           Lackey, and I'm representing Bell South  
15           Telecommunications, Inc., Southern Bell. We have  
16           been operating under three stipulations in these  
17           depositions which I'm going to explain to you now.

18                   The first is, is that there's no objection as  
19           to the time or place of taking the deposition. The  
20           second is that we're reserving all objections to  
21           the questions such as to their form and their  
22           relevancy until the time the deposition is used.  
23           Those two stipulations are basically for the  
24           lawyers.

25                   The third stipulation is the one that affects



1           you most directly and that is that we're not  
2           waiving reading and signing of the deposition. And  
3           what that means is that this lady is taking down  
4           all of the questions and all of your answers and we  
5           may have it transcribed at a later date, reduced to  
6           written form, and when that's done, you'll be given  
7           a copy to review and make any corrections on and  
8           sign it before your deposition is used, and those  
9           are the three stipulations we use. Unless someone  
10          has an objection?

11                 MR. HATCH: No objection.

12                 MR. LACKEY: In addition to the stipulations,  
13           I have an instruction that I need to give you, and  
14           I'm going to give it to you now. If you have any  
15           questions about it or don't understand what I say,  
16           if you'll just ask me and I'll be happy to explain  
17           in as much detail as I can.

18                 To the extent that any question that you're  
19           asked today calls for information that you have  
20           derived from an investigation that Southern Bell  
21           conducted at the direction of its legal department,  
22           I will object to that question on the grounds that  
23           it calls for privileged information, and I will  
24           instruct you not to answer the question.

25                 To the extent that such a question is asked

1           and after I have made my objection and instruction,  
2           to the extent that you have any personal knowledge  
3           not derived from the investigation that would be  
4           responsive to the question, you should answer it  
5           fully and completely.

6           To the extent that a question is asked and I  
7           do not object to the question but you know that the  
8           answer would require you to divulge information  
9           that you learned as a result of the investigation,  
10          you should state that, that I have an answer, but  
11          in order to answer the question, I would have to  
12          reveal something I learned as a result of the  
13          investigation, and I'll handle it from there.

14          Okay. What I don't want you to do is to  
15          reveal any privileged information. On the other  
16          hand, to make sure that your answers are complete  
17          and correct, you need -- if the question is asked  
18          to which you do have an answer, you need to say  
19          what I just told you, that is I have an answer, but  
20          it's privileged rather than making some other  
21          answer. Don't -- okay?

22                 THE WITNESS: Yeah.

23                 MR. LACKEY: Any questions about the  
24                 instructions? You understand?

25                 THE WITNESS: I understand.

1 MR. LACKEY: Okay.

2 - - -

3 LYNN LYTLE

4 ,being by me first duly sworn to testify the whole truth,  
5 as hereinafter certified, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BECK:

8 Q. Ms. Lytle, my name is Charlie Beck and I'm  
9 going to start off with the questions. There may be  
10 others that ask some questions afterwards.

11 Could you state your full name, please?

12 A. Lynn Lytle, L-Y-T-L-E.

13 Q. Are you employed by Southern Bell?

14 A. I am.

15 Q. What is your position with the company?

16 A. Assistant manager.

17 Q. And could you be more specific?

18 A. I have maintenance and provisioning of special  
19 circuits, service order control and clerical.

20 Q. Is this in Fort Pierce?

21 A. It is.

22 Q. Okay. How long have you held that position?

23 A. About nine months.

24 Q. And what position did you hold before that?

25 A. Load control.

1 Q. Okay.

2 A. Station load control, station and cable load  
3 control.

4 Q. Okay. And that's also in Fort Pierce?

5 A. Yes, it was.

6 Q. And you're a manager of that area?

7 A. Assistant manager.

8 Q. Okay. How long did you hold that position?

9 A. About three years I think.

10 Q. Let me go back one more before that if I  
11 might. What position did you hold before that?

12 A. I'm trying to think of what they called it,  
13 field assist training liason, interdepartmental liason.

14 Q. Okay. Also in Fort Pierce?

15 A. Yes, sir.

16 Q. Okay.

17

18

19 A. Yes, sir.

20 Q. And who was present at that meeting?

21 A. Mr. Floyd Knowles and the personnel manager,  
22 whose name I don't recall right now.

23 Q. Okay.

24

25 A. Yes, they did.

1 Q.

2

3 A. Yes, but I don't recall it.

4 Q. Okay. What do you recall?

5 A. Very, very little. I don't think I really  
6 heard them.

7 Q. Okay.

8 A. I was very nervous then, too.

9 Q. Okay.

10

11 A. Yes, sir.

12 Q.

13

14 A. Yes, sir.

15 Q. Could you tell me what that was?

16 A. It involved my annual raise and individual  
17 incentive award.

18 Q. Okay.

19 A. Yes, sir.

20 Q. Okay.

21

22 A. No, sir.

23 Q. Okay. And they told you something, but you  
24 don't recall what it was?

25 A. I really don't.

1 Q.

2

3 A. Because I was a test center foreman.

4 Q. Okay.

5

6 A.

7

8

9 Q. Okay.

10 A. I don't know a lot more than that.

11 Q. Okay.

12

13 A. No, sir.

14 Q. No idea at all?

15 A. No.

16 Q. Okay. Okay. Do you have any knowledge of or  
17 have you heard of repair records or the repair time on  
18 out of service records being backed up to some time  
19 other than the cleared time?

20 A. Other than the cleared time?

21 Q. Yes.

22 A. No.

23 Q. So, to your knowledge then, the only time that  
24 the repair records have been backed up was to place it  
25 up to clear time?

1           A.    The actual restoral time.

2           Q.    Okay.  Have you ever had a practice in Fort  
3           Pierce or have you heard of a practice elsewhere where  
4           the maintenance administrator would be required to  
5           contact a manager to get the close-out codes for  
6           reports?

7           A.    Not so much the close-out codes.  They were  
8           required at times to call and let us know they were  
9           closing out some reports.

10          Q.    Okay.

11          A.    Just to assure that their thinking was  
12          correct.

13          Q.    Okay.  What type of reports would they have to  
14          check about?

15          A.    Failures, cable failures.

16          Q.    Okay.  How was their communication to the MAS  
17          to tell them that they would have to call to check about  
18          the codes for cable failures?

19          A.    I don't recall.

20          Q.    Okay.  Do you know if there were any written  
21          memorandum about that?

22          A.    I don't recall.

23          Q.    Okay.  Was it only at certain times?

24          A.    No, sir.

25          Q.    Okay.  It was just all cable failures, they

1 would have to call the manager?

2 A. Yes, sir.

3 Q. Okay. How long has that practice been in  
4 effect?

5 A. I can't answer that. I don't know.

6 Q. Okay. Can you recall it ever not being in  
7 effect?

8 A. No.

9 Q. Okay. Is it in effect now?

10 A. I don't know. I'm not over there. I don't  
11 know if they're still doing it or not.

12 Q. Okay. Was there anything other than cable  
13 failures or any other type of out of service reason for  
14 which the MAS would have to call managers for the  
15 close-out codes?

16 A. No, sir.

17 Q. Have you ever had a special telephone number  
18 that would be given to people having repeat service  
19 troubles for them to call to report their outages?

20 A. I believe at one time our service techs had a  
21 card with a number on it to the district office.

22 Q. Okay.

23 A. I don't know if that's still going on or not.

24 Q. Okay. And what would they do, hand it out to  
25 customers or --



1           A.    Yes, sir.  I guess.

2           Q.    Okay.  What would happen after the customer  
3           called the district office?

4           A.    The district office called the maintenance  
5           center and a trouble report was then entered.

6           Q.    Did the person in the district office call a  
7           maintenance administrator?

8           A.    I think they called the second level's number  
9           or the clerical lines, the main number into the test  
10          center.

11          Q.    Okay.  Would that be yourself at any times?

12          A.    No.

13          Q.    Okay.  What would be the purpose of using that  
14          number?

15          A.    We never really understood it.  I think when  
16          it was initiated, they thought they could reduce repeat  
17          reports this way, but they could not.  The customer  
18          initiated the call.  It was always a customer direct  
19          report.

20          Q.    Okay.  Do you know of any instances where a  
21          report would not be opened on one of those calls to that  
22          number?

23          A.    No.

24          Q.    Okay.  You're emphatic about that.  Why are  
25          you emphatic?

1           A.    Because it's the only way you can operate.  
2    You can't operate without a customer report.

3           Q.    Okay. Okay. Are you familiar with the CON  
4    codes?

5           A.    I am.

6           Q.    Okay. And are those used at times when a  
7    customer asks that the repair be done at some other time  
8    other than what was offered to the customer?

9           A.    Yes.

10          Q.    Okay. Do you know of or have you heard of CON  
11    codes being used on trouble reports where the customer  
12    did not ask for a different time?

13          A.    No.

14          Q.    Do you know of or have you heard of statusing  
15    affecting service troubles as out of service troubles?

16          A.    No.

17          Q.    Okay. Have you ever discussed with any other  
18    managers or any maintenance administrators the statusing  
19    of a cable failure that should have been affecting  
20    service statusing as out of service?

21          A.    No, sir.

22          Q.    Do you recall a meeting somewhere in the time  
23    frame of May or May to August of 1989 where Mr. England,  
24    Donny Porter, yourself, Mr. Figler, and Ms. Roberts were  
25    present where a cable failure was discussed? Do you

1 recall such a meeting?

2 A. I do not recall that meeting, no.

3 Q. Okay. Do you recall any discussion at any  
4 time about statusing a cable failure that should have  
5 been affecting service as out of service?

6 A. No. It's very rare that a cable failure is  
7 not out of service.

8 Q. How about in --

9 A. Very rare.

10 Q. Okay. How about any other instances of  
11 statusing affecting service reports as out of service?

12 A. No.

13 Q. You have not had any discussions with anybody  
14 about that?

15 A. No.

16 Q. Do you know of or have you heard of, of  
17 reporting on the trouble report that the customer  
18 granted an extension of time without the customer being  
19 contacted?

20 A. No.

21 Q. Okay. Do you know of or have you heard of  
22 excluding out of service reports that were about to miss  
23 a commitment and then having those reports reopened as  
24 an employee report?

25 A. No, sir.

1           Q.    Okay.  Do you know of any instances where a  
2           customer directed report was closed and then opened as  
3           an employee-generated report?

4           A.    No, sir.

5           Q.    Do you know of any means of building or do you  
6           know of or have you heard of any means of building up  
7           the out of service base improperly?

8           A.    Yes, sir.

9           Q.    Could you tell me about that?

10          A.    We had a cable failure in the central office,  
11          an existing cable failure in a central office whereby we  
12          were about to miss the 95 percent because of a very low  
13          base, and some customer direct reports were added to the  
14          failure.

15          Q.    Okay.  Were the customer direct reports added  
16          incidences where the customer had not reported a  
17          failure?

18          A.    Correct.

19          Q.    Okay.  Do you recall what exchange that was  
20          with?

21          A.    No, sir.

22          Q.    Do you recall the approximate time frame?

23          A.    Absolutely not.

24          Q.    Okay.

25          A.    I do not retain figures at all, including

1        dates.

2            Q.    Okay.    Who was involved in adding the customer  
3        reports that -- where the customer didn't call in?

4            A.    I honestly cannot answer that question  
5        truthfully.

6            Q.    Okay.    What do you recall about it?

7            A.    I remember dialing in some reports.

8            Q.    Okay.    Did you dial into the MAs?

9            A.    No, I dialed to the automated repair number.

10          Q.    AERO?

11          A.    Yes, sir.

12          Q.    Capital A-E-R-O?

13          A.    Capital A-I-R-O.

14          Q.    A-I-R-O.    Okay.

15          A.    I think.

16          Q.    Okay.    And do you recall about how many  
17        reports?

18          A.    No, sir.

19          Q.    And did you dial in from customers who would  
20        have been affected by the cable failure?

21          A.    Yes.

22          Q.    Or did you check to see that the customers  
23        whose numbers you were dialing into AIRO were people who  
24        were affected by the failure, or were they just --

25          A.    Well, it was a known severed cable.    They

1 would have been affected.

2 Q. Okay. But you checked to see that the numbers  
3 you were calling in were persons that were affected?

4 A. Yes, sir.

5 Q. Okay. Did you discuss the -- this event with  
6 anybody, dialing into the AIRO of the reports on that  
7 cable failure?

8 MR. TYNAN: I'm going to object to the form of  
9 the question unless you specify something with more  
10 particularity. With anyone, I think that's too  
11 general and vague. I want it narrowed down,  
12 please.

13 Q. (BY MR. BECK) Have you discussed it with any  
14 Southern Bell employees?

15 A. I don't recall doing so, but that doesn't --

16 Q. Okay.

17 A. I'm not saying I didn't.

18 Q. That's all I'm asking is what you can  
19 remember.

20 A. I don't recall. It was a very tiny portion of  
21 a long career.

22 Q. Okay.

23 A. I didn't have reason to recall this.

24 Q. Okay. We're just trying to find out what  
25 happened. What led you to do that?

1 A. To build the base.

2 Q. Okay.

3 A. Not to miss that central office's PSC ruling.

4 Q. Okay. Did anybody suggest that you should do  
5 that?

6 A. I, I don't know where it came from. I  
7 honestly don't.

8 Q. Okay. Okay. Did you ever discuss it with  
9 Mr. England?

10 A. I don't recall discussing it with  
11 Mr. England.

12 Q. Okay. Okay. How about with Mr. Porter, did  
13 you ever discuss it with him?

14 MR. TYNAN: Time frame. Before or after the  
15 event occurred?

16 MR. BECK: Either. Either, either talk about  
17 doing it or having done it.

18 A. Very, very little. I recall talking to  
19 somebody after it was done and relaying how badly I felt  
20 because we've always been such a clean center.

21 Q. Okay. Do you recall who that someone was?

22 A. No, sir.

23 MR. TYNAN: I assume you're not referring in  
24 any way to her discussions with me?

25 MR. BECK: Oh, no. I'm not referring to

1           counsel.

2           MR. TYNAN:   Okay.

3           MR. BECK:   I'm talking about Southern Bell  
4           employees.

5           THE WITNESS:   Understood.

6           Q.   (BY MR. BECK)   Okay.   And do you recall what  
7           that person said after you told them about feeling badly  
8           about it?

9           A.   No.

10          Q.   Okay.   Okay.   Do you know of or have you heard  
11          of any other means being used in your center in Fort  
12          Pierce to build the out of service base?

13          A.   No, sir.

14          Q.   Do you know of or have you heard of fictitious  
15          employee codes being used on trouble reports?

16          A.   No, sir.

17          Q.   Okay.   Are you aware that certain exclude  
18          codes will take a report out of the PSC rule  
19          requirement?

20          A.   Yes, sir.

21          Q.   Okay.   Have you ever heard of those exclude  
22          codes being-used in instances where they weren't  
23          properly applied to the report?

24          A.   No, sir.

25          Q.   Do you know of any other means or have you



1 heard of any other means being used to exclude reports  
2 from being counted toward the PSC report?

3 A. No, sir.

4 Q. Okay. Do you know of or have you heard of any  
5 other means of falsifying information on customer  
6 trouble reports?

7 A. No, sir.

8 Q. Okay.

9 MR. BECK: Thank you. That's all I have.  
10 There may be others.

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

12 MR. LACKEY: I have just a couple of  
13 questions, please.

14 CROSS-EXAMINATION

15 BY MR. LACKEY:

16 Q. I may have missed this when you answered  
17 Mr. Beck. Do you recall what exchange was involved?

18 A. No, I don't not.

19 Q. You don't know whether it was Hobe Sound?

20 A. Hobe Sound --

21 Q. Hobe Sound.

22 A. -- or South Port were always problem offices  
23 to cover is all I can tell you.

24 Q. Okay. But you can only recall this one  
25 instance where something like this happened?

1 A. Yes, sir.

2 Q. And you don't remember which exchange it was?

3 A. No, sir.

4 Q. Okay. One of the other instances that I'm  
5 concerned about may have taken place back in May to  
6 August of 1989, somewhere in that time frame, and it  
7 involved I believe a cable cut and an instruction given  
8 to an MA to indicate that it was an out of service  
9 failure instead of a service affecting failure.

10 A. Yes, sir.

11 Q. Ms. Roberts -- do you know Ms. Barbara  
12 Roberts?

13 A. Yes, sir.

14 Q. Okay. She indicated yesterday that there was  
15 some discussion about how that particular cable cut  
16 should be treated, whether it was service affecting or  
17 out of service.

18 Do you have any recollection of a meeting with  
19 Ms. Roberts or a conversation with  
20 Ms. Roberts during the time frame I've described  
21 addressing such a situation?

22 A. Barbara had all the maintenance administrators  
23 reporting to her at the time. We had many discussions  
24 because Barbara was new. To recall one, no.

25 Q. Okay. Nothing sticks out in your mind?

1           A.    No.  I do recall one situation where we paid a  
2           maintenance administrator overtime to stay on a very  
3           large cable.  She sat at my desk where she could  
4           communicate with the men in the field on the radio.  
5           They were clearing hundred pair complements at a time,  
6           and we were trying to close out those hundred pair  
7           complements at a time.  Some of them went over 24 hours,  
8           some of them were done in just a few hours, because it  
9           involved a large conduit run and this MA was instructed  
10          to status this cable failure out of service and she did  
11          not.  If that's what Barbara is referring to, I don't  
12          know.  But I do recall that particular one.

13          Q.    But the cables were out of service then?

14          A.    Absolutely out of service, and some of them  
15          over 24 hours and she had -- the MA had a direct order,  
16          so to speak, to status those failures out of service and  
17          she did not.

18          Q.    But you don't know whether that was what  
19          Ms. Roberts was talking about?

20          A.    I have no idea.

21                MR. LACKEY:  Okay.  Thank you.

22                               CROSS-EXAMINATION

23          BY MR. TYNAN:

24          Q.    With respect to the cable cut that you were  
25          referring to in your earlier testimony that you reported

1 the -- certain lines on that cable out of service, they  
2 in fact were out of service, were they not?

3 A. Yes, they were.

4 Q. So, to the extent that you reported that  
5 information into the system, it was a true and accurate  
6 report?

7 A. Yes, sir.

8 Q. It's just that you reported it and not some  
9 customer?

10 A. Correct.

11 Q. All right. At that time, I'm not talking  
12 about now, but at that time, do you know if doing that  
13 violated any Public Service Commission or company rule,  
14 regulation or whatever?

15 A. Not to my knowledge.

16 Q. All right. Does it now?

17 A. There are stricter guidelines now, yes.

18 Q. All right. Can that --

19 A. Company guidelines.

20 Q. All right. Does that cable failure with no  
21 service to the customers get reported into the system  
22 somehow now?

23 A. No. Not unless the customer reports.

24 Q. You mean -- but would your company be aware of  
25 it?

1 A. Yes, sir.

2 Q. If it was a whole cable failure?

3 A. Yes, sir.

4 Q. And do you have the same kind of time frames  
5 to complete the work like they talk about on this Public  
6 Service Commission business, 95 percent done in a  
7 24-hour period?

8 A. Yes, sir.

9 Q. How would you know in the system if you didn't  
10 report it in that the cable was cut?

11 A. You don't.

12 Q. How in the world can you meet that time frame  
13 then if nobody knows it?

14 A. Your time frame starts when your customers  
15 report.

16 Q. Oh, I see. All right. Do you have any  
17 internal time frames that you attempt to meet?

18 A. No.

19 Q. You don't attempt --

20 A. As quick as we can.

21 Q. As quick as possible?

22 A. Yeah.

23 Q. All right. That's all. Thank you.

24 A. Cable failures are always your fastest  
25 restoration.

1 MR. BECK: Okay. Thank you very much.

2 MR. TYNAN: All done.

3 MR. LACKEY: Thank you. Appreciate it.

4 (Concluded at 11:00 a.m.)

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C E R T I F I C A T E

I, Maureen A. Kerns, Registered Professional Reporter, CM, and Notary Public, State of Florida at Large, do hereby certify that the foregoing deposition of LYNN LYTLE was taken before me in this cause at the time and place and in the presence of counsel as set out herein; that before giving his/her deposition, the witness was duly sworn by me to testify the whole truth; that the foregoing pages constitute a true record of his testimony of the witness and of all proceedings had.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor am I interested in the outcome of the action.

A handwritten signature in cursive script, reading "Maureen A. Kerns", is written over a horizontal line.

Maureen A. Kerns, Registered Professional Reporter and Notary Public, State of Florida at Large. Commission Expires: Dec. 20, 1994

ERRATA SHEET

PURSUANT TO RULES OF CIVIL PROCEDURE, this deposition is being submitted to you for examination, reading and signing. Please do not write on the transcript. Any change in form of substance you desire to make should be entered upon this sheet as follows:

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Signature of Witness

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Date:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Notary Public,  
State of Florida at Large  
My Commission Expires:



*H. Watson*

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

COPY

DEPOSITION OF:

GARY MASER

TAKEN AT THE INSTANCE OF:

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

DATE:

Thursday, July 30, 1992

TIME:

Commenced at 11:00 a.m.  
Concluded at 11:45 a.m.

LOCATION:

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 STENOGRAPHIC REPORTERS, INC.  
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Regulatory Review.

STAN GREER, FPSC Division of Communications.

\* \* \* \* \*

I N D E XWITNESS:PAGE

GARY MASER

Direct Examination by Ms. Richardson

6

CERTIFICATE OF REPORTER

21

S T I P U L A T I O N S

The following deposition of GARY MASER was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

GARY MASER

was called as a witness and, after being first duly sworn, was examined and testified as follows:

MR. ANTHONY: Before we begin, the same stipulations as before.

MR. HILDEBRANDT: Correct. Fine.

MS. RICHARDSON: Mr. Hildebrandt, would you like to put in an appearance for the record?

MR. HILDEBRANT: Sure. My name is Mark Hildebrant, and I am here on behalf of the witness, Mr. Maser.

MR. ANTHONY: Mr. Maser, just one thing before we get started. As you may be aware, these depositions

are a part of the Florida Public Service Commission's investigation into Southern Bell's trouble reporting practices. As you may also be aware, the Company has conducted its own investigation into the trouble reporting practices. That investigation is privileged, which means no third party can get it from the Company. So, to the extent that you get a question from anybody which goes to your knowledge about that investigation, I'm going to ask you not to answer the question. So, if I ask you not to answer, I just want you to be aware that may be coming to you, okay? Do you understand?

THE WITNESS: Yes, I understand.

MR. ANTHONY: Thank you.

MS. RICHARDSON: And just to be clear, you are to let me know that you did have some information, and give him an opportunity to object. Just don't automatically assume that you don't answer it.

THE WITNESS: Okay.

MS. RICHARDSON: And then I have just a few opening preliminaries that I want to make sure we are understanding, so that when we both read the record we both know what we said.

THE WITNESS: All right.

MS. RICHARDSON: Under "I don't know," if I ask you a question, and you tell me you don't know, okay,

or I ask you do you know someone or an event or an incident that may have happened, for me that means that you have no personal direct knowledge of that person or the event or whatever we are discussing. And you have no secondhand knowledge, you haven't heard about it from any source, okay? Pretty much the same thing applies for "I don't remember," "I can't recall," absolute blank. There is nothing else floating around out there, kind of vague memories. If you have them out there, the little vague memories, tell me, "I don't really know, but there is something; I had something to do with that," or "I remember we did something about it, I just can't tell you specifically." And that will give me an opportunity to maybe ask some more questions and try to boost your memory on it. Okay?

THE WITNESS: I understand.

DIRECT EXAMINATION

BY MS. RICHARDSON:

Q All right. Then, if you would to start, please, if you will give the court reporter your name and spell it for her, so that we have it accurately?

A Gary Maser, M-A-S-E-R.

Q Okay. And your address?

A 2026 Discovery Circle East, Pompano Beach 33064.

Q Now what is your present position?

A I am Assistant Manager in the Installation Maintenance Control Center in Hollywood, Florida.

Q You drive from Pompano to Hollywood every day?

A Every day.

Q I'm impressed.

A On the Turnpike.

Q On the Turnpike. Okay. And how long have you held this position?

A In Hollywood, approximately two years.

Q Two years, dating from about the first of 1990, around the first of 1990?

A I think it was June, June of 1990.

Q June of 1990.

A Let me make that September, September 1st is when I reported.

Q Okay. Who is your present supervisor?

A Nicole Maxwell.

Q All right. And who is her supervisor?

A Izzy Perera.

Q What did you do prior to your move to the Hollywood IMC, what was your position?

A I held the same title, Installation Maintenance Center Load Control Supervisor in Orlando, Florida.

Q And how long did you hold that position?

A Approximately two years.

Q And what did you do prior to that?

A I was an outside service tech supervisor in charge of installation and repair.

Q And so you supervised the employees who actually went out and did the actual repair, the hands-on stuff?

A Correct.

Q And did that require some technical expertise on your part to do that?

A Yes. I was a service tech prior to that.

Q How long have you been with the Company?

A Since 1973.

Q And what did you start out as?

A Service tech.

Q You were a service tech at that point, okay. What is the scope of your present duties, what exactly are you all involved in at the IMC?

A Primarily dispatching service techs on the job that they are going to be performing for that day.

Q Then in terms of the customer trouble reporting process as it kind of flows through this system, would you have any responsibilities for actually receiving the customer trouble report?

MR. HILDEBRANDT: Based upon the advice of Counsel at this time the witness is respectfully going to invoke his Fifth Amendment rights, against



self-incrimination guaranteed to him under the Constitution of the United States.

MS. RICHARDSON: For that question?

MR. HILDEBRANDT: Well, we'll see what else follows.

MS. RICHARDSON: Well, you will interject each time?

MR. HILDEBRANDT: Right.

MS. RICHARDSON: Okay, Mr. Hildebrandt, thank you.

BY MR. RICHARDSON:

Q In your present position, then, supervising the STs, do you have any responsibility for taking the report after it has been received and working on the repair section of that report, the timing of the repair part?

MR. HILDEBRANDT: Same objection, same advice to the witness.

MS. RICHARDSON: Okay.

BY MS. RICHARDSON:

Q Mr. Maser, in terms of your present scope of responsibilities and your supervising of employees, do you have any responsibility for handling a trouble report from the point of time it is dispatched to the field to the time it is cleared and closed?

MR. HILDEBRANDT: Same objection, same advice to the witness.

MS. RICHARDSON: Okay.

MR. HILDEBRANDT: If you want to expedite this thing, you know, you want to go question by question, fine. I believe from now on out he will be invoking his Fifth Amendment rights guaranteed to him by the Constitution. If you want to go question by question, you can do that, but I think that he has given you all that he will at this point in time. You know, you're asking the questions, so however you want to do it.

MS. RICHARDSON: Okay. We will continue on, if we may, please.

MR. HILDEBRANDT: Fine, anyway you would like.

MS. RICHARDSON: Thanks, Mr. Hildebrandt.

BY MR. RICHARDSON:

Q Within the Company's structure, do employees, management employees, receive a written job description for their duties and responsibilities?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, have you been disciplined recently by the Company?

MR. HILDEBRANDT: Same -- were you through? I'm sorry. Same objection same advice to the witness.

MS. RICHARDSON: Okay.

1 BY MS. RICHARDSON:

2 Q Mr. Maser, were you disciplined in 1990 by the  
3 Company?

4 MR. HILDEBRANT: Same objection, same advice to  
5 the witness.

6 BY MS. RICHARDSON:

7 Q Mr. Maser,

8 :

9

10 MR. HILDEBRANDT: Same objection. Same advice to  
11 the witness.

12 BY MS. RICHARDSON:

13 Q Mr. Maser,

14

15

16 MR. HILDEBRANT: Same objection. Same advice to  
17 the witness, and objection to the form of the question.

18 BY MS. RICHARDSON:

19 Q Mr. Maser,

20

MR. HILDEBRANT: Same objection, same advice to  
the witness.

BY MS. RICHARDSON:

Q Mr. Maser, have you read anything in the newspaper  
related to this present investigation?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, have you ever backed up repair times to meet an out-of-service over 24 hours index?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q And do you know of anyone else who has?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of any process in any IMC where MAS were directed to call a manager to receive disposition and cause codes to close out a trouble report?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever had that procedure in your IMC?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever heard of that being done?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, are you familiar with disposition and cause codes used on trouble reports?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has used a no access code to stop the clock on an out-of-service report?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has excluded out-of-service reports that were about to miss the 24-hour clock, or exceed it, to exclude that report or close it and then re-open a new report in order to actually clear and close the trouble?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to

the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has recorded an extension of a commitment time on a report in order to stop that 24-hour clock from ticking?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has used the carry-over no, or the CON code to stop the 24-hour clock on a trouble report?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever heard of that being done?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, are you aware of the Company's change in policy where the Company has directed employees to no longer use the CON carry-over no code?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has taken test okay reports and closed them out-of-service in order to meet the out-of-service index?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever heard of that being done?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has unintentionally violated Company policies and procedures on customer report handling?

MR. HILDEBRANT: Same objection, same advice to

the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who may have done so through misinterpretation?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has used an employee code other than their own to enter information on a customer trouble report?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who has used excludable disposition and cause codes to exclude an out-of-service report from the 24-hour index base?

MR. HILDEBRANDT: Same objection, same advice to



the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of any other means or way of building the out-of-service base in order to meet a 95 percent objective on the repair index?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who has used any other means, or any means whatever, to build the base to meet that 95 percent index?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who has taken affecting service reports, statused them as out-of-service reports, in order to build the base to meet that 95 percent index?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q And have you ever heard of someone doing so?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who has falsified a customer record?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you heard of it being done?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you recall being interviewed by Company security regarding Company sales?

MR. HILDEBRANT: Same objection. And also an objection to attorney/client privilege on behalf of the witness, who would have been the client. He is not

waiving it. He is not waiving the privilege, so the record is clear.

MS. RICHARDSON: Okay.

BY MS. RICHARDSON:

Q Mr. Maser, did you win an award for your participation in the sales program with the Company?

MR. HILDEBRANT: Same objection, being the Fifth Amendment at this time, and I would advise the witness not to answer that.

MS. RICHARDSON: Based upon?

MR. HILDEBRANDT: The Fifth Amendment.

MS. RICHARDSON: And the attorney/client, or just the Fifth Amendment?

MR. HILDEBRANDT: No, I don't think you asked anything attorney/client, but the Fifth Amendment.

MS. RICHARDSON: Okay.

BY MS. RICHARDSON:

Q Mr. Maser, do you know a Don Babair?

MR. HILDEBRANDT: Same objection, Fifth Amendment. Same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, did you have conversations with a Ms. Jona Bradley (phonetic) regarding sales taken and reported by Marshall Taylor?

MR. HILDEBRANDT: Same objection, Fifth Amendment,

and advise the witness not to answer.

MS. RICHARDSON: On the basis of attorney/client?

MR. HILDEBRANDT: No, on the basis of the Fifth Amendment.

MS. RICHARDSON: Just the Fifth Amendment?

BY MS. RICHARDSON:

Q And for the record, will you please state out loud that you have refused to answer any of my questions on the basis of your attorney advising you to take the Fifth Amendment privilege? If you would make that orally for the court reporter, I would appreciate it.

A How do you want me to state it?

Q Well, however, that you are just not responding because of your attorney's advice.

A I am not responding due to my attorney's advice.

MS. RICHARDSON: Thank you. I have no further questions at this point, but the staff may wish to pose one or two before I can let you go. .

MS. WILSON: I have no questions.

MR. GREER: No.

(The deposition was concluded at 11:45 a.m.)

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )


COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 20 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.

WITNESS MY HAND AND SEAL this 13<sup>th</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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 )

**CERTIFIED  
COPY**

DEPOSITION OF THE WITNESS, DONALD R. PORTER,  
TAKEN BY OFFICE OF THE PUBLIC COUNSEL,  
ON TUESDAY, JULY 28TH, 1992.

Riviera Beach, Florida  
9:24 a.m. - 10:00 a.m.

APPEARANCES:

CHARLES J. BECK, ESQUIRE  
Assistant Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida, 32399-1400  
on behalf of the Citizens of the  
State of Florida.

TRACY HATCH, ESQUIRE  
Florida Public Service Commission  
Chief Bureau of Communications  
Division of Legal Services  
101 East Gaines Street  
Tallahassee, Florida, 32301  
on behalf of the Florida Public  
Service Commission.

(APPEARANCES CONT. ON PAGE TWO)

THE FLORIDA COURT REPORTING CO.  
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R. DOUGLAS LACKEY, ESQUIRE  
Southern Bell Telephone & Telegraph  
675 West Peachtree Street  
Suite 4300  
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on behalf of Southern Bell  
Telephone & Telegraph.

JOHN P. TYNAN, ESQUIRE  
P.O. Box 777  
212 South Old Dixie Highway  
Jupiter, Florida, 33458  
on behalf of the Deponent, Donald Porter.

- - -

I N D E X

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E X H I B I T S

(none)

1                   The deposition of DONALD R. PORTER was  
2           taken before me, Maureen A. Kerns, Registered  
3           Professional Reporter, CM, and Notary Public, State of  
4           Florida at Large, at the offices of Southern Bell  
5           Telephone & Telegraph Company, 3650 Avenue E, Room 316,  
6           in the City of Riviera Beach, County of Palm Beach,  
7           State of Florida, on Tuesday, July 28th, 1992, beginning  
8           at 9:24 a.m., pursuant to the Notice filed herein, at  
9           the instance of the Office of the Public Counsel in the  
10          above-entitled cause pending before the above-named  
11          Court.

12                   - - -

13                   MR. LACKEY: Mr. Porter, I'm Doug Lackey, and  
14           I'm representing Bell South Telecommunications,  
15           Inc., Southern Bell, and we have been operating  
16           these depositions under three stipulations which  
17           I'm going to explain to you now. Two are basically  
18           for the benefit of the lawyers and one is for your  
19           benefit.

20                   The first is that there's no objection as to  
21           the time or place of taking the deposition, here  
22           and now. The second is that we're reserving  
23           objection except as to the form of the question and  
24           the relevancy of the question until the time of  
25           first use.



1           What that means is that normally if Mr. Beck  
2           would ask you a question that would be  
3           objectionable in a court of law, other than the  
4           form of the question he asked you, we don't  
5           object. We just waive and you go ahead and answer  
6           the question. That's a standard stipulation.  
7           Nothing different than we normally do.

8           The last stipulation is the one that should be  
9           of primary interest to you and that is this lady is  
10          taking down all the questions and all the answers  
11          that are being given. If this deposition is  
12          subsequently transcribed, that is typewritten,  
13          you'll be sent a copy and will be given an  
14          opportunity to read it and to make any corrections  
15          and then sign it before it's used. And that's the  
16          third stipulation. The reading and signing of the  
17          deposition is not waived.

18          Now, before we begin the deposition, I have an  
19          instruction that I need to give you; and if after  
20          I'm done, you don't understand what I've said or  
21          you want me to explain any part of it, I'll be  
22          happy to do that.

23          To the extent that any question that Mr. Beck  
24          or Mr. Hatch asks you calls for an answer that  
25          would be based on information that was derived from

1 the investigation that was done by Southern Bell at  
2 the direction of its legal department, I will  
3 object to that question on the grounds that it  
4 calls for privileged information, and I will  
5 instruct you not to answer the question.

6 To the extent that such a question is asked  
7 and you have personal knowledge not obtained as a  
8 result of the investigation, you should go ahead  
9 and answer the question fully and completely.

10 To the extent that a question is asked and I  
11 don't object to it, but you know that in order to  
12 answer that question, you're going to have to tell  
13 them something that you learned as a result of the  
14 investigation, you should indicate that. You  
15 should say I have an answer to your question, but  
16 the information that I have I learned during the  
17 course of the investigation, the interviews or  
18 whatever, and once you do that, then I'll step in  
19 and take care of it from there.

20 The important thing is that if you're asked a  
21 question, you should answer completely, but if it's  
22 going to cause you to reveal what I'm calling  
23 privileged information, you should tell me that  
24 before you answer so that I can take appropriate  
25 action. Is the instruction clear or do I need to

1                   --  
2                   THE WITNESS: I think so.

3                   MR. LACKEY: Thank you, sir.

4                   - - -

5                   DONALD R. PORTER

6                   being by me first duly sworn to testify the whole truth,  
7                   as hereinafter certified, testified as follows:

8                   DIRECT EXAMINATION

9                   BY MR. BECK:

10                  Q. Mr. Porter, my name is Charlie Beck, and I'm  
11                  going to start with the questions. Others may have some  
12                  after I'm done.

13                  Your name is Donald R. Porter?

14                  A. That's correct.

15                  Q. And you are employed by Southern Bell?

16                  A. I am.

17                  Q. What is your position with Southern Bell?

18                  A. I am an assistant manager, IMC.

19                  Q. Where is that?

20                  A. In Fort Pierce.

21                  Q. How long have you held that position?

22                  A. Well, about 14, 15, 16, 17 years. Since '76 I  
23                  think it is. Since '74. Since '74, I'm sorry.

24                  Q. Okay. And could you briefly describe what  
25                  that position entails?

1           A.    What my job briefly entails is analyzation of  
2           trouble reports, after close out, during their close  
3           out, during their being in the pool to be dispatched on  
4           before they're closed out. Basically an analytical job  
5           I guess you would say.

6           Q.    Okay.

7           A.    I also back up other supervisors in their  
8           positions when they're off days, vacations, stuff of  
9           that nature.

10          Q.    Okay.

11  
12          A.    Yes, I did.

13          Q.    Was there a meeting where that took place or  
14          meeting to discuss it?

15          A.    There was a meeting to present me with the,  
16          with the -- with my, with my boss.

17          Q.    Okay. Do you recall who the people were who  
18          were present at that time?

19          A.    F. R. Knowles, and I do not remember the other  
20          gentleman. He was not from our turf. He was from  
21          personnel I believe.

22          Q.    Okay.

23  
24          A.    Well, yes.

1 Q. Okay.

2

3 A.

4

5 Q. Did they tell you?

6 A. Not that I recall.

7 Q.

8

9 A. No, I didn't.

10 Q. Why not?

11 A.

12

13

14

15 Q. Do you have any opinion about what type of  
16 record keeping was involved that formed the basis for  
17 the discipline?

18 A. Not really. Not 100 percent, no.

19 Q. Okay. What do you believe it to be?

20 A.

21 Q. In what way?

22 A. I'm not sure. I'm not sure at all about it.

23 Q. Okay.

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A.

Q. Okay.

A.

Q. Okay

A. That's about all we do in there.

Q. Okay

A. Yes.

Q. And what was that?

A.

Q. Okay.

A. No.

Q. And again why not?

A.

Q. Okay. Do you know what time period was involved with respect to problems with the trouble close outs?

A. No. Close outs, no.

1 Q. Do you have an opinion?

2 A. No.

3 Q. Do you have any knowledge or have you heard of  
4 backing up the times for the repair times on out of  
5 service reports?

6 A. I guess I don't really thoroughly understand  
7 that.

8 Q. Okay. Let me try and rephrase it. Do you  
9 know of or have you heard of times for repairs being  
10 affected that are entered on repair records, those times  
11 being backed up to some other time?

12 A. Most certainly.

13 Q. Okay. Could you describe the circumstances  
14 where that would occur?

15 A. Yes, I think so. An individual most of the  
16 time, something of that nature would happen with a cable  
17 repairman where, well, it's 9:30 and say that cable  
18 repairman came to work at 8 o'clock and picked up this  
19 case in trouble and he actually cleared it at 9:30, but  
20 he had a couple of hours to go in buttoning up, closing  
21 up his supplies and one thing or another, and it's onto  
22 12 o'clock in the day or it may be even 1 o'clock in the  
23 afternoon. He may have gone to lunch and then called.  
24 Well, to close that out at 1 o'clock would be wrong, and  
25 it would be backed up till 9:30 when he actually had the

1 customer back in service.

2 Q. Okay. Is that procedure in effect now?

3 A. No, sir.

4 Q. Okay.

5 A. Pardon me? It is in effect now. It just does  
6 not apply to the rule of the PSC at this time. At this  
7 time, if that same scenario had have happened, you would  
8 have been, as far as the PSC, it would still be the 1  
9 o'clock close-out time, which is wrong.

10 Q. Okay.

11 A. You know, we had the customer back in service  
12 at 9:30 in the morning and that's when the customer  
13 should be shown back in service, not at 1 o'clock.

14 Q. So, the present rule has or puts the close-out  
15 time at the time the service tech calls in?

16 A. Calls in and it's closed out in the computer.

17 Q. Okay.

18 A. And it's very tough to have a cable repairman  
19 stop right in the middle of everything he's doing and  
20 call in and close this out, so --

21 Q. When was that change put into effect?

22 A. This year.

23 Q. Okay. Okay. Do you have any knowledge or  
24 have you heard of times being backed up to a time other  
25 than the cleared time on repair records?



1 A. No, sir.

2 Q. You know, in your example, say the service  
3 tech called in at 1:30 and the repair time was put in at  
4 8:30 instead of 9:30, do you have any knowledge of false  
5 clear times being entered on service records?

6 A. No, sir.

7 Q. Have you heard of that happening?

8 A. No, sir.

9 Q. Okay. Have you had a procedure in effect  
10 where the maintenance administrators would be required  
11 to call a manager to get the close-out codes for service  
12 problems?

13 A. No, not really. There are some codes that  
14 would be mandatory to be closed out, in the case of a  
15 contractor tearing up a cable and billing being involved  
16 as the company billing the contractor that cut the  
17 cable. That would -- if you had a damage like that, you  
18 would have to be certain that that would be closed out  
19 to that particular code because it automatically -- it  
20 has to be closed out to that code in order for the  
21 contractor to be billed.

22 Q. Okay. Was there a procedure in effect for  
23 that where if a contractor was involved, the maintenance  
24 administrator would be required to contact the manager  
25 for the close-out code?

1           A.   No, sir.  Actually that is more or less taken  
2           care of with the cable repairman and the cable repair  
3           foreman.

4           Q.   Okay.

5           A.   That they know that this code has got to be  
6           used in order to bill, to bill the contractor.  It's  
7           just at one time I don't -- where the bill applies to  
8           billing a contractor, you had to close this out and I  
9           think you still do.

10          Q.   Okay.  Were there any types of outages where  
11          the maintenance administrators were required to contact  
12          the manager for the close-out code other than that that  
13          you've discussed?

14          A.   Not that I'm aware of.

15          Q.   Okay.  Have you ever had a telephone number in  
16          Fort Pierce that you would provide to customers who  
17          would have repeat outages so that they could call to get  
18          repairs, a special telephone number?

19          A.   No, sir.

20          Q.   Okay.  So, even if you were a repeat customer,  
21          they would just call in the same number for repairs as  
22          anybody else would?

23          A.   Well, there are repeat reduction programs to  
24          check back.  We retest the customer's lines.  We have  
25          systems that if say your trouble -- say your telephone

1 had been in trouble, we have systems that retest your  
2 number for 30 days and prints out a printout every  
3 morning that if you had had trouble in the last 30 days,  
4 it would come up on this printout and say this fellow  
5 has had trouble in the last 30 days and it doesn't look  
6 like he's doing real well this morning, so to speak, and  
7 we would have an MA at that time take that list, which  
8 is printed out from Miami, and she would go over these  
9 and retest them. And in some cases, we would at that  
10 point, according to our practice, make up a report to go  
11 back out on your phone.

12 Q. Sure. But that's because you're computerized  
13 testing mechanism would locate that number?

14 A. That's exactly right, um-hum.

15 Q. But how about giving the customers a special  
16 number to call for repeat problems?

17 A. No, sir. We have raised heck about that for a  
18 long time, because we just don't have the personnel,  
19 that luxury with personnel people that we can take this  
20 trouble. They have a group in Miami that that's their  
21 job.

22 Q. Okay. Do you know of or have you heard of the  
23 use of CON codes to stop the clock on out of service  
24 troubles?

25 A. The CON code?

1 Q. Um-hum.

2 A. Well, the CON code would throw it out of the  
3 base, but no, sir. The CON -- excuse me.

4 Q. It would throw it out of the base because it  
5 would report it as the customer asking for an extension  
6 of time, wouldn't it?

7 A. An example would be this morning, that the  
8 customer called in and said he wouldn't be home until  
9 Saturday. What is today? Tuesday. You've got it --  
10 you know, it's not our fault. The customer knows he's  
11 got an inside problem or a yard problem with a dog or  
12 something, and that CON code was used very good at that  
13 time, too, to put this thing off until Saturday and then  
14 Saturday we would have someone go through the CON codes  
15 and put into the pool those that were for Saturday.

16 Q. Okay.

17 A. But now they've -- we don't use that anymore,  
18 and that's wrong.

19 Q. Is that a change that was made recently or  
20 this year?

21 A. Yeah, I think it was made this year.

22 Q. How are those treated now when the customer  
23 asks for a later time?

24 A. Oh, Lord, that's a mess. Those now go in as  
25 no access others I think. In order -- I believe I'm

1 right on this. I may be, I may be absolutely off in  
2 left field on this, but they go in as no access others I  
3 believe and then, therefore, are able to be picked out  
4 of -- as someone wanting a later commitment than what  
5 we're offering at that time.

6 Q. Okay.

7 A. Two days out, three days out or what have  
8 you.

9 Q. Does that still take them out of the out of  
10 service base for the purposes of PSC rule?

11 A. No, sir.

12 Q. Okay. So, they would be -- if they weren't  
13 repaired for over 24 hours, they would be reported as  
14 missed?

15 A. They would be reported as out of service  
16 trouble, yes.

17 Q. Okay. Do you know of or have you heard of the  
18 CON code being used in instances where the customer did  
19 not request a later date?

20 A. I have no personal knowledge, no, of that.

21 Q. Okay. Have you heard of that being done?

22 A. Well, you hear of a lot of things, but I have  
23 no personal knowledge.

24 Q. Well, what have you heard about it?

25 A. Well, you know, it's a way it could have been

1       used, but like I said, I still have no personal  
2       knowledge of that being done.

3           Q.    Okay. Do you have any reason to believe that  
4       may have been done in your installation and maintenance  
5       center?

6           A.    No, sir, I don't.

7           Q.    Do you know of or have you heard of statusing  
8       affecting service reports as out of service reports?

9           A.    Well, there again, you could do this same --  
10      along the same line. Yes, I've heard of it, but I don't  
11      have knowledge of it happening in our center.

12          Q.    You've never had an occasion to direct a  
13      maintenance administrator to status an affecting service  
14      cable outage as out of service?

15          A.    Only if it was out of service.

16          Q.    Have you had any discussions with other  
17      managers in your installation and maintenance center  
18      about directing a maintenance administrator to, to  
19      status an affecting service cable outage as out of  
20      service?

21          A.    Well, we discuss things quite frequently, but,  
22      no, not that I can recall.

23          Q.    Okay. Do you recall a discussion in 1989  
24      where you were present and managers named England,  
25      Lytle, and Figler and Roberts were present, where a

1 discussion was made about a cable outage and having a  
2 maintenance administrator record the outage as out of  
3 service when in fact it was affecting service?

4 A. In what time frame, sir?

5 Q. May to August of 1989.

6 A. No, I do not.

7 Q. Have you ever told a maintenance administrator  
8 to status an affecting service trouble as out of  
9 service?

10 A. Only if it was truly out of service.

11 Q. Okay.

12 A. They would come in as MB out of service or not  
13 out of service, and if at that time it was out of  
14 service, then it should be statused out of service.

15 Q. Have you ever heard of any managers or any  
16 maintenance administrators in your IMC status affecting  
17 service trouble reports as out of service?

18 A. Not that I can recall right off. I have a  
19 problem with that one I guess.

20 Q. What's that?

21 A. I don't really -- would you state that again?

22 (The pending question was read back by the  
23 stenographer.)

24 MR. TYNAN: Do you understand the question?

25 THE WITNESS: Yeah, I think I do, but no, not

1           that I can recall.

2           Q.   (BY MR. BECK) Okay. Do you know of or have  
3           you heard of excluding out of service reports that are  
4           about to miss the commitment time, but then re-opening  
5           them as employee-generated reports?

6           A.   No.

7           Q.   Do you know of or have you heard of the use of  
8           fictitious employee codes being used on repair reports?

9           A.   No, sir.

10          Q.   Do you know of or have you heard of exclude  
11          codes being used on reports where the exclude codes  
12          didn't properly apply to the repair? Let me give you an  
13          example.

14          A.   Yes, if you would.

15          Q.   Suppose you had an out of service and it was  
16          recorded as lightning when in fact lightning had nothing  
17          to do with the out of service. There are certain -- let  
18          me back up a little bit. There are certain exclude  
19          codes that will take a repair out of the PSC rule, are  
20          there not?

21          A.   Yes.

22          Q.   And lightning is an example?

23          A.   That's right.

24          Q.   Inside wire, a flood, are there not?

25          A.   Well, lightning would, flood would. I don't



1 know -- well, yeah, I guess inside wire would, too,  
2 yes.

3 Q. Okay. Do you know of or have you heard of  
4 those exclude codes being used to take a report out of  
5 the PSC rule when the exclude codes didn't properly  
6 apply?

7 A. No, sir.

8 Q. Do you know of or have you heard of any means  
9 of building up the out of service base for the PSC out  
10 of service rule?

11 A. We did in one instance, um-hum.

12 Q. Could you tell me about that?

13 A. We had a cable failure in Hobe Sound, and we  
14 added to the reports the rest of the people that weren't  
15 working in that particular cable.

16 Q. All right. That's not clear to me. You added  
17 two people?

18 A. We added the people that -- the other people  
19 that had not reported, we added to the cable failure.

20 Q. About what time frame did that occur?

21 A. Oh, I really -- it's been within the last two  
22 years.

23 Q. Okay.

24 A. I really --

25 Q. Okay.

1           A.    I really don't know.

2           Q.    Okay.  And were the two people -- I guess two  
3 customers were added?

4           A.    We added the customers that had not reported  
5 in this particular leg of cable.  We added those  
6 telephone numbers to the cable failure.

7           Q.    Okay.  Were they added as customer-generated  
8 reports?

9           A.    They were added as customer direct reports.

10          Q.    Okay.  Who did that?

11          A.    I did some of them.  I'm not aware of anyone  
12 else that had done it at that time.

13          Q.    Okay.  And what was the purpose of adding  
14 those two people?

15          A.    Well, they were out of -- not two people.  We  
16 added more than two people.  We added the people that --  
17 along that leg of cable that were affected by this cable  
18 cut.  We added those people to it.  I do not recall at  
19 this time how many people that it was.  And the purpose  
20 for doing it was the fact that they were out of  
21 service.  And we added to it.

22          Q.    Okay.  And by doing that, that would increase  
23 the base of out of service reports, would it not?

24          A.    That's exactly right.

25          Q.    And that would make it easier to meet the PSC

1 rule?

2 A. In that particular exchange.

3 Q. Okay. The purpose then was to build up the  
4 out of service base?

5 A. Yes.

6 Q. Okay. Now, you've told me you don't remember  
7 how many people?

8 A. No, I don't.

9 Q. Was it two cable cuts that people were on?

10 A. No. It was one leg of cable that was cut. I  
11 don't even recall the cable that was cut.

12 Q. Okay. Where does the number two come from?

13 A. Number two? I added the numbers to the cable  
14 failure.

15 Q. Okay. It took me a while to figure that out.  
16 Okay. And it was people who were along the failure?

17 A. That were affected in that leg of cable.

18 Q. Okay. And you were the only person involved  
19 in that?

20 A. As far as I know.

21 Q. Okay. Why do you say as far as you know?

22 A. Well, I'm working at my KD or terminal, and I  
23 don't know what others are doing 100 percent of the  
24 time. I don't know if there was somebody else involved  
25 in it or not.

1 Q. Okay. Did anybody suggest to you that you do  
2 this or similar action?

3 A. Well, we were missing the PSC rule in the Hobe  
4 Sound area, and this would give us enough to raise the  
5 base to make this PSC rule. It's a very small exchange,  
6 and it's a very hard one to make.

7 Q. Okay. But did anybody else suggest that you  
8 do that, that you add to the base?

9 A. Not that I recall.

10 Q. Had you discussed it with anybody else?

11 A. I think it had been discussed, but I don't  
12 recall anyone suggesting that I -- directing me or  
13 suggesting that I make it up.

14 Q. Okay. Do you recall who it was discussed  
15 with?

16 A. I believe it was discussed with W. A. and I  
17 believe Lynn was there, but I'm not sure whether Figler  
18 was there or not. This has been a while back.

19 Q. Okay. But W. A., is that W. A. England?

20 A. Yes.

21 Q. And you think Mr. Figler was there as well?

22 A. I shouldn't have even have said that because  
23 I'm not really sure who was there. They were in the  
24 center at that time. They were in the, they were in the  
25 organization at that time, but I do not recall whether

1           they were at the discussion or not.

2           Q.    How about Mr. Lytle, do you recall whether he  
3           was involved in the discussion?

4           MR. TYNAN:  She.

5           A.    No.

6           Q.    She.

7           A.    No, I do not.  I really do not.

8           Q.    Do you know of any other instances of building  
9           the out of service base?

10          MR. TYNAN:  I think he already answered.  He  
11          only knows the one incident.  And that's the one he  
12          pointed out.

13          Q.    I apologize.  That is your answer?

14          A.    I guess.  I don't recall another one.

15          Q.    Okay.  Have you heard of any others?

16          A.    No.

17          Q.    Okay.  Do you know or have you heard of any  
18          other means of excluding out of service reports from  
19          being counted toward the 24-hour index?

20          A.    In what way?

21          Q.    Well, --

22          A.    I don't understand the question I guess.

23          Q.    For example, we discussed exclude codes and  
24          you've told me that you didn't have any knowledge about  
25          exclude codes being used to stop a report from being

1 counted toward the 24-hour rule. Do you recall that?

2 A. Yeah.

3 Q. Do you know of any other means that might have  
4 been used to exclude reports from the PSC rule?

5 A. No.

6 Q. Okay. Do you know of or have you heard of any  
7 other way that we haven't discussed here today of  
8 customer reports being falsified in any way, shape, or  
9 form?

10 A. No.

11 MR. BECK: Okay. Mr. Porter, thank you.

12 That's all I have. There may be others.

13 MR. HATCH: Just one question, Mr. Porter.

14 CROSS-EXAMINATION

15 BY MR. HATCH:

16 Q. Have you ever had occasion to change or status  
17 as service affecting an out of service trouble report?

18 A. Yes, sir.

19 Q. Under what conditions would that take place?

20 A. When it is out of service.

21 Q. But to take an out of service trouble report  
22 and status as service affecting?

23 A. No, you can't do that.

24 Q. Why can't you do that?

25 A. The system will not let you do that. Once it

1 is out of service, it's out of service, and we have on  
2 occasions eaten those that were statused as out of  
3 service but were truly not out of service and,  
4 ,therefore, having to eat those trouble reports because  
5 you cannot change the status of an out of service. You  
6 can change it the other way, but you cannot change it  
7 once it's been made out of service, and we have eaten a  
8 bucket full of them.

9 MR. HATCH: That's all I've got.

10 MR. LACKEY: Mr. Porter, I want to ask you  
11 something. I want to follow up on what Mr. Beck  
12 was asking you. He was being a little obtuse about  
13 it, and I want to see if I can pursue it a little  
14 bit further.

15 MR. BECK: I object to the form of the  
16 question. Referring to my questions as being  
17 obtuse.

18 MR. LACKEY: I withdraw that comment.

19 CROSS-EXAMINATION

20 BY MR. LACKEY:

21 Q. He was asking you about whether you recall an  
22 incident back in May to August 1989 where you may have  
23 instructed a maintenance -- an MA to change I believe  
24 something that was service affecting to out of service.  
25 Do you recall that line of questioning?

1           A.    Briefly, yes.

2           Q.    All right.  Do you have any idea why  
3           Ms. Roberts would tell us that you or perhaps one of  
4           these other supervisors, England, Lytle, Figler, would  
5           have instructed an MA to change a service affecting  
6           report to an out of service report?  Any recollection of  
7           it at all?

8           A.    No, I don't.

9           Q.    You don't remember being a part of a group  
10          telling Ms. Roberts that you were upset because the MA  
11          hadn't done what you had instructed the MA to do?  None  
12          of that rings a bell with you?

13          A.    That was in '89, sir?

14          Q.    That was what I understood, but at any time.

15          A.    No, sir, I don't, I don't recall the situation  
16          that you're talking about.

17          Q.    Okay.

18          A.    That is -- there is discussions that go on in  
19          the maintenance centers of people close to -- in the  
20          same working environment.  We are always trying to get,  
21          you know, the index made and one thing or another.  We  
22          have, we have a lot of meetings and have a lot of  
23          discussions.  I just don't seem to be able to pin down  
24          the one that --

25          Q.    That's all right.



1           A.    -- the exact one that you're talking about,  
2           sir.

3           Q.    That's fine. I just want to make sure that  
4           mentioning Mrs. Roberts' name didn't trigger something  
5           in your mind so you could explain something. That's  
6           fine.

7           A.    There's been a lot of people through the  
8           testing during the years.

9           MR. LACKEY: Thank you. That's all I have.

10          MR. TYNAN: Just one further thing that I feel  
11          that I need to clarify.

12                   CROSS-EXAMINATION

13          BY MR. TYNAN:

14          Q.    I gather you -- when there was this cable  
15          failure in Hobe Sound, some of the customers called in  
16          and reported their particular telephone lines out of  
17          service?

18          A.    That's exactly -- no, I don't know. I know we  
19          had a small failure. I don't recall. Evidently we did  
20          have a few customer reports in, and I don't even now  
21          recall what type of damage it was, whether it was by  
22          contractor, whether it was a wet cable, Florida Power &  
23          Light setting a pole on it or what have you. I really  
24          don't even recall what type of failure that it was. We  
25          did have a few trouble reports, and, yes, they would

1 have called in.

2 Q. All right. In addition to that, you reported  
3 into the system yourself some telephone lines where you  
4 knew the service was cut off, but the customer hadn't  
5 called in?

6 A. That's very true.

7 Q. All right. And the effect of reporting that  
8 into the system, does that now create an agenda for you  
9 to get that done within certain time frames?

10 A. 24 hours from the receipt, at that time,  
11 clear.

12 Q. So, when you were aware of it, then you fight  
13 to accomplish those goals of getting them cleared within  
14 the 24 hours?

15 A. Most certainly.

16 Q. Is that part of your purpose in that instance  
17 of including them in as well as building the base which  
18 you've heard it referred to?

19 A. Well, yes, sir.

20 Q. To your knowledge, is there a specifically --  
21 to your knowledge, is there specifically or was there  
22 specifically in effect at that time some sort of a rule,  
23 company or Public Service Commission, to your knowledge,  
24 saying you could or could not do what you did? If you  
25 know, you say yes. If you don't know --

1 A. No, sir.

2 Q. You know of no such rule?

3 A. I know of no such rule.

4 MR. LACKEY: Thank you, Mr. Porter.

5 Appreciate it.

6 MR. BECK: Thank you.

7 (Concluded at 10:00 a.m.)

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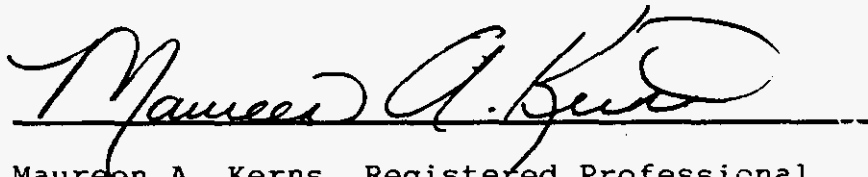
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C E R T I F I C A T E

I, Maureen A. Kerns, Registered Professional Reporter, CM, and Notary Public, State of Florida at Large, do hereby certify that the foregoing deposition of DONALD PORTER was taken before me in this cause at the time and place and in the presence of counsel as set out herein; that before giving his/her deposition, the witness was duly sworn by me to testify the whole truth; that the foregoing pages constitute a true record of his testimony of the witness and of all proceedings had.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor am I interested in the outcome of the action.

A handwritten signature in cursive script, reading "Maureen A. Kerns", is written over a horizontal line.

Maureen A. Kerns, Registered Professional Reporter and Notary Public, State of Florida at Large. Commission Expires: Dec. 20, 1994

ERRATA SHEET

PURSUANT TO RULES OF CIVIL PROCEDURE, this deposition is being submitted to you for examination, reading and signing. Please do not write on the transcript. Any change in form of substance you desire to make should be entered upon this sheet as follows:

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Signature of Witness

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Notary Public,  
State of Florida at Large  
My Commission Expires:

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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. )

STATE OF FLORIDA )  
COUNTY OF ALACHUA )

Deposition of JAMES H. RAMSEY, taken on behalf of  
the Public Counsel's Office, pursuant to Notice of Taking  
Deposition Upon Oral Examination, at 903 West University  
Avenue, Gainesville, Alachua County, Florida, on Thursday,  
July 30, 1992, at 4:30 o'clock p.m., before Marie C. Gentry,  
Court Reporter and Notary Public in and for the State of  
Florida at Large.

- - -

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I N D E X

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Witness

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JAMES H. RAMSEY

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P R O C E E D I N G S

4:30 o'clock p.m.

July 30, 1992

- - -

MR. LACKEY: Mr. Ramsey, my name is Doug Lackey, and I'm appearing in this deposition on behalf of BellSouth Telecommunications, Inc., Southern Bell.

Before we begin, there are a couple of preliminary matters that I need to explain.

First, this lady is a court reporter. She's taking down everything I'm saying, she's taking everything down that Mr. Beck and Mr. Hatch are going to say as well as what you and your attorney may say.

If this deposition is transcribed, that is, if it's reduced to writing, you have a right to read the deposition and make any appropriate corrections and to sign it before it's used. And I understand that you wish to exercise that right; is that correct?

MR. FINK: Yes.

MR. LACKEY: I also have an instruction that I need to give you and it's a bit complicated because we're here in Gainesville. I'll try to make it as clear as I can, but if you don't understand it, you just ask me and I'll do what I can to clarify it.

If during the course of this deposition you are asked questions by Mr. Beck or Mr. Hatch which would

1 require you to divulge information that you gained  
2 during the course of an investigation conducted by  
3 Southern Bell through the direction of its Legal  
4 Department, I intend to object on the grounds that the  
5 information is privileged and instruct you not to answer  
6 the question. It may well be that they will ask such a  
7 question and I will object and you will have information  
8 that you know from your own personal knowledge, that is,  
9 personal knowledge not secured from the investigation  
10 which would be responsive to the question. If you will  
11 tell me that, you can then, subject to the advice your  
12 counsel gives you, answer their question fully and  
13 completely. What I am attempting to do is to keep you  
14 from divulging privileged information to them through  
15 their questions.

16 In addition, there may be questions to which I  
17 don't object but you know that in giving the answer  
18 you will have to reveal to them information that you came  
19 to learn through or as a result of the investigation that  
20 I've made reference to.

21 If that occurs, you will simply tell me or your  
22 attorney that we have a problem in that regard, we'll  
23 talk about it, and then we can address the issue at that  
24 point.

25 Again, what I am trying to do is to prevent you

1 from, through my inadvertence, revealing information to  
2 Mr. Hatch or Mr. Beck that's otherwise privileged.

3 Now, we have a slight complication since we're in  
4 Gainesville and that complication is this: There have  
5 been two investigations in Gainesville. One  
6 investigation was done in the October-December 1990  
7 time frame, perhaps as late as January of 1991. That  
8 investigation was done by the Security Department of  
9 Southern Bell and basically involved trouble reports,  
10 out-of-service reports, test okays being reported as out  
11 of service, and that sort of thing. That investigation  
12 is not privileged, and if any questions are asked of you  
13 about that investigation or if you have information  
14 responsive to any question asked by these gentlemen that  
15 comes from your participation, if you had any, in that  
16 investigation, you should feel free, again subject to  
17 your attorney's advice, to answer any question fully and  
18 freely.

19 The only investigation that I am concerned with  
20 and we're asserting the privilege over is the one that  
21 happened subsequent to that and in which a Southern Bell  
22 attorney was involved. I don't know what your  
23 participation was in that investigation, but the  
24 interviews, for instance, were conducted with a  
25 Southern Bell attorney present, perhaps investigators

1 as well, if that helps you distinguish between the two  
2 investigations in your mind.

3 Now, I realize it's been sort of a lengthy  
4 instruction and if it wasn't clear or if there's  
5 anything that you would like me to clarify, I'll be  
6 happy to do it.

7 THE WITNESS: I have a basic understanding of  
8 what you're saying. There were two investigations,  
9 one in Miami and one subsequent to that.

10 MR. LACKEY: Well, if during the course of this  
11 deposition at any point it becomes unclear in your mind  
12 what I instructed you or if you have any questions about  
13 it, please feel free to stop and ask me and I'll attempt  
14 to clarify it.

15 THE WITNESS: Okay.

16 - - -

17 JAMES H. RAMSEY,  
18 having been produced and first duly sworn as a witness,  
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BECK:

22 Q Mr. Ramsey, my name is Charlie Beck. I'm with the  
23 Office of Public Counsel, and I'm going to start the  
24 questioning. There may be others afterwards.

25 Would you please state your name?

1 A James H. Ramsey.

2 Q Are you employed by Southern Bell?

3 A Yes, I am.

4 Q What position do you hold with the company?

5 A Presently I am assistant manager in safety.

6 Q Is that here in Gainesville?

7 A Yes.

8 Q How long have you held that position?

9 A Two years and one month, I believe.

10 Q Can you briefly describe what your duties are?

11 A My duties are to assess the safety proficiency of

12 the men in the field, to observe their proficiency and

13 document it.

14 Q What position did you hold before that one?

15 A Before that one, I was assistant manager in the

16 maintenance center or test center in Gainesville, Florida.

17 Q About how long did you hold that position?

18 A Oh, I believe that was about 20 months.

19 Q Could you briefly describe your duties in that

20 position?

21 A My duties --

22 MR. FINK: Hold on.

23 THE WITNESS: Okay.

24 (Off the record.)

25 A (Continued) Okay. Basically I supervised MA's at

1 one time and at another time I conducted the evaluation  
2 program for the maintenance administrators.

3 Q What is the evaluation program for the maintenance  
4 administrators?

5 A Okay. The evaluation program is basically a  
6 measure of their quality and quantity of work.

7 Q Have you held any other positions with Southern  
8 Bell that dealt with interacting with maintenance  
9 administrators?

10 A No.

11 Q Just briefly, what was your job before the  
12 assistant manager at the maintenance center in Gainesville?

13 A I was an assistant manager in a switching and data  
14 administration center.

15 Q Mr. Ramsey, earlier this year, in about March, did  
16 you have occasion to meet with a Mr. Christian and a person  
17 named Mower from personnel in Southern Bell?

18 (Mr. Fink confers with witness.) .

19 MR. FINK: You can answer it.

20 A Yes.

21 Q

22

23 A Yes.

24 Q Okay. To the best that you can recall, could you  
25 tell me exactly what they said during that meeting?

1 MR. FINK: Go ahead.

2 A

3  
4  
5  
6 Q Did they provide you any more specific information  
7 than that?

8 A No.

9 Q Did you ask them to?

10 MR. FINK: Okay. At this point we would assert --  
11 as to that question we would assert Mr. Ramsey's Fifth  
12 Amendment privilege and like privilege under Florida law  
13 against self-incrimination and respectfully decline to  
14 respond to the question.

15 And, by the way, from now on, for the convenience  
16 of everybody, if it's okay, I'm just going to say  
17 "assert the privilege," and that's what I mean.

18 MR. BECK: All right.

19 BY MR. BECK:

20 Q Is there anything else that you can recall either  
21 Mr. Christian or Mower telling you during that meeting?

22 A Not specifically.

23 Q Have you ever suggested or told anybody to back up  
24 times on repair service records to a time other than when the  
25 report was cleared?

1 MR. FINK: Assert the privilege.

2 BY MR. BECK:

3 Q Has anybody ever told you that they had backed up  
4 the time on a trouble report to a time other than the cleared  
5 time?

6 MR. FINK: Assert the privilege.

7 BY MR. BECK:

8 Q Did you have a practice at the maintenance center  
9 here in Gainesville of requiring maintenance administrators  
10 to contact a manager before -- to get a close-out code before  
11 closing reports that were over 24 hours?

12 MR. FINK: Assert the privilege.

13 BY MR. BECK:

14 Q Do you have any knowledge about the use of no  
15 access codes to stop the clock on out-of-service reports when  
16 in fact there was no trouble with gaining access?

17 MR. FINK: Assert the privilege.

18 BY MR. BECK:

19 Q Are you familiar with a code called a CON Code?

20 MR. FINK: Assert the privilege.

21 BY MR. BECK:

22 Q Do you have any knowledge about the use of  
23 fictitious employee codes on trouble reports?

24 MR. FINK: Assert the privilege.

25 BY MR. BECK:



1 Q Are you familiar with the Public Service  
2 Commission's rule regarding out-of-service reports?

3 MR. FINK: Assert the privilege.

4 BY MR. BECK"

5 Q Have you ever told or implied to someone that they  
6 should use an exclude code for lightning in instances where  
7 lightning wasn't effecting the trouble?

8 MR. FINK: Assert the privilege.

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

10 MR. HATCH: I have no questions.

11 MR. FINK: Let me put on the record that this --  
12 obviously the nature of this deposition has required  
13 Mr. Ramsey to assert his privilege and he does so  
14 reluctantly and it should be noted that he has already  
15 freely given probably about eight hours of testimony  
16 to the statewide prosecutor and the Attorney General  
17 in this matter -- not in this matter but in the  
18 related matter.

19 (Witness excused.)

20 (Whereupon, at 4:45 o'clock p.m., the deposition  
21 was concluded.)

22 - - -

23

24

25

C E R T I F I C A T E


STATE OF FLORIDA     )  
                              )  
COUNTY OF CLAY     )

I, Marie C. Gentry, Court Reporter and Notary Public in and for the State of Florida at Large, hereby certify that I reported in shorthand the foregoing deposition at the time and place indicated herein, and that the preceding pages are a true and correct transcription of my stenotype notes of said deposition.

I further certify that I am neither of counsel nor attorney to either of the parties in said cause, nor interested in the event of said cause.

I further certify that I have delivered the original of said deposition to Charles J. Beck, Esquire, Attorney for Public Counsel's office, for filing or his safekeeping.

WITNESS my hand and official seal in the Town of Orange Park, Florida, this 24th day of August, A.D., 1992.

  
Notary Public, State of Florida  
at Large. My commission expires  
January 21, 1993.

E R R A T A   S H E E T

IN RE: Docket No. 910163-TL

This is to certify that I, JAMES H. RAMSEY, have read the foregoing transcription of my testimony, given on July 30, 1992, and find the same to be a true and correct transcription of said testimony with the following changes (if any):

PAGE	LINE	SHOULD READ:
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\_\_\_\_\_  
JAMES H. RAMSEY, Witness

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Notary Public, State of Florida  
at Large. My commission expires  
\_\_\_\_\_.

MARIE C. GENTRY

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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 )

**CERTIFIED  
COPY**

DEPOSITION OF THE WITNESS, BARBARA ROBERTS,  
TAKEN BY OFFICE OF THE PUBLIC COUNSEL,  
ON MONDAY, JULY 27TH, 1992.

Riviera Beach, Florida  
1:45 p.m. - 2:03 p.m.

APPEARANCES:

CHARLES J. BECK, ESQUIRE  
Assistant Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida, 32399-1400  
on behalf of the Citizens of the  
State of Florida.

TRACY HATCH, ESQUIRE  
Florida Public Service Commission  
Chief Bureau of Communications  
Division of Legal Services  
101 East Gaines Street  
Tallahassee, Florida, 32301  
on behalf of the Florida Public  
Service Commission.

(APPEARANCES CONT. ON PAGE TWO)

APPEARANCES CONT.:

TERRILL BOOKER, ENGINEER  
Florida Public Service Commission  
Bureau of Service Evaluation  
Division of Communications  
101 East Gaines Street  
Tallahassee, Florida, 32399-0866

R. DOUGLAS LACKEY, ESQUIRE  
Southern Bell Telephone & Telegraph  
675 West Peachtree Street  
Suite 4300  
Atlanta, Georgia, 30375  
on behalf of Southern Bell  
Telephone & Telegraph.

- - -

I N D E X

Pages

BARBARA ROBERTS

Direct Examination by Mr. Beck

7-20

E X H I B I T S

(none)

1                   The deposition of BARBARA ROBERTS was  
2           taken before me, Maureen A. Kerns, Registered  
3           Professional Reporter, CM, and Notary Public, State of  
4           Florida at Large, at the offices of Southern Bell  
5           Telephone & Telegraph Company, 3650 Avenue E, Room 316,  
6           in the City of Riviera Beach, County of Palm Beach,  
7           State of Florida, on Monday, July 27th, 1992, beginning  
8           at 1:45 p.m., pursuant to the Notice filed herein, at  
9           the instance of the Office of the Public Counsel in the  
10          above-entitled cause pending before the above-named  
11          Court.

12                   - - -

13                   MR. LACKEY: I've been doing the stipulations,  
14           Ms. Roberts, so let me go through them. My name is  
15           Doug Lackey, and I'm representing Bell South  
16           Communications, Inc., doing business as Southern  
17           Bell. We've been using three stipulations in these  
18           depositions. One of which affects you and the  
19           other two are primarily for legal purposes.

20                   The first one is that there's no objection as  
21           to the time or place of taking the deposition.  
22           That is nobody objects to being here at this  
23           building at this time for this purpose.

24                   The second one is that we're reserving all  
25           objections except as to the form of the question

1 and occasionally the relevancy of the question  
2 until the first use of the deposition. If we were  
3 on trial somewhere and Charlie asked you a question  
4 and it called for hearsay or something, I'd have to  
5 object to keep him from asking that question and  
6 what we do in a deposition is those objections are  
7 reserved. He asks the questions, you answer them,  
8 and if he ever goes to use the deposition and I  
9 have an objection, I'll object then.

10 The last one is the one that affects you and  
11 that is that we have not been waiving reading and  
12 signing. What that means is that if the deposition  
13 is transcribed, and it may not be, but if it's  
14 transcribed, you have the right to read the  
15 deposition and sign it before it can be used for  
16 any legal purpose.

17 THE WITNESS: Um-hum.

18 MR. LACKEY: As opposed to waiving it, in  
19 which case as soon, as the court reporter certifies  
20 it, it's available for use. Those are the  
21 stipulations we've been operating under. And they  
22 are generally the ones that are used in these  
23 things. Nothing usual. Are those stipulations all  
24 right with you all?

25 MR. HATCH: Yes.

1 MR. BECK: Yeah.

2 MR. LACKEY: That's a formality, the ones  
3 we've been using on all of them. The other thing  
4 is I have a statement that I have to read to you  
5 that's directed to you. And after I've read it, if  
6 you have any questions about it or want me to  
7 explain any part, I'll be happy to.

8 And the statement is this: To the extent that  
9 any question in this deposition calls for  
10 information that you have derived from an  
11 investigation conducted by Southern Bell at the  
12 behest of its legal department, I will object to  
13 that question on the grounds that it calls for  
14 privileged information and I'll instruct you not to  
15 answer the question.

16 To the extent that you can answer the question  
17 based on your own personal knowledge, not obtained  
18 as a result of the investigation, you should do  
19 so. Answer it fully and completely. To the extent  
20 that a question is asked and I don't object to it,  
21 but you realize that in order to answer it you're  
22 going to have to reveal something that you learned  
23 through the course of the investigation that was  
24 conducted, you need to tell me that rather than  
25 answer the question so that we do not divulge the



1 privileged material.

2 Okay. If you have any questions about  
3 anything, if there's any issue, if you go, gee, I  
4 don't know whether this answer would be proper or  
5 whether it would be privileged, it's okay to say,  
6 wait a minute, I need to ask and ask me.

7 THE WITNESS: All right.

8 MR. LACKEY: I don't want you to not answer a  
9 question because it would call for privileged  
10 information. If you're asked a question by  
11 Mr. Beck or Mr. Hatch that calls for that, tell  
12 them that you have information related to the  
13 question, but you believe it's privileged and we'll  
14 handle it from there, okay?

15 And other than that, I want you to answer all  
16 the questions fully and completely just like you  
17 would normally.

18 THE WITNESS: Okay.

19 MR. LACKEY: Is there anything else? Let me  
20 ask you, do you understand? Was there anything --

21 THE WITNESS: I think I do.

22 MR. LACKEY: I've said this so many times and  
23 sometimes I shortcut it and I end up confusing  
24 everybody, including myself. At any time during  
25 the deposition, if you don't understand a question

1 or you want something explained to you, just ask.

2 THE WITNESS: Okay.

3 - - -

4 BARBARA ROBERTS

5 being by me first duly sworn to testify the whole truth,  
6 as hereinafter certified, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BECK:

9 Q. Ms. Roberts, my name is Charlie Beck, and I'm  
10 going to start off with questions. Tracy Hatch may have  
11 some also after we're done.

12 For the record, could you state your name,  
13 please?

14 A. Barbara Roberts.

15 Q. And are you employed by Southern Bell?

16 A. Yes, I am.

17 Q. What is your position with Southern Bell?

18 A. I am assistant manager, plant contract  
19 supervisor.

20 Q. Plant contract?

21 A. Contract supervisor.

22 Q. Is that in Fort Pierce?

23 A. That is correct.

24 Q. What does that job entail?

25 A. I supervise the contractors who work for the

1 telephone company, placing of poles, cables, underground  
2 conduit, manholes, that type of stuff.

3 Q. Okay. How long have you had that position?

4 A. I returned to it in January of this year.

5 Q. Okay. I take it you had it before then?

6 A. I had it for 10 years prior to going to the  
7 maintenance center.

8 Q. Okay. When did you go to the maintenance  
9 center?

10 A. In March of '89.

11 Q. And were you at the maintenance center until  
12 January of this year?

13 A. Until December 31st.

14 Q. December?

15 A. January 1st I reported back outside. Forgive  
16 me, I have a terrible cold.

17 MR. LACKEY: Would you like a glass of water  
18 right now or anything?

19 THE WITNESS: Right now, I'm fine. If I get  
20 in a coughing fit, I'll excuse myself. My son came  
21 to visit from Orlando from college and he assured  
22 me it was a sinus condition. He called me last  
23 night to apologize.

24 Q. (BY MR. BECK) At the maintenance center, what  
25 was your job there?

1           A.    I had various duties.  When I first went in, I  
2           was assigned to be a control foreman and then I was over  
3           the maintenance administrators and then I was over the  
4           ,ARCs and DCs, which are dispatch clerks and  
5           administrative reports clerks.

6           Q.    Okay.

7  
8           A.    Yes, I did.

9           Q.    Okay.  Is that -- who was there when that took  
10          place?

11          A.    Duane Ward and Floyd Knowles.

12          Q.    Okay.

13  
14          A.    Yes, I was.

15          Q.    What was the basis you were told?

16          A.

17  
18                               That was it.

19          Q.    By CONs, that means carried over no access  
20          codes on repair records?

21          A.    Go ask me something I really don't know.  I  
22          know it's been always called CON, but I don't know what  
23          the acronym is for.

24          Q.    Okay.  What does it mean in effect, the CON  
25          code?

1           A.    A CON code, what I understood it to me mean,  
2           was when an MA is screening a call as she gets it and  
3           she calls a customer and it has to do, maybe a wiring  
4           problem or something, say we'll be out there by 5:00  
5           today and the customer says, no, I can't do it, how  
6           about Saturday, okay, so then they CON it for Saturday  
7           morning and then put it out for dispatch on Saturday  
8           morning.

9           Q.    Okay. The Public Service Commission as a rule  
10          requires 95 percent of the out of service reports to be  
11          prepared in 24 hours, does it not?

12          A.    Um-hum.

13          Q.    If a report is given a CON code as you've  
14          described it, that takes it out of that PSC rule  
15          requirement, doesn't it?

16          A.    I understand that's what it is.

17          Q.

18  
19          A.    No.

20          Q.    Were you told what maintenance administrators  
21          --

22          A.    No.

23          Q.

24          A.    No.

1 Q.

2

3 A. No backup information whatsoever.

4 Q.

5 A. I certainly did.

6 Q. And you wrote a letter to Mr. Sanders?

7 A.

8

9

10

11 Q. Did you have a meeting after that letter?

12 A. After that, Mr. Sanders was down one day and  
13 we spoke at length.

14 Q. What happened after that meeting with  
15 Mr. Sanders?

16 A. We talked about the situation, about the  
17 maintenance center as a whole, and he promised to get  
18 back to me.

19 Q. Has he gotten back to you?

20 A. No, he has not.

21 Q. Okay. When was your discussion with  
22 Mr. Sanders?

23 A. It was in May.

24 Q. Okay.

25 A. And he promised to get back to me at the end

1 of May.

2 Q. Okay.

3

4 A.

5

6

7 Q.

8

9

10 A. No. No.

11 Q. Okay.

12

13

14 A. No, I do not.

15 Q. Okay.

16 A. As I explained to him, it was probably a good  
17 year before I even knew what a CON was.

18 Q. Do you know of or have you heard of any  
19 allegations of backing up repair times on out of service  
20 reports when they weren't supposed to be backed up?

21 A. Not to my knowledge.

22 Q. Are you aware of or have you heard of  
23 requiring MAs to get an exclude code from a manager  
24 before closing out reports?

25 A. An exclude code?

1 Q. Or I'm sorry, a close-out code.

2 A. Like what code it took?

3 Q. Yes.

4 A. Not unless they were unsure of it. But the  
5 man in the field gives the codes.

6 Q. What I was trying to get at was other than  
7 those incidences, where a person might ask because they  
8 weren't sure what code to use?

9 A. No.

10 Q. Okay. Do you know of or have you heard of  
11 excluding out of service reports that were about to miss  
12 the commitment time and then reissuing the report as an  
13 employee-generated report?

14 A. No.

15 Q. Okay. Do you know or have you heard of  
16 statusing affecting service reports as out of service  
17 reports?

18 A. Statusing that they're not out of service, but  
19 statusing them as they were out of service?

20 Q. No. Taking a report that should be classified  
21 as affecting service, but instead of labeling it as it  
22 should be, labeling it as an out of service report so  
23 that the out of service base is built up?

24 A. (Witness pauses.)

25 Q. Okay. You don't understand.



1           A.   Well, yeah, I kind of understand. It may  
2           relate to an incident, and I don't know if that's part  
3           of what you were just saying earlier. Do you want me  
4           just to explain --

5           MR. LACKEY: Do you have something in mind  
6           that you were told as a result of an interview that  
7           you had with company attorneys, security person, or  
8           something like that?

9           THE WITNESS: That they told me?

10          MR. LACKEY: No.

11          THE WITNESS: No. That I related to them.  
12          That's okay then?

13          MR. LACKEY: If you have personal knowledge of  
14          it, that's fine, yes.

15          THE WITNESS: No. I was just told that one of  
16          the MAs was told to do it and they didn't do it.

17          Q.   (BY MR. BECK) Okay. Who told you that?

18          A.   My supervisor and several of the other  
19          supervisors that were standing around.

20          Q.   Okay. I've got to back up a little bit.

21          A.   Yeah.

22          Q.   An MA was told to --

23          A.   An MA was told to status something out of  
24          service which indeed was not out of service. She did  
25          not status it out of service, which in essence she did

1        what was right.

2            Q.    So, the MA refused what she was told to do  
3        because what she was told --

4            A.    Actually she didn't refuse it. She just  
5        didn't do it.

6            Q.    Okay.

7            A.    Okay. And I was advised that that happened.

8            Q.    Okay.

9            A.    And, you know, I also at that time advised my  
10       MA that she did what was right.

11           Q.    Okay. Which manager told the MA to do that?

12           A.    That I do not know.

13           Q.    Okay.

14           A.    There was a group of them there, so I do not  
15       know who actually told them to do that.

16           Q.    Okay. There was a group of MAs told to do  
17       that?

18           A.    No. There was a group of managers.

19           Q.    And there was one MA?

20           A.    (Witness nods head.)

21           Q.    Do you know any persons who were involved in  
22       that, either the managers or MAs?

23           A.    The manager was W. A. England and Donny  
24       Porter, Lynn Lytle, Lenny Figler, and a gentleman that's  
25       retired. His name is Bob Hernden (phonetic).

1 Q. Okay. And it's your understanding that these  
2 managers told an MA --

3 A. Well, they had set it up for the MA to status  
4 it out of service, and she did not status it out of  
5 service.

6 Q. Okay. Now, who told you about this  
7 occurrence?

8 A. They did.

9 Q. The managers did?

10 A. Yes, um-hum.

11 Q. Okay. All of them, England, Porter, Lytle?

12 A. Yeah, it was like a little cluster group  
13 there.

14 Q. And what was their reaction to --

15 A. They were upset.

16 Q. That the MA wouldn't do what they told them to  
17 do?

18 A. Um-hum.

19 THE STENOGRAPHER: Yes?

20 A. Yes.

21 Q. Okay. Do you know when this event occurred?

22 A. That's so hard to say. I'd have to give you a  
23 range of somewhere between May and August.

24 Q. Of when?

25 A. Of 1989. I do not know --

1 Q. Okay.

2 A. -- exactly when.

3 Q. Okay. Is there anything else about this event  
4 ,that I haven't asked you that you think is relevant, or  
5 is that the beginning and end of this?

6 A. Well, that's the end of it.

7 Q. Okay. Are there any others?

8 A. I'm sorry?

9 Q. Are there any other similar events that you --

10 A. Not that I'm aware of.

11 Q. Okay. So, this was some kind of isolated  
12 incident or --

13 A. As far as I know, it was an isolated  
14 incident.

15 Q. Okay. Do you know what the affecting service  
16 report was that was to be coded out of service?

17 A. It was like a cable failure.

18 Q. Would a cable failure be affecting service or  
19 out of service?

20 A. It depends upon what it is, yes.

21 Q. Okay. What did these managers do when they  
22 found out that the MA refused to code it like they had  
23 said?

24 A. They wanted me to say something to her.

25 Q. What did you say?

1           A.    Thank you.

2           Q.    You just acknowledged it and then did what you  
3 felt was right?

4           A.    Yeah.  What she did was right.

5           Q.    Okay.  Did you tell that to the other  
6 managers?

7           A.    I said, yeah, what she did was right.  What  
8 they did was wrong.

9           Q.    Okay.  What is your pay grade?

10          A.    I'm a pay grade three.

11          Q.    And are these other managers higher pay  
12 grades?

13          A.    W. A. England is pay grade five.

14          Q.    Okay.  How about --

15          A.    The others are all three.

16          Q.    Okay.  Okay.  Do you know of or have you heard  
17 of the use of putting down dummy or false employee codes  
18 on repair reports, you know, instead of putting down the  
19 actual employee who worked on or who statused a report,  
20 an out of service report, to put down somebody else's  
21 employee code or --

22          A.    Using somebody else's employee code to close  
23 something out or something like that?

24          Q.    Yes.

25          A.    Not other than a mistake.  I found a couple of

1 MAs doing it. You know, they would be keying something  
2 in and then somehow they would put the wrong EC number  
3 up there and it would bounce over to the other person,  
4 but not an intentional thing that I'm aware of.

5 Q. Okay. Do you know of or have you heard of the  
6 use of or improper use of exclude codes on a report to  
7 take it out of the PSC rule requirements?

8 A. Not really, because I really didn't understand  
9 all of the PSC rules, so I basically told my MAs, you  
10 call it like it is.

11 Q. Okay.

12 A. That's the only thing I know how to do. I  
13 never got any training for the position I had, so I kind  
14 of was learn as a went.

15 Q. Okay.

16 A. And I got a lot of my knowledge from the MAs.  
17 And my main concern was to give that customer the  
18 service they deserved.

19 Q. Okay.

20 A. So rule over here, you know, do what was --  
21 you know, if it was dead, it's dead. If it's  
22 transmission, it's transmission. If it's, you know,  
23 whatever it is, you call it like it is.

24 Q. Okay. But you haven't heard of anybody, for  
25 example, coding something to lightning or some other

1       exclude code in order to avoid the requirements of the  
2       PSC rule?

3           A.   No, not that I know of.

4           Q.   Do you know of or have you heard of any  
5       instances other than that we've discussed today of  
6       falsifying repair records in any way or altering them in  
7       ways that were not proper?

8           A.   No.

9           Q.   Okay.

10          MR. BECK:  Thanks.  That's all I have.

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

12          MR. BOOKER:  I don't ask anything.

13          THE WITNESS:  Oh, I'm sorry.  You just get to  
14       listen.

15          MR. BOOKER:  Yeah.

16          MR. LACKEY:  I don't have anything,  
17       Ms. Roberts.  I appreciate it.

18          MR. BECK:  Thanks a lot.

19          THE WITNESS:  You all have a good day.

20       (Concluded at 2:03 p.m.)

C E R T I F I C A T E

I, Maureen A. Kerns, Registered Professional Reporter, CM, and Notary Public, State of Florida at Large, do hereby certify that the foregoing deposition of BARBARA ROBERTS was taken before me in this cause at the time and place and in the presence of counsel as set out herein; that before giving his/her deposition, the witness was duly sworn by me to testify the whole truth; that the foregoing pages constitute a true record of his testimony of the witness and of all proceedings had.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor am I interested in the outcome of the action.



Maureen A. Kerns, Registered Professional Reporter and Notary Public, State of Florida at Large. Commission Expires: Dec. 20, 1994



ERRATA SHEET

PURSUANT TO RULES OF CIVIL PROCEDURE, this deposition is being submitted to you for examination, reading and signing. Please do not write on the transcript. Any change in form of substance you desire to make should be entered upon this sheet as follows:

<u>PAGE</u>	<u>LINE</u>	<u>CHANGE</u>	<u>REASON</u>
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\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Notary Public,  
State of Florida at Large  
My Commission Expires:

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

COPY

DEPOSITION OF:

LYNN W. SCHMOLL

TAKEN AT THE INSTANCE OF:

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

DATE:

Thursday, July 30, 1992

TIME:

Commenced at 12:45 p.m.  
Concluded at 1:50 p.m.

LOCATION:

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

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I N D E XWITNESS:PAGE

LYNN W. SCHMOLL

Direct Examination by Ms. Richardson  
Cross Examination by Mr. Anthony8  
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CERTIFICATE OF REPORTER

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S T I P U L A T I O N S

The following deposition of LYNN W. SCHMOLL was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

LYNN W. SCHMOLL

was called as a witness and, after being duly sworn, was examined and testified as follows:

MS. RICHARDSON: Would you put in your appearance for the record, please?

MR. KENNEDY: Sure. Eugene Micháel Kennedy, 517 Southwest First Avenue, Fort Lauderdale 33308, (305) 524-4141.

(Off the record.)

MS. RICHARDSON: We've already sworn the witness in, and Mr. Kennedy has put his appearance in on the record, so it is your turn to open with some remarks, if you would like to.

MR. ANTHONY: First of all, I'm Hank Anthony. I represent Southern Bell.

Mr. Kennedy, we have had about three and half days of depositions and used basic stipulations. I will go through them, so you can make sure you don't have any problems with them.

First of all, that the deposition has been taken pursuant to proper notice. Secondly, that we won't go off the record without the witness' consent. Third, that we won't waive reading and signing. And last, that we will save objections, except as to the form of the question until the use of the transcript at hearing or whatever.

MR. KENNEDY: Okay.

MR. ANTHONY: One other thing -- is it Schmoll, I'm not sure.

THE WITNESS: Schmoll.

MR. ANTHONY: I want to make sure I am pronouncing your name right, sir. Mr. Schmoll, these depositions are part of the Florida Public Service Commission's investigation into Southern Bell's trouble reporting practices. You may be aware that Southern Bell conducted its own investigation into the way the trouble reporting is handled. That investigation was done under the leadership, guidance and auspices of the

Company's Legal Department, and is privileged, which means that nobody outside the Company can obtain the information contained in that investigation. As a consequence, if you get any questions today that relate to your knowledge of that investigation, specifically sorts of things that came up in any interviews that you may have had, or anything that somebody told you during the interview, or you told anybody else, then I am just going to ask you not to answer that particular question.

THE WITNESS: Well, it doesn't pertain to me because I wasn't interviewed.

MR. ANTHONY: Okay. Well, just to let you know in case anything comes up. That way -- you won't be surprised if that does come up. So, to the extent, of course, that you have any knowledge that is not from the investigation, you should answer the questions fully and honestly, unless there is some other objection that may be addressed to the question, okay?

THE WITNESS: Uh-huh.

MR. ANTHONY: All right. Thank you.

THE WITNESS: Fine.

MR. ANTHONY: I'll let Ms. Richardson take it from here.

MS. RICHARDSON: And just one housekeeping detail.

We don't, at this point, Public Counsel has no immediate inclination to get a transcript reproduced, so if you want the court reporter's name and address, we will be glad to give you a card, so you will have that?

Okay. And then I have just a few preliminaries, too, in terms of -- so that we are both clear when we are communicating, we both understand the meanings of just some very common general terms that you may use.

THE WITNESS: Okay.

MS. RICHARDSON: One of them is "I don't know," or if I ask you do you know this, or that, or somebody, and you say no; that means you have no personal or direct knowledge, no firsthand knowledge about whatever it is we are talking about, and that you haven't heard anything. Your knowledge doesn't come from any outside sources of things that you have heard, or read, or that kind of thing. So, it covers all of that. Is that acceptable?

THE WITNESS: Uh-huh.

MS. RICHARDSON: Okay. And then it is pretty much the same thing for, "I can't remember," or "I don't recall." Your mind is an absolute blank. If you have some sort of vague memory, you can't give it to me full-blown, but something is out here, then tell me, "I

can't remember, but there is something out here. It is vague, but, you know, there may be something." That way I can maybe ask some other questions or refresh your memory if I know of something, that kind of thing. Is that acceptable?

THE WITNESS: Uh-huh. Yes, ma'am.

MS. RICHARDSON: Okay.

DIRECT EXAMINATION

BY MS. RICHARDSON:

Q Then I would like to start by having you give your name to the court reporter and spell it for her to make sure we have it accurately?

A Okay. It's Lynn, L-Y-N-N, W., last name is S-C-H-M-O-L-L.

Q And your address, please?

A 11450 Northwest 39th Court, Coral Springs, Florida 33065.

Q Okay. And, Mr. Schmoll, what is your present position with the Company?

A Management title? Assistant manager.

Q Okay. And that is an assistant manager where?

A I'm in construction right now. I'm what they call the plant contract supervisor.

Q Okay. And is that North Broward, South Broward?

A North Broward.



Q North Broward? Okay. And how long have you held this position?

A Since January 1st.

Q Of this year?

A Of this year.

Q Brand new position. And what is your pay grade?

A Three.

Q Three. And what did you do before you moved into this position?

A I was a service tech supervisor.

Q Where?

A In Coral Springs.

Q In the IMC North Broward?

A IMC North Broward.

Q IMC North Broward. And what does a service tech supervisor do?

A The installers and the repairmen that, you know, put in the lines, the phones, whatever. I had -- well, various numbers, but at one point in time like 19, 20 people reporting to me. And then it varied from 15 to -- I started out with like seven, and then they had all this consolidation, and we moved up to, in some cases 20 and way over 20. But not me personally. I think 20 was my top. But is there anything else? I mean, did I miss something?

Q I am not sure. I am just asking for some general

information. You are responding in terms of what your duties were, and that is what I was asking about.

Within the scope of that supervisory duty for these individuals, did you have to, or were you familiar with the customer trouble report process and the handling of customer trouble reports? Was that any part of your duties?

A Oh, for sure, yes. I mean, that's, you know, what they did was clear the customer trouble reports.

Q Residential and business?

A Yes, ma'am.

Q Okay. Now, in those terms I want to try to get it down to more detail, if I can. At what point were you involved in that customer trouble report process? Did you have any duties that dealt with entering, initially receiving and entering a trouble report?

A Well, no. The only thing I had to do was hand them out in the morning, because we used to print the troubles instead of having them pick them up in their computer. We print them so they didn't have to stand around and dial in in the morning. They could take it and go. It was already in their computer. We had a hard copy for them.

Q Okay. And the hard copies were produced off the computer initially and then printed?

A Off a printer. No, off a printer in our yard, yes.

Q In your yard. Okay. And then you said a computer. Is that CAT, that hand-held?

A Well, that is the ones that they had. But to circumvent them having to, you know, dial up and get the trouble in the morning, we would pull up the trouble for them and put it on a hard copy, so that they wouldn't have to plug their CAT in and dial up. And there would be a line waiting for dial tone, so they could take their trouble and go and be on the road.

Q So, that was an efficiency measure that you had?

A Yes.

Q Was that something you decided to do to be more efficient? Was that your innovation, in other words, is what I am saying.

A I don't know if it was mine personally, but it could have been. I mean, it is just one of those things that you do because you can, you know, to make it more efficient.

Q All right. Was your move from that position to your present position a promotion for you, then?

A Oh, no, same grade.

Q Same grade. Then why did you move from that position to what you are doing now?

A See, I asked for a transfer from my previous boss. But we got another supervisor, and the supervisor decided he

wanted to make some changes. And there were some vacancies in other departments that he was aware of. And, quite honestly, he and I didn't get along real well, so it seemed like an opportune time for him to make the changes, and he did.

Q And it has been a good move for you?

A Oh, yes.

Q Okay. Who is your present supervisor?

A Tony Towns, T-O-W-N-S.

Q Okay. And who is his supervisor?

A Bob Sattizahn.

Q Okay. And then your immediate past supervisor, the one you didn't get along with, who was that?

A Wayne Treversoll (phonetic).

Q And could you spell that name?

A Oh, no.

Q You don't have any -- Treversoll.

A Treversoll, yes.

Q All right. We will just do it phonetically.

A Okay.

Q Okay. And who was his supervisor on up the line?

A Also Sattizahn.

Q Okay. Can you be more specific about the nature of your disagreement and the need to transfer? Was that something that he generated with you, this ill feeling, or

what did it arise from?

A Well, I had one employee that we had a lot of problems with. And it was basically over discipline of this employee. He thought I hadn't been hard enough on him. And, you know, it just snowballed into something that really wasn't there. I mean, I had written him up about as many times as anybody has ever been written up, but he wanted drop notes on him instead of B forms. I thought the B forms would be a little bit stronger discipline than drop notes, but he didn't agree.

Q Okay. Does a drop note go in a personnel record --

A No.

Q -- for an employee? So, that is something a supervisor would do to sort of notify that person?

A Just a reminder, yes. All it is is a reminder for a supervisor that on such and such a day you talked to somebody about something.

Q Okay. And what specifically was this employee doing or not doing that was a problem?

A Well, we don't really have time. I mean, it's too many things.

Q Well, let me narrow it. Was this employee doing something or not doing something that dealt at all with customer trouble reports?

A Customer trouble reports?

Q Uh-huh, or repairing a customer trouble.

A Well, his productivity was poor when he was doing it. His quality was poor. His attitude was poor. But as far as, you know, just closing out his trouble reports, no, I had no problem with his coding.

Q So, it was behavioral?

A It was mostly behavioral.

Q Mostly behavioral, work attitude problems. Okay. I'm not concerned with those.

A Uh-huh.

Q Okay. When did you start with the Company?

A February of 1970.

Q 1970. Okay. And what was your entry position?

A As what is known today as a service tech. I was actually a residence installer.

Q And did this position also require you to handle maintenance and repair or just installation?

A Just installation.

Q Okay. Can you give me a feel for how much experience you have had over these past 20 years in the specific area of customer trouble report handling?

A Okay. I was promoted in 1979 -- I will leave out all the other stuff -- and I went to a PBX installation crew. And then I was loaned to what is now South Broward as

a control foreman. And from that point I went to the Burke Center, which is now AT&T, but it was Southern Bell at the time, which handled just the businesses. But I was still always in installation. Now, they had a split in installation repair, but I was in installation. And from there, right before the split, I believe it was June or July, I'm not sure, but '83, '84, '83, I went into West Broward, 100 Northwest 70th Avenue, Plantation, as a -- that was an installation, also, installation control job. And from that point -- I was always in installation until we moved from 70th Avenue, and I believe it was around '85, to Pompano, 1230 North Federal. And that is when we kind of combined -- installation and repair was starting to merge together. I was still in installation. I was doing the routing of installation orders at night. And '86 or '87, they had just gone to what you are talking about the CATs, where they routed the guys. They had gone to computer and I was a control supervisor in what they call the pod where they controlled all the service techs, you know, to get them to the right places at the right time. Have you ever seen the operation? I don't know.

Q I have not seen that side of the operation. I am not sure I have been through any Southern Bell operation. I have been through other telephone companies, just in terms of seeing what a switch is. But I don't know much about it.

A Okay. Well, it is like a video game for real money. You put points on this and move people around and -- so, as far as being contacted with customer trouble reports, at this point in time, we had like weekend duty. And so we covered the whole test center, which encompassed both sides of the spectrum. So, what knowledge I do have about trouble reports, that is where it comes from.

Q Okay. So, generally, this is the '86 time frame?

A Yes, '85 or '86, until I moved back outside, finally, in '87. I think it was August of '87.

Q So, just for a relatively few years, two maybe three years at the most, then, is what we are talking about?

A Two years, I would say, at the very most as far as having any contact with customer trouble reports, yes, ma'am.

Q Okay. Then from that experience, or just general knowledge that you may know from having been with the Company for so long, do you know about the process of opening a trouble report and then testing it and then --

A Yes, ma'am.

Q Okay. Do you know about the repairing and the clearing and closing of trouble reports?

A Yes, ma'am.

Q Are you familiar with disposition codes?

A I know what they are. I couldn't name you one



right this minute, today. It is foggy.

Q Let me throw one at you and see how you do. How about a no access code?

A Service orders, ST, no access code. No, I can't.

Q Can't help me with that one. All right. What about a carry-over no, or CON, or a CON code?

A I know what it is, but I can't give you -- you are looking for a number, right?

Q No, I am not looking for a number. Just general information, do you know what a no access means?

A Yes. I know what they are, yes.

Q Okay. You do.

A I'm sorry. I thought you were looking for a number.

Q No, I can get that somewhere else. No, I don't need the numbers. This is not a test on how many numbers you can remember, no. Okay. Well, let's go back to no access. What is a no access?

A It is something that we absolutely have to have access to fix, and it is inside the customer's house, and we can't get in there, or it is inside a confined area. It may be a dog in the yard, or whatever. You know, it is something where we can't get to the trouble to fix it.

Q Okay. And when you, or when you send someone else out that works for you to repair it, and that situation

occurs that they don't have access, do you notify them, let the customer know that you weren't able to get in?

A It is part of the procedure to hang a card or, you know, whatever, yes. We do notify them.

Q And do you know if that has always been done in every case?

A Personally, I have no knowledge it has been done in every case, no. But, you know, it is common practice to hang a card.

Q Okay. Do you know of anyone who has no accessed customer trouble reports without leaving the card, specifically, and has done that sort of as a general, not just a one-time mistake, but as a general way of doing things?

A No.

Q Okay. Have you ever that yourself?

A No.

Q Okay. Have you ever heard of anybody doing that?

A No.

Q If I were to ask you again about the CON code, the CON code, do you recognize that as a --

A I recognize it as a code. CON, it is vague. I do recognize it as a code.

Q Do you know what a commitment time is?

A Yes.

Q And what is a commitment time?

A It is the time that centralized repair gives the customer that we will clear their troubles by.

Q All right. And if the Company is not going to be able to make that commitment time, do you know if they would use the carry-over no code to indicate that on the customer report?

A I don't know if that is what it is for, or not. I don't have any knowledge of that. I have heard of it, but I don't know what the CON -- I can't remember.

Q Okay. Are you familiar with the Company requirement that, or the PSC requirement even, that out-of-service troubles should be cleared within 24 hours, and at least 95 percent of them?

A Yes, ma'am.

Q You know about that. Do you know of anyone who has used the no access code to avoid a report from being counted against the Company in the base?

A No.

Q Do you know of anyone who has used the CON or carry-over no code to stop the clock so that a report would not get counted in that base?

A No.

Q And you have never heard of that being done?

A No.

1 Q Mr. Schmoll,

2

3 A Yes, ma'am.

4 Q

5

6 A I can't remember the exact words. It was -- I  
7 would have to read it again. It has to do with the  
8 Company's loyalty -- not loyalty. I'm sorry, I can't think  
9 of the word.

10 Q

11 A Yes, ma'am.

12 Q Okay. How

13 were you told about it?

14 A By Mr. Sattizahn.

15 Q And was he the only one in the room at the time  
16 that you were told?

17 A No, Dwayne Ward was also in there.

18 Q Okay. And there were just the three of you there?

19 A Yes, ma'am.

20 Q All right. And then within this conversation  
21 between the three of you,

22

23 A I remember discussing with them, and it was --

24

25

1 And so, I don't really remember a  
2 whole lot of what went on as far as word-for-word  
3 conversation.

4  
5 Q Okay.

6  
7 A They didn't say that, no.

8 Q What did you understand them to mean when they  
9 said backing up times?

10 A At least that is what I  
11 understood, you know. I mean, that is the gist I got.

12  
Q Okay. Then would you explain to me what backing  
up time means?

A My understanding was that somebody said they  
cleared a trouble after the -- said the trouble was due at  
noon, and they had cleared it at 12:15, and they backed it  
up to 11:59 to make the 24-hour commitment;

Q Okay.

A That is my understanding of backing up times.

Q Then, do you know of anyone who has backed up the  
time?

A No.

Q Have you ever heard, outside of that meeting, of  
that being done?

1           A     You mean as far as -- I have no personal knowledge  
2 of it, no.

3           Q     Okay. But have you heard from any secondary  
4 source, from talking to anybody or overhearing  
5 conversations?

6           A     Yes, vague rumors. I mean, you know, it's -- but  
7 I don't have any personal knowledge, no, ma'am.

8           Q     Okay. And when you heard these rumors, did you  
9 hear about a specific IMC that may have been involved or a  
10 specific person that may have been involved?

11          A     No.

12          Q     Just sort of generally that this has been going on  
13 in the Company, is that the nature of --

14          A     Yes.

15          Q     Okay.

16

17

18          A     Yes, I did.

19          Q     And what did they tell you?

20          A

21

22

23          Q     Okay.

24

25

1 A I am now.  
2 Q Okay.  
3 A Yes.  
4 Q  
5  
6 A  
7  
8  
9  
10  
11 Q  
12 A No.  
13 Q  
14 A Yes.  
15 Q  
16  
17 A Uh-huh.  
18 Q Okay.  
19  
20  
21 A I can't say.  
22 Q Okay.  
23  
24  
25

1 A That

2 was the feeling I came away with.

3 Q All right. .?

4 A Yes.

5 Q Do you know what you would have to do?

6 A Yes, I will definitely check into it.

7 Q Okay.

8

9 A Do I know anybody? Yes.

10 Q Recently with this investigation?

11 A Yes.

12 Q Will you please tell me who they are?

13 A Do I know who has been?

14 Q Yes.

15 A Do you want names?

16 Q Please.

17 A Okay.

18 (phonetic). What is his name?

19 That is all I can remember. I know there are some

20 more that I know, but I just can't remember the names.

21 Q Okay. Is that pretty much everybody

22

A Yes, ma'am.

Q Of management level?

A Management level, yes.



Q Okay. Have any of the crafts been disciplined?

A Not that I know of.

Q Not that you are aware. Have you talked to any of these people about the discipline?

A Yes.

Q And what have your conversations been? What have you talked about?

A It's like, you know, we were sacrificial lambs.

Q Okay. Have you all talked together about, other than the backing up the time, whether or not there were any other problems that you could think of that maybe the discipline resulted from?

A No.

Q Do you know of any practice or procedure in a maintenance center where MAs were told to contact a manager to get disposition and cause codes to close out a trouble?

A No.

Q Have you ever heard of that being done?

A No.

Q Okay. And you have never directed or supervised MAs, have you?

A I think probably on paper I might have. In other words, I was in the control pod, and you had people reporting to you that were MAs, I think. I can't say this is a fact, but that is my impression, because it was a blur.

When you were up there, it was so crazy. But as far as directly reporting to me, on a temporary basis on the weekends, yes.

Q Okay. Well, let me rephrase the question to include yourself in that.

A Okay.

Q Have you, yourself, ever directed MAs to call you as a manager or another manager to get disposition and cause codes to close out a report?

A No, ma'am.

Q Do you know about the excluding of reports, how a report might get excluded in the closing process?

A I know about excluding trouble reports, yes.

Q Okay. Would you briefly tell me what you know about it?

A Okay. If the customer calls and says, "I have no dial tone on some line," you know, 792-3000, and they generate a trouble report. And it comes out and it says 792-3000 has no dial tone. And the MA goes through the process of testing it, and finds out that the line is fine, and they call the customer, and he says, "Oh, well, that is our main number. The line that is out is 792-3001," or whatever. What we used to do is exclude that trouble report, because it really wasn't in trouble, and generate a trouble report on the correct number.

Q Okay. Then, do you know of anyone who has taken out-of-service reports and excluded them to meet that 95 percent index, to make sure that the Company made that?

A No, ma'am.

Q Have you ever heard of that being done?

A No.

Q And you have never directed anyone to do that?

A No, ma'am.

Q And you have not done that yourself?

A No, ma'am.

Q Do you know of any other way of excluding out-of-service reports from that index base?

A No.

Q You said you are sort of familiar with disposition and cause codes. Let me ask you a few questions about that and come back to this thing.

A Okay.

Q If you have a report that has been closed out to lightning?

A Uh-huh.

Q Would that out-of-service report be counted in that 95 percent index?

A No, I can't tell you "yes" or "no."

Q Do you know of any disposition codes or cause codes, disposition codes like, for instance, inside wire,

maybe, or multiple cable failure; cause codes like customer action, perhaps, that might take an out-of-service report out of that index?

A You said customer action, I think that takes it out of the index. I can't swear to it, but I think it does. I know there is -- I think it does, but I can't say for sure.

Q Okay. Have you heard of anybody using disposition codes to exclude a report?

A No.

Q Have you heard of anybody using any other method to manipulate that 95 percent, to make sure that it was met?

A No.

Q Have you ever done that yourself, manipulated that?

A No, ma'am.

Q Have you ever directed anyone else to manipulate the report base in order to meet that 95 percent?

A No.

Q Okay. Do you know of anyone who has taken affecting service reports and statused them as out-of-service reports in order to build this base to meet that 95 percent?

A I have no personal knowledge of that, no.

Q Okay. Do you have any secondary knowledge about

that?

A Yes, I have heard rumors.

Q That that has occurred?

A (Witness indicating yes.)

Q And, then, from what you do know, have you any information about any individual that may have done that?

A No, ma'am.

Q Do you have any information about where that might have occurred?

A I heard South Broward.

Q You heard that it might have occurred in South Broward?

A But I have no direct knowledge.

Q Okay. Always feel free to qualify, because you have to feel comfortable with what you are putting down on the record. And that way we will both be sure exactly what you are testifying to.

A Uh-huh. Okay.

Q And if you don't -- I failed to do this at the beginning. If you don't understand something that I am asking you, please ask for clarification or for me to expand on it, so you are comfortable in answering the questions.

A I thought you were asking me for numbers.

Q Okay. So you are sure of that now.

Let me ask you this, Mr. Schmoll. Do you know of

anybody who has unintentionally violated Company procedures on handling trouble reports?

A What do you mean by "unintentionally?"

Q Maybe unknowingly, maybe they misinterpreted the rules, or things got so busy, and they did a whole lot of things at one time and mishandled them?

A I can't think of any individual circumstances. I am sure it has happened, but I can't -- and I'm sure there was such a rush, but I can't say, "Yes, I know this happened." No, I don't know.

Q Okay. What I would like to do, because I think maybe you are thinking maybe it is just like a one-time error or one-time mistake or just a glitch; everybody makes a mistake now and then.

A Are you talking about policy that was set down, and they thought they were doing right and actually it was wrong?

Q Yes.

A No, I don't know.

Q Okay. Are you aware of ever having done that yourself?

A No.

Q Okay. And have you yourself every directed someone to handle a customer report in a certain manner that you later found out was not according to Company policies?

A Not to my knowledge.

Q Okay. Do you know of anyone who has intentionally violated Company policy and procedures?

A No.

Q Have you ever heard of that being done?

A No.

Q Have you ever directed someone to do that?

A No.

Q And have you ever done that yourself?

A No.

Q Do you know of anyone who has used another employees code to status a trouble report?

A No.

Q Have you ever heard of that being done?

A I have heard rumors, yes.

Q Okay. And, again, have you heard these rumors in relation to specific individuals?

A No.

Q Have you heard them in relation to any location within the Company?

A Our test center, North Broward.

Q In North Broward. What have you heard about that being done in North Broward?

A I have heard, you know, like I said, rumors that somebody was using somebody else's, or a fictitious employee

code.

Q Okay. Would that be in order to close out the report, in closing, and clearing, and closing a report or --

A At this point in time, I can't remember what it was for. I just, you know, you just brought it up, and I said, "Yes, I remember rumors to that effect, but I don't know what it was for.

Q Okay. Do you know of anyone using any other means of excluding a report from the out-of-service base?

A No, ma'am.

Q Have you ever heard of that being done?

A No.

Q And you have never done that?

A No, ma'am.

Q Do you know of anyone who has falsified a customer report or record?

A No, ma'am.

Q Have you ever heard of that being done?

A No.

Q Have you ever done that yourself?

A No.

Q And have you ever directed anyone to do that?

A No.

Q Mr. Schmoll, have you ever reported anyone for mishandling customer records?



A I think what -- you mean have I ever talked to anybody about a trouble report, per se? In other words, that they did something wrong?

Q Uh-huh.

A Yes.

Q Okay.

A I haven't counseled them. I haven't disciplined them. I have probably brought it to their attention, yes.

Q Okay. And in your opinion, with this individual, did you feel that it was just a mistake and they just needed retraining?

A Yes.

Q All right. So, you don't feel that it was something -- feel that it was something they were doing deliberately?

A Oh, no.

Q Okay. And was it a problem that was ongoing? Had it been occurring for quite awhile?

A I don't know. Because the period of time I was there, I didn't supervise directly the people. So, I can't say.

Q Okay. Do you know if anyone has ever reported you for mishandling customer trouble reports?

A Not that I know of.

Q You had made mention of a time -- I think you've

said it twice now, about a lot of confusion going on in the IMC?

A Yes.

Q And what was that confusion related to?

A Divestiture and consolidation.

Q What time period was that?

A Well, you are talking about North Broward as it is today, from the time we opened until probably today.

Q And that is about '85, '86?

A '85, I believe it was '85.

Q Around that period of time. And did that confusion create problems with the customer handling and the flow and the management of those trouble reports?

A Yes.

Q Major problems? In your opinion, major problems?

A No. I mean, it was just the stress of the job, it seemed like problems, you know. They kept changing. It was constantly change, move and change, move and change. It was a very confusing time. They introduced the CATs and the Mapper/Tracker and all the different data bases, and it was a very confusing time for everybody.

Q And so it was hard to get up to speed quickly in all of these things?

A Yes, ma'am.

Q And that transition period -- is it safe to call

that a transition period?

A Yes.

Q I don't want to put too many words in your mouth. Okay. Within that transition period, then, in your opinion, could there have been some mishandling of customer trouble reports that you were unaware of?

A Yes.

MR. ANTHONY: Are you talking about intentional or otherwise?

MS. RICHARDSON: All right. Let's do both. Let's do both. Okay, I will rephrase the question both ways, then.

BY MS. RICHARDSON:

Q In your opinion, in that transition period, could there have been some mishandling, unintentional mishandling of customer trouble reports?

A Yes.

Q On what size scale, major, minor?

A I would say minor, considering the amount of reports. I can't put a percentage on it, but very, very minor.

Q Okay. And, then, let's finish it off. In that transition period, with the confusion that you have indicated, and everyone trying to get up to speed on all these new practices, is it possible that some intentional

mishandling of customer trouble reports could have occurred without your knowledge?

A Is it possible?

Q Uh-huh.

A I can't say "yes" or "no." It is possible, yes, without my knowledge.

Q Let me try one more way, then, on this?

A Okay.

Q In that transition period, did mishandling, intentional mishandling of customer trouble reports occur that you maybe were unaware of at the time, but that you now are aware of?

A No.

Q Have you ever seen an employee handling customer records or reports that appeared questionable to you?

A Could you expound on that?

Q Yes, I will do that again. You have indicated that you have some fairly extensive experience, long-term experience, in the repair part, and that you do have some experience and supervisory experience in the customer trouble reporting process?

A Uh-huh.

Q Okay. Now, within that scope of dealing with the customer trouble reporting process, have you ever noticed anything that appeared questionable or a questionable

practice to you?

A No.

Q Okay. And I am thinking like sending up red flags or signals that that doesn't look right. Is that clear?

A Yes, that's clear.

Q Did I understand you to say earlier that you knew about opening and creating trouble reports?

A I know about creating trouble reports, yes.

Q Okay. In creating trouble reports, do you have any knowledge of anyone who has created a trouble report in order to meet the repair index base to get that 95 percent?

A No.

Q Do you know of anyone who has opened a trouble report when they should not have done so?

A No.

Q Is it possible for an ST in the field to open a trouble report?

A No. Not to my knowledge, no. When I left there, let's say the beginning of the year, no, they could not open a trouble report.

Q Okay. For an ST in the field, once he gets the report and gets the phone number on it, and knows the phone number, is it possible to call back into the system in any manner other than through his CAT, direct access from him into the system? The ST directly into the system, not the

ST going to the MA, who plugs information into the system, like through telephone wires or anything else? Is it possible for an outside technician to access the computer trouble report handling system in any way other than the CAT he has in his hand?

A You just said through the MA.

Q Through the MA. Okay, through the MA, the CAT in his hand, is there any other way?

A Anybody that has access to that data base, I mean, it would be, you know, it could be anywhere. Anybody that has that access to the LMOS data base.

Q And I am thinking technically now. I know he has got the CAT in his hand, and he can type in through the CAT, and he can also get on the telephone and call the MA, and he can get on the computer. Then, would he just go to a telephone line and clip into a toll line and just dial it up without his CAT? Is there any way that he can get in, other than those two methods, the CAT and the MA?

A I guess I don't understand. Are you saying that he can use it like a test set and call the same line that the CAT is calling and get in?

Q Okay, yes. Is that possible to generate reports that way or to access the system that way?

A To my knowledge, no.

Q Do you know of anyone who has called in reports,

any employee who has called in reports through AIRO, the A-I-R-O system and generated trouble reports?

A Personally, no.

Q Have you ever heard of that being done?

A Yes.

Q And, again, where have you heard of that being done?

A When I was out in the field, security rode with us to check up, to make sure that our STs actually had troubles on the trouble reports they went on. And from the information that I know, is that it was in Miami that they were doing it. And I don't know where in Miami. I just know in Miami somebody was doing it. I think there were only two people involved.

Q Do you know the two people?

A No. I mean, that is what I heard, was two people. I don't know.

Q I'm sorry. Did you hear which two people were involved?

A No.

Q And have you every done that yourself?

A No, ma'am.

Q And have you ever directed anybody to do that?

A No.

MS. RICHARDSON: Mr. Schmoll, thank you. I

appreciate you being here. I hope it wasn't too uncomfortable for you. The PSC people may have one or two questions for you.

THE WITNESS: Sure.

MS. RICHARDSON: Okay. Thank you.

THE WITNESS: No problem. Thank you.

MS. WILSON: I have no questions.

CROSS EXAMINATION

BY MR. ANTHONY:

Q Mr. Schmoll, I have one question. You mentioned these two people in Miami. Do you know whether they were disciplined or not?

A I believe they were fired. I can't say. The rumor is that they were fired.

MR. ANTHONY: Thank you. I don't have anything further.

(The deposition was concluded at 1:50 p.m.,)



## CERTIFICATE OF REPORTER

STATE OF FLORIDA )

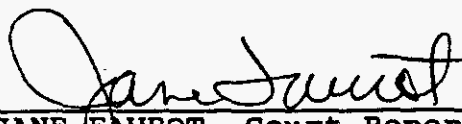
COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 40 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.

WITNESS MY HAND AND SEAL this 1<sup>st</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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 )

**CERTIFIED  
COPY**

DEPOSITION OF THE WITNESS, PAUL WHITE,  
TAKEN BY OFFICE OF THE PUBLIC COUNSEL,  
ON MONDAY, JULY 27TH, 1992.

Riviera Beach, Florida  
9:40 a.m. - 9:53 a.m.

APPEARANCES:

CHARLES J. BECK, ESQUIRE  
Assistant Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida, 32399-1400  
on behalf of the Citizens of the  
State of Florida.

TRACY HATCH, ESQUIRE  
Florida Public Service Commission  
Chief Bureau of Communications  
Division of Legal Services  
101 East Gaines Street  
Tallahassee, Florida, 32301  
on behalf of the Florida Public  
Service Commission.

(APPEARANCES CONT. ON PAGE TWO)

APPEARANCES CONT.:

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Florida Public Service Commission  
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Atlanta, Georgia, 30375  
on behalf of Southern Bell  
Telephone & Telegraph.

JEFFREY H. FINK, ESQUIRE  
Fifth Floor, Concord Building  
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Miami, Florida 33130  
on behalf of the Deponent, Paul White.

I N D E X

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E X H I B I T S

(none)

1                   The deposition of PAUL WHITE was taken  
2       before me, Maureen A. Kerns, Registered Professional  
3       Reporter, CM, and Notary Public, State of Florida at  
4       Large, at the offices of Southern Bell Telephone &  
5       Telegraph Company, 3650 Avenue E, Room 316, in the City  
6       of Riviera Beach, County of Palm Beach, State of  
7       Florida, on Monday, July 27th, 1992, beginning at 9:40  
8       a.m., pursuant to the Notice filed herein, at the  
9       instance of the Office of the Public Counsel in the  
10      above-entitled cause pending before the above-named  
11      Court.

12                                 - - -  
13               MR. LACKEY: Since I'm the designated  
14       stipulation giver, we're down to three stipulations  
15       on this one, that is that there is no objection as  
16       to the time and place of the taking of the  
17       deposition, that all objections except as to the  
18       form of the question are reserved until the first  
19       use of the deposition, and that reading and signing  
20       of the deposition are not waived.

21               I think those are the stipulations we're  
22       operating under, although we really ought to ask  
23       Mr. Fink, since he's Mr. White's attorney, if they  
24       are agreeable.

25               MR. FINK: I have no objection.

1           MR. LACKEY: As we begin the deposition, I  
2           have a statement that I've been reading, and I  
3           would like to read it now to make sure this record  
4           is complete. I'm Doug Lackey. I'm appearing on  
5           behalf of Bell South Telecommunications, Inc.,  
6           doing business as Southern Bell, and I have a  
7           statement that I need to read to Mr. White.

8           Mr. White, to the extent that any question  
9           calls for information that you have derived from an  
10          investigation conducted by Southern Bell at legal  
11          counsel's request, I will object to that question  
12          as being privileged and I will instruct you not to  
13          answer the question.

14          To the extent that you can answer the question  
15          on the basis of your own personal knowledge, you  
16          should do so, and by that I mean personal knowledge  
17          not obtained as a result of the investigation. If  
18          there's a question that I don't object to but which  
19          will require you to divulge privileged information  
20          in order to respond, you should state that instead  
21          of answering the question. Is that clear? Is  
22          there anything --

23          THE WITNESS: Yeah, that's clear.

24          MR. LACKEY: -- I can explain to you about  
25          that? Okay. Thank you.

PAUL WHITE

being by me first duly sworn to testify the whole truth,  
as hereinafter certified, testified as follows:

DIRECT EXAMINATION

BY MR. BECK:

Q. Mr. White, my name is Charlie Beck. Just so I  
can make sure with counsel that you understand the  
instruction he gave you, is it clear to you that if you  
were to say I don't know the response to the question,  
that would mean you really don't have any knowledge or  
you don't know the response. In other words, I don't  
want to be in a position where you say I don't know, but  
what you're saying is it's part of this investigation  
and I'm not going to tell you.

A. I understand.

Q. Okay. And if you know an answer, you'll  
either tell me the answer or state that you're not  
telling me the answer. Okay?

A. Yes, I understand.

Q. Okay. For the record, can you state your  
name, please?

A. My name is Paul White.

Q. And are you employed by Southern Bell?

A. Yes.

1 Q. What is your position?

2 A. Manager, installation and maintenance center.

3 Q. Okay. And you cover a specific geographic  
4 area in that position?

5 A. Yes.

6 Q. What is that?

7 A. Palm Beach County, north of Boca to south of  
8 Jupiter.

9 Q. How long have you held that position?

10 A. A little over a year.

11 Q. Okay. So about mid 1991?

12 A. Yes.

13 Q. What position did you hold before that?

14 A. Manager, installation and maintenance staff.

15 Q. Where was that?

16 A. Fort Lauderdale, Florida.

17 Q. How long did you hold that position?

18 A. Approximately three years.

19 Q. So, around mid '88 to mid '91 or --

20 A. Yes.

21 Q. Okay. Let me go back one more time before  
22 that. What position did you hold before that?

23 A. Technical -- well, let me get the title  
24 right. I was the technical consultant for Bellcor.

25 Q. What type of job was that?

1           A.    I was a subject matter expert on maintenance  
2           items for the installation and maintenance department.  
3           I represented Bellcor to the regions.

4           Q.    Okay. Were you located, what, in New Jersey  
5           then?

6           A.    Morristown, New Jersey.

7           Q.    Were you responsible for putting out practices  
8           or procedures?

9           MR. FINK: No, no, that's okay. I'm just  
10          waiting for the appropriate time to stop. I need  
11          to put something on the record, okay?

12          MR. BECK: Sure. Go ahead.

13          MR. FINK: It's my understanding that the  
14          scope of this deposition is going to be inquiry  
15          into or at least in part inquiry into a certain  
16          disciplinary action that may or may not have been  
17          taken by Southern Bell with regard to Mr. White.

18          It's further my understanding that -- I think  
19          it's beyond my understanding. I think it's within  
20          my knowledge that there is currently pending a  
21          criminal investigation by both the Statewide  
22          Prosecutor's Office and the Attorney General's  
23          Office of the State of Florida. The scope of the  
24          criminal investigation includes a focus on a number  
25          of different areas, one or more of which pertain



1 directly to the area of discipline.

2 Mr. White gave a statement for approximately  
3 eight hours to the Statewide Prosecutor's Office  
4 and the Attorney General's Office, which was taken  
5 at one time. Given the focus of the criminal  
6 investigation and also given the focus that I  
7 understand this deposition is to take, Mr. White  
8 unfortunately and contrary to, to at least his  
9 personal desires, but Mr. White unfortunately has  
10 to assert his Fifth Amendment right, Fifth  
11 Amendment privilege against self-incrimination.

12 MR. BECK: Okay.

13 MR. FINK: The best response that we can give  
14 here today, although Mr. White would certainly,  
15 from a personal standpoint, would like to assist  
16 and cooperate with the Public Service Commission,  
17 is that we would direct you to the Statewide  
18 Prosecutor and Attorney General's Office, and you  
19 can make whatever requests you can for that eight  
20 hours of testimony which would probably more than  
21 answer your questions.

22 I don't know whether they would be willing to  
23 turn it over to you, but I anticipate that  
24 virtually all of the questions that you would ask  
25 from this point forward would fall within the area

1           protected by Mr. White's privilege, and we will  
2           most likely be asserting the privilege in response  
3           to any of those questions.

4           MR. BECK: Okay. What I would intend to do is  
5           keep going forward, but when we hit questions that  
6           you want to take the Fifth Amendment or your client  
7           wants to take the Fifth Amendment to, just say that  
8           briefly based upon what you've said here.

9           MR. FINK: Okay. I will tell you for your  
10          convenience that I have no objection that you ask  
11          all the questions you want and have me assert it  
12          question by question, but I will tell you that I'm  
13          going to assert it on his behalf with regard to his  
14          background, any knowledge that he gained during the  
15          course of his background, the scope of his  
16          positions, the scope of his work with Southern  
17          Bell, and certainly with regard to any questions  
18          regarding what I understand the inquiry will likely  
19          be, which would be the area of trouble reports.  
20          Okay.

21          MR. BECK: Okay. And I would just like to  
22          briefly respond that, you know, I have no knowledge  
23          of what the Statewide Prosecutor or Attorney  
24          General may have done with respect to Mr. White.  
25          In fact, this is the first time I've ever heard of

1 the fact that he's given any statement to the  
2 Statewide Prosecutor.

3 I'd also state that this isn't a criminal  
4 proceeding. This is purely an administrative  
5 proceeding before the Public Service Commission and  
6 that I don't believe I have access to any statement  
7 the Statewide Prosecutor may have taken from  
8 Mr. White.

9 MR. FINK: Just from a practical standpoint, I  
10 don't know whether they would turn that over to you  
11 since it's still in the investigatory stage, and I  
12 am completely cognizant that this is a civil  
13 proceeding and, therefore, even were there a  
14 subpoena to Mr. White under the sections by which  
15 the Statewide Prosecutor can compel testimony by  
16 subpoena, I don't think that's available to you.

17 And so as a result, there's no, for instance,  
18 immunity afforded to Mr. White. Anything that he  
19 says during this statement can be turned over to  
20 the Statewide Prosecutor and used by them. It can  
21 be used in a number of other forums, and I think it  
22 would be foolhardy for anybody under these  
23 circumstances not to assert the Fifth.

24 MR. BECK: Okay. Was Mr. White given immunity  
25 in his statement to the Statewide Prosecutor?

1 MR. FINK: He received a subpoena from the --

2 MR. BECK: Okay.

3 MR. FINK: As I understand, as did most of the  
4 witnesses who testified before the Statewide  
5 Prosecutor, he received a subpoena from the  
6 Statewide Prosecutor, and he received the benefits  
7 of whatever the subpoena afforded.

8 MR. BECK: Okay. And I take it then that you  
9 will assert the Fifth Amendment right even if I  
10 were to ask the same questions that he answered in  
11 respect to the Statewide Prosecutor?

12 MR. FINK: Absolutely.

13 MR. BECK: Okay. Now, are you going to -- I  
14 guess when we stopped, we were just discussing  
15 Bellcor and what your positions were at Bellcor.  
16 Mr. Fink, are you going to object to any further  
17 questions about what he did at Bellcor?

18 MR. FINK: Yes, and the scope of his knowledge  
19 there and the information he received during his  
20 responsibilities there.

21 MR. BECK: Okay. And you're doing that based  
22 upon his Fifth Amendment right?

23 MR. FINK: That's right.

24 MR. BECK: I'm going to ask you a series of  
25 questions, and I guess we'll just go briefly Fifth

1           Amendment, if that is your objection.

2           Q.   (BY MR. BECK) Mr. White, earlier this year  
3           did you receive any discipline from Southern Bell with  
4           regard to your position?

5           MR. FINK: Assert the privilege.

6           MR. BECK: Okay.

7           MR. FINK: By the way, if I say the privilege,  
8           I specifically mean the Fifth Amendment and the  
9           same privilege under state law.

10          MR. BECK: Okay.

11

12

13

14          MR. FINK: Yes, sir.

15          MR. BECK: Okay.

16          Q.   (BY MR. BECK) Mr. White, I planned to ask you  
17          a whole series of questions about your personal  
18          knowledge and/or what you may have heard with respect to  
19          falsification of repair service records.

20          MR. BECK: I take it, Mr. Fink, that you would  
21          object to any questions I might ask him about his  
22          knowledge of falsification of repair records or  
23          what he may have heard about it.

24          MR. FINK: To be precise, I wouldn't object to  
25          them. I would assert the privilege in response to

1           them.

2           MR. BECK: Okay. And you would assert the  
3           privilege with respect to what he has heard about  
4           it as well?

5           MR. FINK: Yes, sir.

6           MR. BECK: Even if it were in a conversation  
7           with another employee of Southern Bell?

8           MR. FINK: Yes, sir.

9           MR. BECK: Let me ask one or two just as  
10          examples.

11          Q. (BY MR. BECK) Mr. White, do you have any  
12          knowledge of or have you heard of Southern Bell  
13          employees backing up repair times on out of service  
14          reports?

15          MR. FINK: Assert the privilege.

16          Q. Okay. Mr. White, do you have any knowledge of  
17          the use of CON or carried over no access codes to stop  
18          the clock on out of service reports?

19          MR. FINK: Assert the privilege.

20          MR. BECK: Okay. Mr. Fink, I guess you will  
21          be asserting the privilege with respect to any  
22          question I might ask with regard to repair service  
23          records.

24          MR. FINK: The best I can say, that is highly  
25          likely. I don't want to force you to go through

1           all of them, but I anticipate yes.

2           MR. BECK: Let me ask one or two more so we  
3           have a basis for what the privilege is.

4           Q. (BY MR. BECK) Mr. White, do you have any  
5           knowledge about the use of exclude codes such as exclude  
6           code for lightening when such codes would not properly  
7           be used on a repair service record?

8           MR. FINK: Assert the privilege.

9           Q. Okay. Mr. White, do you have any knowledge of  
10          the status of statusing affecting service reports as out  
11          of service reports for the purpose of building up the  
12          out of service base?

13          MR. FINK: Assert the privilege.

14          Q. Okay. Let me ask this. Your present position  
15          is in a line position, as I understand it, in  
16          installation and maintenance center?

17          A. Yes.

18          Q. And your previous position in Fort Lauderdale  
19          was a staff position?

20          A. Yes.

21          Q. Could you distinguish and tell me what some of  
22          the similarities and differences are between those  
23          positions?

24          MR. FINK: Let me see if I understand the  
25          question. You mean in terms of the difference in

1 title or --

2 MR. BECK: No. The difference of job  
3 responsibilities and what was entailed by each  
4 job.

5 MR. FINK: Hold on a second.

6 MR. BECK: Would you all like to use the other  
7 room?

8 MR. FINK: No, that's all right.

9 (Discussion off the record between Attorney  
10 Fink and the witness.)

11 MR. FINK: Okay. I'm going to assert the  
12 privilege there because I believe that the question  
13 on its face is calling for something that may be  
14 simply a factual rendition by Mr. White of company  
15 policy; however, by the same token, in answering  
16 the question, it requires Mr. White to render his  
17 own personal knowledge of those responsibilities  
18 and his opinion as to the extent and scope of those  
19 responsibilities. And, consequently, I believe  
20 that it falls within the privilege, and we will  
21 assert the privilege.

22 MR. BECK: Okay. A few more questions and  
23 then we'll be done.

24 Q. (BY MR. BECK) Mr. White, do you know a person  
25 named Dennis Slattery?



1 MR. FINK: Assert the privilege.

2 Q. Okay. Do you know of any involvement by a  
3 Mr. Slattery with respect to falsifying out of service  
4 reports?

5 MR. FINK: Assert the privilege.

6 MR. BECK: I think I'm done.

7 MR. FINK: Okay.

8 MR. HATCH: I don't think we have anything.

9 MR. BECK: Doug?

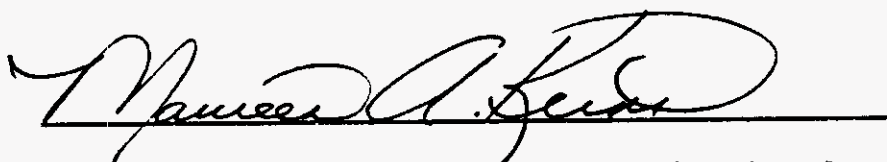
10 MR. LACKEY: Oh, I certainly don't.

11 (Concluded at 9:53 a.m.)  
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C E R T I F I C A T E

I, Maureen A. Kerns, Registered Professional Reporter, CM, and Notary Public, State of Florida at Large, do hereby certify that the foregoing deposition of PAUL WHITE was taken before me in this cause at the time and place and in the presence of counsel as set out herein; that before giving his/her deposition, the witness was duly sworn by me to testify the whole truth; that the foregoing pages constitute a true record of his testimony of the witness and of all proceedings had.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor am I interested in the outcome of the action.

A handwritten signature in cursive script, reading "Maureen A. Kerns", is written over a horizontal line.

Maureen A. Kerns, Registered Professional Reporter and Notary Public, State of Florida at Large. Commission Expires: Dec. 20, 1994

ERRATA SHEET

PURSUANT TO RULES OF CIVIL PROCEDURE, this deposition is being submitted to you for examination, reading and signing. Please do not write on the transcript. Any change in form of substance you desire to make should be entered upon this sheet as follows:

<u>PAGE</u>	<u>LINE</u>	<u>CHANGE</u>	<u>REASON</u>
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\_\_\_\_\_  
Signature of Witness

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Date:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Notary Public,  
State of Florida at Large  
My Commission Expires:

FPSC DOCKET No. 910163-TL

SBT MOTION FOR CONFIDENTIAL TREATMENT  
AND PERMANENT PROTECTIVE ORDER

DEPOSITIONS OF: CALVERT, KUMMER, LOM-AJAM,  
LYTLE, MASER, PORTER,  
RAMSEY, ROBERTS, SCHMOLL,  
AND WHITE

ATTACHMENT B

continuation  
10355 Sept. 9, 1998

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

COPY

DEPOSITION OF:

CHERIE BEYER CALVERT

TAKEN AT THE INSTANCE OF:

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

DATE:

Wednesday, July 29, 1992

TIME:

Commenced at 4:15 p.m.  
Concluded at 5:30 p.m.

LOCATION:

666 N. W. 79th Avenue  
Room 642  
Miami, Florida

REPORTED BY:

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

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

ACCURATE STENOGRAPH REPORTERS, INC.

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Miami, Florida 33131-1802

**ALSO PRESENT:**

CARL S. VINSON, JR., FPSC Division of Research and  
Regulatory Review.

STAN GREER, FPSC Division of Communications.

\* \* \* \* \*

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S T I P U L A T I O N S

The following deposition of CHERIE BEYER CALVERT was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

CHERIE BEYER CALVERT

was called as a witness, having been first duly sworn, was examined and testified as follows:

MR. ANTHONY: Ben, before we begin, there are some stipulations that we have had for all three days of these depositions that I just wanted to let you know about.

First of all, the deposition is taken pursuant to proper notice. Secondly, we won't go off the record without Ms. Calvert's consent. Third, that reading and signing won't be waived, and, fourth, that we will save any objection until the time of the use of the transcript at the hearing or wherever it may be used.



Are those agreeable with you?

MR. KUEHNE: That is acceptable.

MR. ANTHONY: One other thing, Ms. Calvert, as you are probably aware, this deposition is part of the investigation of the Florida Public Service Commission into Southern Bell's trouble reporting practices. As I am sure you are also aware, the Company conducted its own investigation of trouble reporting practices, and that investigation was done under the control and guidance of the Legal Department; and, therefore, is privileged, which means that no outside party can get to it. It is the Company's, and no one is allowed to discover. It's not likely, but in the event that any question is directed toward you and seeks any information that is a part of that privileged information, your participation in the investigation, if any, what you may have learned during the investigation, I am going to instruct you not to answer the question. By the same token, to the extent that you have knowledge about any of that information independent of the investigation, then, of course, you should answer the question and answer it fully and completely and honestly. Is that clear?

THE WITNESS: Uh-huh.

MR. ANTHONY: Okay. Thank you.

MS. RICHARDSON: Mr. Kuehne, do you want to put in an appearance on behalf of your client for the record?

MR. KUEHNE: Yes. For the record, Ben Kuehne with the firm of Sonnett, Sale & Kuehne. I represent the deponent.

MS. RICHARDSON: And, Ms. Calvert, I just have two little preliminary matters, so that we have common grounds of understanding on some general terms that may or may not be used by you during the deposition. The first one is "I don't know." If you respond to any of my questions with "I don't know," or if I ask you do you know of anyone or anything, et cetera, and you say, "no," I take that to mean, my understanding of that is, that you have no personal, direct, firsthand knowledge of the event or the person, or whatever I am asking about. And that you also have no secondary or hearsay knowledge or any knowledge from any source about the person or the event or whatever I am talking about. Is that acceptable or okay with you?

MR. KUEHNE: Generally it is acceptable. There may be some question about its application, given some of your questions. But I think we can take those on an individual basis.

MS. RICHARDSON: That's fine, and feel free to clarify --

THE WITNESS: Okay.

MS. RICHARDSON: -- any answer that you give. And that also means that if you don't understand a question, feel free to ask me anything about the question, so you feel comfortable in answering before you answer, okay? Since you have sworn an oath, and it is being taken down, I want you to be certain of what you are telling me.

THE WITNESS: Yes.

MS. RICHARDSON: Okay. The other one is pretty much the same thing. "I can't remember," or "I don't recall," that means that your mind is an absolute blank, that there aren't any little niggling memories that are floating around out here that may not be clear, but you think maybe at one time something may have happened. "I don't recall," for me, then, tells me that that is not there. So, if you have something that is sort of hanging out here if you will tell me, "Well, I don't really remember, but there is something around here." That further clarifies your response, and maybe I can get some more questions that would help bring it into clear focus. Is that acceptable?

MR. KUEHNE: That is, but a bit more troublesome on a case-by-case basis, because there may be situations where the answer is, "I can't remember," and

the recall that the witness has is not an answer to your question. And in that regard, she will advise you that she does not recall or cannot remember. She is not going to volunteer information which may be on the outskirts of her recall that is really not in response to your question.

MS. RICHARDSON: You mean outside the subject matter of the question?

MR. KUEHNE: Not in response to your question. If you follow that up with a more artfully phrased question that gets to the area that may be on the outskirts of her recollection, she will appropriately answer that. But she will not volunteer recollection which is sketchy, if it is not in response to your question.

MS. RICHARDSON: I think I follow what you are saying. Let's just go with it and see where we get, okay?

#### DIRECT EXAMINATION

BY MS. RICHARDSON:

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

A Cherie, C-H-E-R-I-E, Beyer, B-E-Y-E-R, Calvert, C-A-L-V-E-R-T.

Q And your address, please?

A 19416 East Lake Drive, Hialeah, H-I-A-L-E-A-H,  
33015.

Q And what is your present position with the  
Company?

A Manager.

Q First level or second level?

A Pay Grade 5.

Q Pay Grade 5. And a manager of an IMC, or --

A Currently, I have an RCMAC, line and number. It's  
LNA for Line and Number Administration, SADAC and SPC.

Q Does that involve all of South Florida, or just  
certain areas?

A Each of the four entities support the South  
Florida area.

Q Okay. And who is your present supervisor?

A It is Mr. John O'Hare.

Q All right. And who is his supervisor?

A Linda Isenhour.

Q Linda Isenhour.

A Uh-huh.

Q And how long have you held this position?

A Since January.

Q Of this year?

A This year.

Q All right. And what did you do prior to this

January?

A Through November of last year, I was the manager of the Miami Metro IMC, but it closed down and went to two separate entities.

Q Okay. And what did you do between November and January?

A I took a long-deserved vacation.

Q Okay. And what pay grade were you at the Metro IMC?

A Pay Grade 5.

Q Was this position, then, a promotion or just a lateral transfer?

A A lateral move.

Q A lateral move. When did you begin your employment with Southern Bell?

A Twenty-six years ago today.

Q Today?

A Yes.

Q An anniversary.

A Ben pointed that out to me. I didn't even realize it.

MR. KUEHNE: A moment of silence, please.

BY MR. RICAHRDSON:

Q And what was your entry position with the Company?

A An operator.

Q Is that like a long distance operator?

A Exactly.

Q During your 26 years with the Company, have you had responsibilities related to customer trouble reports?

A Yes.

Q And can you give me some period of time?

A You mean as far the capacity of Pay Grade 5?

Q Any position that you may have held with the Company in an IMC, or anywhere, that dealt with the customer trouble report process. And if it is easier, if you want to just tell me what the position was and about when you held that motion, we can do it that way.

A I was an IMC manager in the South Dade IMC, approximately, because actual dates, about April of '90 to March or April of '91, and then the same capacity from April of '91 through November of '91 in the Miami Metro IMC.

Q Okay. And are those the only two positions that you have held that have had anything to do with customer trouble reporting?

A Right.

Q And does your present position at all have anything to do with customer trouble reporting?

A Not really. If my girls do something wrong it could create one, but we don't have any responsibility to the trouble report itself.

Q Okay. So, from about '88 until you took your vacation was about the time frame we are going to be talking about with customer trouble reporting?

A Not '88.

Q Oh, I'm sorry. I missed it, then. I have forgotten. I should have taken a note. From about what time frame, if you would not mind reminding me?

A Either April or May of '90 to April of '91 in South Dade and then from April of '91 through November of '91 in Miami Metro.

Q Now, I have got it down. Hopefully, I won't forget it again.

A I almost got confused.

Q I'm sorry. I certainly don't want to confuse you. One of us is enough.

In your duties in the IMC, did you supervise individuals as a manager?

A Well, I had a whole team of people. You mean directly reporting to me?

Q Yes.

A Approximately nine supervisors in South Dade. And in Miami Metro it would vary from five to six, depending on which month it was, sometimes four.

Q Okay. Would you elaborate on the scope of your duties during that period of April '90 through November of



'91?

A I was a manager over -- you mean each of the entities that reported under me for those nine individuals?

Q Yes, and what you were responsible for in terms of your job responsibilities and duties, the scope of that?

A Well, under that, and I will have to put the floor plan in my head and go around the room, okay?

Q That's fine.

A Station load control, cable load control, screening, systems administration, SSDAC, S-S-D-A-C, ICC, D-tags. And I had a particulars set up for higher management complaints, one person that would deal with answering higher management complaints or PSCs and things like that.

Q Would that be like an irate customer calling in and --

A Red phone --

Q Red phone?

A -- type of deal, right.

Q Okay.

A I think that is it.

Q And then within the scope of these duties were you required to have a full understanding of the customer trouble repair process from the very beginning through clearing and closing?

A Personally, no.

Q Do you have an understanding of the customer trouble repair processing from beginning, when the trouble report is received, through handling the repair section and clearing it and closing it?

A I understand the flow.

Q You understand the flow of the report?

A Yes.

Q Are you familiar with LMOS and the other computer systems that handle those reports?

A Yes.

Q Are you familiar with disposition codes?

A Not without having to look at the sheet on an individual basis.

Q Okay. Instead of asking you, like, do you know what Code 100 means, do you know what a disposition code is?

A Yes.

Q Generally, what its purpose is?

A Yes.

Q Go ahead and elaborate, what is the purpose for a disposition code?

A Whatever they find the trouble to be, the cause and disposition code, whatever the disposition was, whatever field code it was, inside or outside, they would close it out to the particular code that was appropriate to that

particular trouble. And then the cause code is the same thing, whatever caused that trouble could be anything.

Q Okay. And in your screening position, did that require you to be familiar with the autoscreener and the autoscreener rules?

A Not personally.

Q Not personally?

A No.

Q Do you know what autoscreener is?

A I know that the troubles that could be screened automatically by the rules that are set into that data base, certain trouble reports are eligible for that and would be screened automatically.

Q Okay. Do you know the person responsible, or did you supervise the person responsible for maintaining those rules in an active status?

A That's the systems administrator.

Q Okay. And you also mentioned that that was an area that was part of the scope of your duties?

A Well, they are under -- like if you are looking at a pyramid, if you will, all of those things come under, you know, my job descriptions, but not necessarily to have a working knowledge of doing that function.

Q Okay. But you would supervise an individual that did have working knowledge of that function?

A Correct.

Q Okay. And "station load," does that mean managing the force to load to make sure that the problems were cleared out in a timely manner?

A Yes, ma'am.

Q And, then, I think you said that cable load -- is that pretty much the same thing, but for cable repair?

A That's correct.

Q In the scope of your duties as supervising all of these activities, are you called upon to direct individuals in the performance of their duties?

A Could you elaborate on that?

Q All right. In terms of directing people in the performance of their duties, if a change came down from higher management on the use of disposition codes, would it be your responsibility to see that those under you, those supervisors under you, carried out that change and also made sure that the people they supervised carried out that change?

A If any document was sent to me first, it would be funneled through all the people under my supervision. And those managers, then, would assume the role of ensuring that their subordinates, you know, fulfilled whatever the directive was.

Q Okay. And if the directive wasn't filled, would

you hear about it?

A It would depend. The managers had responsibility for their own entities.

Q Okay. And if a manager in the systems administration section had not put in place new screening rules, assuming there has been new screening rules, and had known that he was, or she was, supposed to do that, and it was later found out that that individual had not done that, would correcting that error be within the scope of your responsibilities?

A Discussing it with that person would be under my responsibility to find out, you know, to discover if they did it or why they didn't do it. And if they chose not to do it, why they didn't inform me. And there would, you know, be like a conversation disclosure, if you will.

Q Okay. And if it was determined that one of the individuals you supervise had deliberately falsified a report, would it be within the scope of your responsibility to correct that individual?

A This is hypothetical?

Q It is all hypothetical, and you are certainly free to answer that it is a hypothetical. I am just trying to get the nature of your supervision of these people, is what I am trying to draw out further on. And that is where I am going with this.

A In a hypothetical scenario, if I had personal knowledge, you know, it would be my responsibility to act on it.

Q Okay. And by acting on it, would you just take it under your wing to correct it, or would you be called upon or required to report that further up the line to higher management?

A Well, something so hypothetical and so broad-based, I mean, it would depend, I guess, on what it was. In some instances I may deal with it myself, and in others I may report it to my superior.

Q Okay.

A I mean, a misunderstanding, you know, is one thing; a deliberate action is another, so --

Q Have you ever had occasion to report an individual for deliberately falsifying a Company record?

A Could you be more specific?

Q No, I can't give you a specific incident, just thinking back in terms of -- we are talking about your duties from April '90, so we are talking about just the last two years at this point. Let's keep it to that, so maybe your memory will be fresher. Within that time frame, have you ever had, as part of your duties, a need to report someone to higher management for falsification of customer records?

A I don't know if falsification -- in that particular instance there would not be, no.

Q Within the scope of your duties, have you ever been called upon or required to report an employee for mishandling customer trouble repair records?

(Pause)

A The answer will be no.

Q Have you ever had to report an individual, employee, under your supervision to higher management?

A I'm sorry?

Q Within the last two years have you reported any individual to higher management for any errors committed?

A For any errors committed? Yes.

Q Okay. Would you please tell me what the error was?

A Okay. The one instance was I observed an employee with numerous telephone books at their desk, and it just looked peculiar to me. So, I questioned them as to what they were doing. There was hesitation, and I asked the question again. And the response -- and I cannot remember the exact words -- was that in particular wire centers, such as the Keys, if there was a chance that they may miss the objective in the Keys, that the words were, "We take telephone numbers from the telephone books and create trouble reports and close them out."

Q Okay. And who was this individual that was doing that?

A Bill Morrison.

Q And that is M-O-R-R-I-S-O-N?

A Yes.

Q And what was Mr. Morrison's position?

A He was a Pay Grade 3 manager.

Q Pay grade 3 manager. And who did he supervise as a Pay Grade 3 manager? Did he supervise anybody?

A MAs, maintenance administrators.

Q All right. And as a supervisor or as a Pay Grade 3 manager in his position, did his duties call upon him, or the scope of his duties deal with handling customer repair reports?

A Yes.

Q Okay. And you were his supervisor?

A Yes.

Q Can you tell me approximately when this occurred?

A The best I can remember, it was the latter part of October 1990, and I don't remember the specific dates.

Q That's fine, as close as you can get. And, like I said earlier --

A That's the best I can remember.

Q You are certainly free to clarify whatever response, and I would like for you to do so, feel



comfortable doing so.

And who did you report this to?

A I reported it to his supervisor.

Q And that is?

A John Long.

Q Is that Lawrence J. Long, Lawrence John Long, do you know?

A I guess. I just called him John Long.

Q Just called him John Long.

A It may be Lawrence. I don't remember if that was his full name or not. I never referred to him as that, so it might be one in the same. I don't know.

Q Okay. And what was his position?

A Associate manager.

Q Of?

A Systems administration.

Q For which IMC? Was it an IMC at all?

A South Dade.

Q South Dade. Was any audit or operational review made of this incident or around this incident?

A To my knowledge, no.

Q Do you know if any further action was taken, other than your reporting it, of this incident?

A I reported it to my superior.

Q And that was who?

A George Lewis.

Q So, Mr. Lewis was aware of it?

A Yes.

Q Do you know if Mr. Lewis took any further action?

A No, ma'am.

Q Do you know if Mr. Long took any action?

A No, ma'am.

Q Is Mr. Morrison still in his present position?

A He retired.

Q He retired. Did you get the impression that this was a general process in the Keys, that this was the way it was always handled in the Keys?

A I honestly don't know.

Q Okay. Is that the only incident that you can recall of reporting any individual that you supervised to higher management?

A To the best of my recollection, it is.

Q Okay. And I am now referring to any time period before 1990 or through your present time?

A To the best of my recollection, it is.

Q Okay. Do you know if anyone has ever reported you as having made an error, or mistake, or something that they thought might not be quite right?

A There were allegations. I don't know who made them. I don't know when, and I don't know exactly why.

1 Q Okay. And how did you learn of these allegations?

2 A Through coverage by my supervisor that these  
3 allegation had been made.

4 Q

5

6 A Yes, I was.

7 Q

8 A My current superior, John O'Hare and Hilda Gear,  
9 who was the operations manager in personnel.

10 Q Okay. And they were the only two people involved?

11 A Present, other than myself.

12 Q Okay.

13

14 A

15

16 Q Okay. Did they tell you what --

17

18 A I'm sorry. Go ahead.

19 Q

20 A

21

22

Q Is that a central office failure to a test okay?

A Yes.

Q And did you ever do that?

1 A Never.

2 Q Do you know anyone who ever did that?

3 A No, ma'am.

4 Q Do you know why anyone would make that accusation,  
5 that they may have mistaken some other something that you  
6 did for that?

7 A I am generally very clear on my directions, so I  
8 can't imagine why anybody would either not understand or  
9 make the allegation.

10 Q Have you heard of anyone else who may have done  
11 that?

12 A No, ma'am.

13 Q

14 A

15 Q

16 A

17 Q

18 A

19 Q

20 A

21 Q

22 Q Okay.

23 A

24 A Oh, you can correctly assume that.

25 Q

1  
2 A I am not sure how to answer that.  
3 Q  
4  
5 A Right.  
6 Q Okay.  
7  
8 A Yes.  
9 Q And then what did they tell you after that?  
10 A  
11  
12  
13  
14 Q  
15  
16 A  
17  
18  
19  
20

Q And did you meet with Mr. Sanders?

A Yes, I did.

Q And would you tell me what happened in that meeting? And was anybody else present? Was it just you and Mr. Sanders?

1 A It was just Mr. Sanders and myself.

2 Q And will you tell me what happened in that  
3 meeting?

4 A  
5  
6  
7  
8  
9  
10  
11

12 Q And what was Mr. Sanders' response?

13 A He was very understanding. He listened, and he  
14 wanted an opportunity to go back and do his investigation  
15 and he would get back with me.

16 Q And did he get back with you?

17 A Uh-huh.

18 Q And what did he tell you when he got back with  
19 you?

20 A  
21  
22  
23  
24  
25

1  
2 Q  
3 A Yes, ma'am.  
4 Q  
5 A  
6 Q Okay.  
7  
8 A I don't know. It is on record.  
9 Q Okay.  
10 A  
11  
12 Q I can appreciate that.  
13 Ms. Calvert,  
14  
15  
16 A  
17  
18  
19  
20  
21  
22 Q You have been a supervisor in a supervisory  
23 position with Bell for how many years?  
24 A Since 1969.  
25 Q Okay. So, well over 20 -- well, not well over,

but over 20 years you have been a supervisor of other individuals?

A (Witness indicating yes.)

Q And all of that period of time when you have supervised individuals, and you have been called upon to correct them, have you ever not told them what it was they were doing wrong?

A Me?

Q Uh-huh, you personally.

A Not told my subordinates why I was correcting them?

Q Uh-huh.

A I certainly hope not.

Q Why would you want to tell them? What would be the point of telling them what they had done wrong? Now, this may seem very simplistic to you.

A It seems strange.

Q Yes.

A If I don't tell you what you are doing wrong, you are never going to know what you did, and you will never have an opportunity to not do it again. I mean, it is a tool. It is like with your children, you develop them. You tell them why they shouldn't have done something and what the ramifications of it are. It is developmental.

Q Would you consider that part of your



1 responsibility as a supervisor, then, to follow through and  
2 let them know what they had done wrong?

3 A I would say yes.

4 Q All right. Do you know of anyone else who has  
5 been disciplined?

6 A Personal knowledge, no.

7 Q Do you have any other kinds of knowledge about  
8 people who may have been disciplined?

9 A I just know of

10

11

12

13

Q Okay. And who are those individuals?

A

Q Do you have any idea why they were disciplined?

A No, and I don't want to know.

Q Okay.

(Pause)

A I need to clarify something.

Q Okay. As soon as she gets her tape, then we'll  
make sure your clarification is put down on the record.

A You asked me if I knew of any other people that  
had received discipline?

Q Uh-huh, from any source.

A From any source, and I assumed that you meant with  
regard to this issue.

1 Q It could be in regard to any other issue, then, in  
2 recent --

3 MR. ANTHONY: Well, I am going to object to that  
4 question.

5 BY MS. RICHARDSON:

6 Q Let's define issue. Let's define issue, then.

7 A I directed my answer based on the issue that we  
8 are discussing.

9 Q Okay. Are you saying, in terms of issue, this  
10 particular Company internal investigation?

11 A Yes.

12 Q Okay. Let's make it in terms of not what the  
13 Company has necessarily investigated but the issues in this  
14 particular docket, because I don't know what the Company has  
15 investigated. Okay. I know what this docket concerns, and  
16 that concerns customer trouble reporting that has been done  
17 inaccurately or has been falsified, whether deliberately --

18 A So, your question is relevant just to this?

19 Q Yes.

20 A Then the answer is the same.

21 Q Okay.

22 A No, ma'am.

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A I'm not sure how to answer that.

Q Uh-huh.

A

Q Okay.

A I'm not sure I answered your question.

Q That's fine. Does an employee by the last name of Moran work under you, or do you supervise a Moran?

A Currently?

Q Within the time frame, let's say, of April '90 to the present.

A I think there was a Pat Moran.

Q Okay.

A There was a Pat Moran in the South Dade IMC. I think. It is a long time we are talking, and I have had hundreds of people work for me, so --

Q Yes. Do you recall any incidents with a Pat Moran mishandling or incorrectly processing a customer trouble

report?

A Not at all.

Q Did a person by the last name of Shanaver ever work for you?

A These people didn't report directory to me.

Q Right. They worked for managers who did?

A Correct. Frank Shanaver, I believe.

Q Okay. Do you recall any incidents that may have been questionable in Shanaver's handling of customer trouble reports?

A No, ma'am.

Q Have you ever heard the term "backing up the time" in reference to the times on trouble reports?

A I am not familiar with that term.

Q Okay. Do you know of any procedure that asked maintenance administrators to check with a manager to get disposition and cause codes before they closed out a report?

A I don't know of any particular instances. None that I -- I mean, there is no one individual trouble report that comes to memory at all.

Q Okay. Just as sort of a general procedure in operating an IMC, whether it is correct or incorrect, okay? Do you know of any procedure in the IMCs that you have dealt with where MAs were asked to call a manager before closing out a report to get disposition and cause codes?

A The only way I can respond to that is any employee has been instructed, if in doubt, certainly see your supervisor for clarification.

Q Okay.

A That is a general rule. If you are not sure of what you are doing, and you need clarification, then I would expect them to do that.

Q Okay. How about for any other purposes than just clarification, the sort of a general matter, check with the manager before you close things out?

A No, not that I am aware of.

Q Okay. Have you ever heard of that being done?

A Not that I am aware of.

Q Okay. And you have never done that?

A Certainly not.

Q Do you know what the no access is? Do you know what a no access or a NAS code is?

A I know what it means.

Q Would you, for the record, tell me what it means?

A If you go to a customer's premise, and they are not there, you turn the trouble back to a no access code.

Q And do you know the effect that has on the 24-hour repair clock on a customer trouble report?

A Gosh, I can't remember. I don't know if it stops it or not. I really don't remember.

Q Okay.

A I have been out of it for awhile, so --

Q That's fine.

A And I was only there a short period of time, too, so I don't remember.

Q Okay. Have you ever had any hands-on -- I know you have supervised other people that have done the actual work, but have you ever done hands-on work yourself to learn the process of customer trouble reporting and what goes on with it?

A No.

Q Okay. Have you ever heard of anyone using a no access code to stop the clock on a customer trouble report?

A No, ma'am.

Q Have you ever heard of anyone using a no access code to stop the clock, thinking it was the proper thing to do?

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

Q Do you know whether or not anyone has ever excluded a customer trouble report before it went out of service over 24 hours?

A No, ma'am. I don't know anything about that.

Q Okay. And then I will start it again, because that was half a question. But that's fine, your answer is fine for that part of it.

A I don't know what period.

Q You don't know what period. Do you know what a "commitment time" is?

A Oh, yes.

Q All right. What is a commitment time?

A It is the interval that is set up from the time the customer reports his trouble where the clocks are set for the type of trouble, and that is when we tell the customer we will be at the premise and/or fix your trouble by this particular interval.

Q Okay. Do you know of anyone who has changed that commitment time without talking to a customer?

A Changed the commitment time on a trouble without talking to a customer. I'm trying to think if there would be any reason why we would. No.

Q Okay. Have you ever directed anybody to do so?

A No.

Q And have you ever done so yourself?

A Never.

Q Okay. Are you aware of the rule that out-of-service reports should be repaired within 24 hours, and that the Company must meet 95 percent of those repairs within that 24-hour time frame?

A Yes, ma'am.

Q Okay. And do affecting service problems get

counted in that?

A In that particular?

Q Uh-huh.

A I don't believe so.

Q Is it just out-of-service reports, then, that are counted in that index?

A The one you alluded to earlier?

Q Yes, the 95 percent repair index. Is it just out-of-service reports that go in there?

A To my knowledge on that particular index it is just the out-of-services.

Q Okay. Do you know of anyone who has taken affecting service reports and statused them out-of-service in order to build the base to meet that index, other than the telephone book incident that you mentioned earlier?

A Could you state that again.

Q All right. Do you know of anyone who has taken affecting service reports and statused them out of service to build that base to meet that 95 percent index?

A You mean remove it from service effecting and change it to out-of-service?

Q Uh-huh.

A Absolutely not.

Q Okay. Have ever directed anyone to do that?

A Never.



Q Have you ever done that yourself?

A Absolutely not.

Q Okay. Do you know of any other means that anyone might have used or anyone did use to build that base to meet that 95 percent index?

A Only the one incident that I reported to you.

Q With the telephone book?

A Yes, ma'am.

Q Do you know of anyone who has taken test okay reports -- do you know what a test okay is?

A Uh-huh.

Q -- test okay reports and statused them as out of service in order to meet that repair index?

A No.

Q Do you know of anyone, other than what you have already testified to, who has violated Company procedures for handling customer trouble reports?

A No, ma'am.

Q Do you know of anyone who has made errors in procedures in handling customer trouble reports?

A Administrative, clerical type errors?

Q Let's try that.

A I'm sure that the MA, you know, may have made mistakes, typing errors or whatever, but that would be discovered by their supervisor in a quality review. But I

purposefully or specifically wouldn't have those before me or knowledge of them.

Q Okay. Do you know of any MAs who have unknowingly violated, not just administrative errors, but unknowingly violated Company procedures?

A I have no personal knowledge. But then, again, if they made a human error, it would be uncovered by their supervisor during quality.

Q Okay. And let me ask it one more different way.

A Okay.

Q Do you know of any employees who, by virtue of training or being told to handle reports in a certain manner, then determined that the way they had been directed to handle those reports was improper, but they didn't know it at the time?

A I honestly can't answer that. I don't know.

Q You don't know of any?

A No, I don't.

Q Have you heard of that occurring?

A I haven't. But, I mean, human nature would lend you to think that -- I'm sure the possibility is there, but I don't have any knowledge of it.

Q Okay. Do you know of any employee who has used a dummy or a phony employee code to status trouble reports?

A No, ma'am.

Q How about unassigned codes, unassigned employee codes to status a customer trouble report?

A Can you be more specific?

Q Yes. You are aware of employee codes?

A Right.

Q And every individual has their own employee code?

A Right.

Q And there is a list of employee codes, because there is list of employees and each employee has their own code?

A Uh-huh.

Q For instance, an unassigned code, then, would not have an employee assigned for that particular number?

A So, just a vacant code not assigned?

Q A vacant code, an unassigned number, do you know of anyone who has used that unassigned number for statusing reports?

A No.

Q Have you ever heard of that being done?

A No.

Q And have you ever done that?

A Absolutely not.

Q Have you ever directed anyone to do that?

A Absolutely not.

Q Do you know of anyone who has used somebody else's

employee code to status a report?

A No.

Q Have you ever heard of that being done?

A No, ma'am.

Q Have you ever done that?

A Absolutely not.

Q And have you ever directed anyone to do that?

A Absolutely not.

Q Okay. Are you familiar with certain disposition and cause codes that might exclude an out-of-service report from that 95 percent index?

A The only one that I have any familiarity with would be -- and I believe, and I think it is fourth -- I believe it is the 430 code.

Q Okay.

A Flood.

Q Flood?

A I believe, and that is the only one that I have any familiarity with at all.

Q Let me try one or two more with you. What about customer action and customer malicious damage?

A I don't know what that would be.

Q What about multiple cable failure? Does that ring any bells for you?

A I know the term, but I have no idea what the code

would be.

Q Do you know whether or not a multiple cable failure would be counted or taken out of?

A I think I remember having heard that at one point, but if I had to sit here and answer "yes" or "no," I couldn't.

Q Okay. What about lightning?

A I don't know.

Q Okay. Ms. Calvert, I would like to show you a memo that has your name on it, okay, addressed all IMC managers, and ask if this is familiar to you and if this is, indeed, one of your memos?

A I think I remember writing this.

Q Take all the time you need to refresh your memory.

A No, I think I do. This was like within days of my reporting to the IMC.

Q Okay. And would you also look at that second page and tell me if that second page is the attachment that you refer to?

A This I don't remember. I don't remember seeing this, but, again, this was within days of my getting there, so it was like all new to me.

Q That second page?

A The attachment for T. C. Taylor that I refer to, that is not here.

Q Okay. That is not there?

A No.

Q Okay. That is what I needed to make sure of.

A No.

Q All right. Well, would you identify this memo in terms of date and time for the record?

A All I can say is this appears to be my signature. And to the best of my knowledge, I remember that -- the part that I remember, and only the part that I remember from this is the Sunday and holiday, because there seemed to be some confusion in the turf with regard to holiday. And I hadn't been in the center but a matter of days, and I didn't know the answer. So, I had to go to the staff, which was T. C. Taylor, to get the clarification. And all I was doing was passing on the information that had been provided to me from the staff with this cover letter. So, I mean, I think I had been on the job -- I can't even tell you how many days.

Q And that was May 30th of 1990?

A Yes. I hadn't been there but maybe ten days.

Q Okay.

A It was a question that was asked of me from the field, and I did not know the answer. So, I had to go to the staff to get the answer, and that is just an echo of what they told me.

Q Okay. And Mr. Taylor was the attached letter, and that is not here. And the second attachment, which specifies the only disposition and cause codes that can be used for exclusion from the PSC results. Do you know whether that was the second page that you saw?

A I honestly can't remember. If I got that, I would have gotten it from the staff.

Q Okay. And so you were just a pass-along-function?

A I was just the funnel.

Q Okay. But I guess to make the record clear, that second attachment, if it had been attached, did that address what you were talking about here about the disposition and cause codes?

A I will have to read it again, because --

Q The last sentence, and then look at it.

(Discussion off the record.)

BY MS. RICHARDSON:

Q Mr. Greer has provided me with another copy that is identical, but does have something from Mr. Taylor attached, so would that help?

A Are we saying -- I assume this is me. It is misspelled, but -- this was supposedly on the original document?

Q You mean the handwritten comments on Mr. Taylor's letter, is that what you are asking?

A I guess. It has got "additionally." I don't know if it is me or not, but it is misspelled. A lot of people leave the "E" off of my name.

Q Okay. So, there is a "C-H-E-R-I" handwritten in the middle of Mr. Taylor's letter is what you are saying?

A Yes.

Q That is how we received it from the Company, so I don't know if that is how Mr. Taylor originally did it, or if this is someone else's --

MR. ANTHONY: Actually that is how the Commission got it from the Company, as I understand it.

BY MS. RICHARDSON:

Q That is how Mr. Greer received it, the Public Service Commission received it from the Company.

A I can't honestly say that this is what I received. I don't remember. I don't know why it would have my name in the middle of it. Who knows?

Q But after looking at that document, no further memory comes back to you about exclude codes, disposition codes, that are excluded from PSC results?

A Other than what I told you earlier, that I was asked a question and didn't know the answer and went to the staff and Melanie Davis was -- Melanie and Ray Kummer were on the staff, and they were my points of contact. So, that is where I would have gotten this from.



Q Thank you. I appreciate that.

All right. So, the only code that you are aware of that excludes a report from the out-of-service base was the 430 flood code?

A The one that I had the most knowledge of was the 430, and that is only because of the torrential rainstorms that we had.

Q Okay. I would like to show you another memo that has your name on it, as being from you, dated October 1990, and ask you if that is what you are referring to in terms of the 430 cause code?

A Yes. There is no attachment, right?

Q No, not to that one that I have.

A Mine didn't have an attachment, either.

Q And the gist of your directions in this memo, would you explain that to me, then?

MR. ANTHONY: Are we going to put this in the record as an exhibit?

MS. RICHARDSON: I can if you have a copy of it.

MR. ANTHONY: I'm sure we can make copies.

MS. RICHARDSON: All right. That would be fine. Do you need to make them --

MR. ANTHONY: If you are going to be asking her questions about it, we might as well have the documents.

MS. RICHARDSON: Can Phil perhaps do that now while --

MR. ANTHONY: Why don't we do it now, and we can get the copies made at the end.

MS. RICHARDSON: At the end? That's fine with me, if it's fine with you.

MR. ANTHONY: It's all right with me.

MS. RICHARDSON: All right. We will have an Exhibit 1, which will be a memo from Cherie Calvert on the use of the 430 cause code dated October 1990.

(Off the record discussion)

(Deposition Exhibit 1 marked for identification.)

BY MS. RICHARDSON:

Q I am going to let you look at this, and then explain to me the gist of your directions in that memo?

A Well, do you want me to start with what initiated this?

Q Please, that would be helpful.

A I received a call from April Ivy, who was the IMC staff manager. And she had received printouts from whatever this time period is, October 10th through the 17th. And it appeared, based on her conversation with me, that there had been an abundance of trouble reports that had the 430 cause code on it. And these were cause codes placed on these trouble reports by the SPs in the field that reported to

these three people.

Q That is Mr. Mills, Ms. Perry and Mr. Phillips?

A That's correct. And what she told me she wanted me to do was -- she was going to mail these to me. She wanted me to get in touch with these three people to let them know the printouts were coming, that they needed, these three managers needed to look at these and do some investigation, because it appeared that maybe some of the codes were, you know, misused. So, I said fine, and she sent them to me. And, again, I was the voice box, because, as the IMC manager, you are the funnel. They give it to you, you put it together, you've got the responsibility of giving it out, and that is what I did. And I just did a cover letter to put it on top.

And what she wanted to do was to hold a conference call with Herb and these three and myself to discuss this. I could never get the conference call together; I couldn't get all the parties together at the same time. If my memory serves me right, Shirley had been sick. Chris was down in the Keys, and that left Ralph. So, I took what she gave me, this paragraph here, where it says, "We verified the PSC rule," there seemed to be misunderstanding in the field, not on my part but on their part. Everybody had their own idea of what this was all about. So, I said, "Once and for all, somebody tell me what it is." And I got this from April and

Ray Kummer, put that in there, and attached it to the printout, and said, "They are on my desk in a brown envelope, pick them up." And I can't remember how I got Chris' to him, since he was in the Keys. I can't remember if I mailed his, or if he was in town for a meeting, or whatever. I honestly can't remember. Ralph picked his up. Shirley had been ill and never came to get hers. And I don't remember if I took it to her office or if someone else picked it up. I honestly can't remember. But all I know is, is that all three of them got them differently, different times.

And I called April to tell them I couldn't get these people together for the conference call, and she needed to speak to them direct. So, what I told each of them to do -- and Shirley, when she got back from being ill, I told her it was there, what she needed to do, was each of them to contact April direct and find out what it was all about, and what she wanted them to do. And I was out of it.

Q Did you hear of any further action having been taken?

A No, ma'am, nor did I keep a copy because all of these trouble reports had been closed out by station techs, and they report to those people. So, I really wasn't involved in any portion of that. I don't know how many of them each of them had in their printout or anything like

that.

Q Okay. Have you, or do you have any knowledge of any other similar incidents to this where flags may have been raised by statistical reports that there may have been a problem with misusing codes or handling trouble reports?

A Gosh, to my memory, I don't think so, no.

Q Okay. And that means that you don't recall any further activity from Ms. Ivy or anyone above you passing through information from you to your employees that you supervise, to your managers, other than this 430 incident?

A Can you be more specific?

Q Do you know of any other misunderstanding by employees on the effect of any other use of codes?

A Not that I can recall.

Q Okay. Do you know of any other means in any way whatever of excluding a report from the 24-hour day?

A I don't know what they would be.

Q Okay. Do you know of anyone who has falsified a customer record at any point in time?

A Only what I reported to you earlier.

Q Okay. Have you ever heard of anyone falsifying a customer record, other than what you have already testified to?

A No, ma'am.

Q Have you, yourself, ever falsified a customer

record?

A Never.

Q Have you ever directed anyone to falsify a customer record?

A Never.

Q When your group that you were responsible for missed that 95 percent repair index, what action did you take?

A What had to be done on the individual trouble reports that were missed?

Q Uh-huh.

A They had to be investigated by the group that missed it and provide a written explanation as to why. And then I would take that written explanation and turn around and provide it to the IMC Staff to be given to Jerome Alexander who, at the time, worked for Mr. Crittenden.

Q Okay. And was this a source of stress or pressure on employees to meet the report, in your opinion?

A I can't answer for anyone other than myself.

Q Was it for you?

A No. I did the best I could, and if I didn't make it, I told them why.

Q Okay. In terms of managing and keeping track of the progress that was being made toward meeting that 95 percent record, did you use any specific charts or graphs or

memorandums or any aids to help the people you supervise know and be aware of on a daily or weekly basis where they stood in relation to that index?

A Well, there were reports that, you know, upon my arrival that were already being used, extracts from the MTAS, the mechanized tracking analysis system, I believe it is called. And there were reports that were extracted from that by one of the clerks, and that was submitted to the operations manager and all of the Pay Grade 5s. But it was a report that existed when I got there.

Q Okay. I want to show you a copy of a report, and see if this looks familiar to you as one that you may have used that you are referring to?

A This was like a second page to one of the reports that they were using.

Q And what was on the first page?

A Let me think. It had each of the four turfs on the left-hand margin. I think it was four at the time. Each of the four turfs was on the left-hand margin. And then -- and it was in the turfs, specifically for ours, they had it broken down by, like West Miami or the Keys, or however they were measured. Because I think it was broken down by exchange, if my memory serves me right. And then across the top, and I don't know if this is exactly correct, missed appointments, out of services 24, service affecting,

percent repeats, and special services.

Q Okay.

A I think. I think. And this was the second page of that report.

Q Okay. And this report shows the managers what, helps them keep track of what?

A Well, this -- just this page?

Q Uh-huh, just this page.

A As was explained to me, because I had to have them explain it to me because I didn't understand it, this is where you stood on each of the exchanges based on the number of out-of-service troubles you took in that exchange, and how many you missed of the troubles you took, and then where you were towards that 95 percent.

Q Okay. And then that bottom column that runs across the page, where it says, "Additional number required"?

A As was explained to me, this bottom line let you know if you were meeting the objective. Like this marginal, you were like a 95.6, but close to your borderline. The bottom line is a borderline, okay? And if a number should appear, that is how many -- let me think. Because I didn't use that. It didn't mean anything to me, but this was all in place when I got there. How many more that you needed to meet the objective, I think.



Q Okay. How many more out-of-services they would have to deal with in order to meet the 95 percent objective?

A I believe it was explained to me that way.

Q Okay. Do you know of anyone using this report as a way of building the out-of-service base to meet the 95 percent objective?

A I don't have personal knowledge of that.

Q Okay. Do you know any secondary or hearsay knowledge or knowledge from any other source?

A I never heard anybody say they used it for that, no.

Q Did you ever hear of anyone saying someone else used it for that purpose?

A No.

Q And did you, yourself, ever use it for that purpose?

A No.

Q And did you ever direct anyone else to use it for that purpose?

A Never, never, never, never, never.

Q Okay. And then I want to show you just one more in terms of the same type of report, but this one is dated October 8th, 1990, and it has some handwritten comments on it. Can you identify who wrote those handwritten comments?

A Okay. The note that has my name, and it says, "We

can't miss these," is a handwritten note by George Lewis. The left-hand margin note where it says, "Copy to all outside Pay Grade 5s," I don't know who wrote that. And the check mark and the date generally meant the clerk that was following the instruction of who to xerox what to, just checkmarked it. She did it in her initials, but I don't remember -- I don't know who that is.

Q Okay. How did you interpret Mr. Lewis' comment that, "We can't miss these"?

A I just took it as you have just got to manage the best you can and try to get all the troubles that come in and not miss anymore.

Q Okay.

A Do the best you can with what you have got and hope you make it.

Q Okay. We're getting close to the end, I promise you.

Ms. Calvert, did an Earl Merglsburg, M-E-R-G-L-S-B-U-R-G, is the spelling I have, ever work for you?

A No, ma'am.

Q So, you never supervised him?

A No.

Q Did a Bertha Brooks ever work under your supervision.

A Bertha Brooks. Not that I knew her by Bertha Brooks.

Q Okay.

A It doesn't mean that -- I once had a Brooks, but the Bertha Brooks doesn't ring a bell.

Q Okay. What about a Wanda Brent, B-R-E-N-T?

A Let me see. Wanda, I don't think ever really reported to me.

Q Did she report to any managers who did report to you?

A No.

Q How about a Manny Carreno?

A No.

Q And Joe Lesko, did he ever report to you?

A No, we worked as peers.

Q I'm sorry?

A We worked as peers.

Q As peers. Did that include Manny and Joe Lesko, or just Joe Lesko, as a peer?

A Well, Manny, as long as we are each Pay Grade 5s, is a peer. Now, where that happened, I don't remember.

Q Okay. Did you ever work together in the same location?

A That takes some thought. I don't think so.

Q You don't think so. And would that be the same

for Joe Lesko?

A Yes.

Q Do you have any knowledge of whether or not these people have been involved in mishandling customer trouble reports?

A No, ma'am.

Q Have you heard anything about whether or not these people have ever been involved in mishandling customer trouble reports?

A Well, the only thing I know was Joe was dismissed, but I don't know what -- I don't know what it was about. I mean, I don't know, didn't want to know, still don't want to know.

MS. RICHARDSON: Okay. Ms. Calvert, you have been very patient with me and very forthright. And I want to tell you that I very much appreciate that, and I thank you very much for being here today and for rescheduling while I was in Miami. I appreciate that. I am through with my questions for you now, but the PSC staff may have a couple, okay?

CROSS EXAMINATION

BY MR. VINSON:

Q Ms. Calvert, during your time as the IMC manager at South Dade, were any operational reviews conducted by the network staff?

A Yes.

Q Do you recall when those were?

A Right off the top of my head, gosh, there were quite a few, but I don't remember the exact dates. I know that my first official day on the job -- it wasn't even my first official day on the job. I hadn't even reported there yet, but I had been invited to a feedback session for one that had just taken place. And this was in the transition of my leaving my old job before I got into the new job. And they wanted me to hear the outcome of the findings. So, that would have been, again, this is the April/May time frame. But my official release date was, and my actual reporting date, they are never the same. So, somewhere in that time frame. Gosh, I think maybe August we had one.

Q What do you recall about the results that were reported in that August meeting?

A Gosh, it is hard for me to remember. I was in the learning mode. I had never had an IMC before. I mean, I didn't know what I was getting myself into, I was in a learning mode. So, a lot of the things maybe they reported or found at the time may not have stuck with me for my lack of knowledge of what they meant. I think I remember us stating that we maybe had a grass roots level training issue that needed to be addressed. But as far as specifics go on the review packages, you know, we would have to look at

those. I honestly could not sit here and quote them to you.

Q What were your responsibilities as the IMC manager after one of these reviews was conducted and problems were reported?

A To have staff meetings with the managers in the center. We all discussed the findings, everybody assumed their responsibilities for the good, the bad and the ugly of the review and had a plan or mode of action to, you know, fix or train or do whatever it took to, you know, improve the results, and that included training or whatever.

Q After one of these reviews, you mentioned people taking responsibility for errors. Would you attempt to identify the specific people who made the errors?

A If that information was available from the review package. I mean, if they had specific trouble reports that they had alluded to in the package, that information was available to us.

Q Were you required to make a report to any of your superiors regarding what you did in response to --

A The progress, yes.

Q Would you please describe that process?

A Well, based on the managers assuming their role, what they would do, is we would have like a progression of dates. You know, what were the findings; what did we think needed to be done to fix the finding, if it was a negative

finding; what time frame do we expect to have that element fixed, and give that feedback up the line to Mr. Lewis, and we did that.

Q Just one final question. Were follow-up reviews by the Staff organization ever conducted? In other words, if a review was conducted in one month, was another review scheduled in the next few months as a follow-up?

A I'm trying to think what the interval was. We probably wouldn't have had another official review before three months. And I can't quote that. I don't remember.

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

#### CROSS EXAMINATION

BY MR. GREER:

Q Ms. Calvert, I have a couple. Let's go back to that October '90 memo on the 430 cause code. I believe you said that you received that information from Ms. Ivy?

A Right.

Q About an exclude and that type of stuff?

A The printouts.

Q Yes. Do you consider the information in that memo as that of Southern Bell guidelines for handling 430 cause codes?

A I guess I need you to clarify your question.

MS. RICHARDSON: That is the one he is referring to, in case you want to refer to it again.

THE WITNESS: You mean the third paragraph?

BY MR. GREER:

Q The second and third paragraph.

MS. RICHARDSON: And that is Exhibit 1 for the record.

THE WITNESS: Could you repeat your question, and I will answer paragraph by paragraph.

BY MR. GREER:

Q Okay. Do you consider the second paragraph to be the guidelines, Southern Bell guidelines, for handling 430 cause codes when they are less than 24 hours old?

A All that statement is alluding to is that you have attached a printout of X number of trouble reports that the 430 code had been appended to by the station technicians. And it is just telling the managers that there are applicable uses for that code, and that it should be monitored, and to monitor them closely to ensure that they are not abused or improperly used.

Q Now go to the third paragraph?

A Okay.

Q Are those Southern Bell guidelines for handling the 430 cause code?

A Hang on. Okay. My memory is it was not clear to the managers that I spoke with, because everybody had a different interpretation. And I didn't know what happened



to the particular trouble report with regard to the PSC rule when the 430 code was invoked, okay. So, this is where I got this clarification from Ray. And I had called April, and she got Ray on the line to make sure that the language that was put here was proper and not misleading. So, I don't know if it is Southern Bell's, or the interpretation of my staff of a Southern Bell rule. I mean, I am hesitant to say, "Yes, Southern Bell said this is it and this is the way it goes."

MR. ANTHONY: If you don't know the answer to the question, it is perfectly all right to say you don't know.

THE WITNESS: I don't know if it is a Southern Bell directive.

BY MR. GREER:

Q In your opinion, does Paragraph 3 pad the base for out-of-service over 24 hours? I mean, does it do that?

A In my opinion the whole purpose of that paragraph was to ensure that that didn't happen.

Q But isn't it true that that paragraph says that if it is less than 24 hours it will be counted in the base. If it is over 24 hours it will be excluded from the base?

A Hang on. I think what it means is that the 430 code, because of it being a flood code, is excluded; whether you made it or not, not to use it to exclude it.

Q Can you say that again, please?

A I couldn't if my life depended on it.

(Answer read by reporter.)

Q Let's take the first sentence. It says, "We have verified that the PSC rule for OOS, over 24-hour (base) will include any troubles that were cleared within the objective." Does that mean that all OOS or over 24 hours is going to be included in the base?

A That is as I understood it.

Q Despite the use of the code, and we are talking about the cause code?

A Uh-huh.

Q So, that means anything over 24 hours is going to be included in the base, despite the use of the code, no matter what code you use. However, if the interval is missed and the code is applicable, the miss will be excluded from the rule and from the base?

A That is what I was told.

Q So, to me, what that says is if it is over 24 hours and you miss your 24-hour objective, then the exclude, the 430 exclude code, would not be included if you went over 24 hours. And that is not your interpretation of it, of what this paragraph says?

A If you knew how confusing this was at the time, it is even more so now. To the best of my recollection, and

that is all I can give you, is as it was explained to me, that when the 430 code was invoked and it was applicable, that it was not included as a miss towards the rule.

Q Whether under or over 24 hours, it made no difference?

A I am not clear on that.

MR. GREER: That's fine. I'm through.

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

(The deposition was concluded at 5:30 p.m.)

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )


COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 63 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.

WITNESS MY HAND AND SEAL this 1<sup>ST</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

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

COPY

DEPOSITION OF:

RAYMOND KUMMER

TAKEN AT THE INSTANCE OF:

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

DATE:

Monday, July 27, 1992

TIME:

Commenced at 9:40 a.m.  
Concluded at 10:35 a.m.

LOCATION:

666 N. W. 79th Avenue  
Room 642  
Miami, Florida

REPORTED BY:

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

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## ALSO PRESENT:

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CARL VINSON, PSC Commission Staff

\* \* \* \* \*

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S T I P U L A T I O N S

The following deposition of RAYMOND KUMMER was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

RAYMOND KUMMER

was called as a witness, and having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. RICHARDSON:

Q Just as a point of defining some things before we get started, Mr. Kummer, so that you and I can have an agreement on the use of certain terms. Okay?

A Yes, ma'am.

Q For instance, if you use "I don't know," I want to define "I don't know" as being something that you have neither personal direct knowledge of nor any secondhand knowledge from whatever source. Okay? So, an absolute



mental blank is what "I don't know" means. So, you really don't know when you say, "I don't know." Are we okay with that?

A Sure, yes.

Q All right. And sort of the same terms for "I can't recall," or "I don't remember," have absolutely no immediate recall, no past recall, no little lingering thoughts out here floating around, no speculations, where you might put events or things that happened, and then through your own mind might relate that to something that I am saying. That to me is part of memory and part of recall. Okay? So, "I don't recall," or "I don't remember," means none of those things are going on with you mentally. Is that clear?

A That's clear.

MR. ANTHONY: Sue, before you get into your questioning, just a couple of preliminary matters. Again, we will have the same four basic stipulations and that we have already discussed that apply to the others. And, Kirk, I guess the only ones that are of interest to you is the fact that we are not going to waive reading and signing, and go off the record with the witness' consent, and that we will save any objections until the time that the transcript may be used in the hearing.

MS. RICHARDSON: And subject to proper notice.

MR. ANTHONY: And subject to proper notice. I was going to skip that one. But more importantly, now, for our purposes, I am going to make the same statement that I made in the first deposition, which is, Mr. Kummer, that if you should get any questions that seek information that you have knowledge about on the basis of the privileged investigation that Southern Bell has performed in this matter, and you may not have any, then I am going to instruct you not to answer the question. To the extent that you have knowledge that is derived from other than that investigation, then, of course, you are free to answer it, and I expect that you will do so honestly and fully.

MS. RICHARDSON: Okay.

BY MS. RICHARDSON:

Q Would you please state your name and address for the record?

A Yes. My name is Raymond Kummer, and my address is 5158 Northwest 58th Terrace, Coral Springs.

Q Okay. And what is your present position with BellSouth?

A With BellSouth, I am Systems Administrator in the North Dade Installation Maintenance Center.

Q Okay. And who is your immediate supervisor?

A Carlos Quintero.

Q And what is his title? Is he an operations manager or --

A No, ma'am. He is IMC Manager.

Q He is an IMC Manager. And what is your present title?

A Systems Administrator.

Q Systems Administrator. And Quintero is an IMC Manager. And who is above him?

A The Operation Manager, Ralph De La Vego.

Q Okay. And would you please tell me how long you have held this particular position?

A I have been Systems Administrator since May of '91.

Q And why were you placed in this position in May of '91?

A I was running the North Dade Installation Maintenance Center at the time for seven months, and my general manager said to me, after the seven months, that there was no promotions; that either I could be System Administrator or go back to staff.

Q And why was this action taken?

A She felt that I was -- she told me that she thought I was unhappy with doing the job after seven months. And also, that although I was put up for promotion for the

job, she said there was no promotions at the time; and, therefore, I would have to stay at the same level.

Q All right. So, what were you doing prior to Systems Administrator?

A I ran the North Dade Installation Maintenance Center. I was the manager or, I would say, relieving manager for seven months.

Q Relieving manager, is that a first level, second level?

A No, it is a Pay Grade 5, although I am a Pay Grade 4. I ran it as a Pay Grade 4. It is a Pay Grade 5 level. I was taken off of staff in November of '90 to run that center.

Q And what did you do in November of '90?

A What did I do in November of '90?

Q Yes. What was your position in November of '90?

A I was an Associate Manager on the Installation Maintenance Center staff.

Q And what pay grade level was that?

A Four.

Q Four still. And what did you do prior to that?

A I was an Assistant Manager in the North Dade Maintenance Center.

Q And is that considered a first level, second level?

A First level.

Q First level. And how long have you been with the Company?

A With BellSouth?

Q With BellSouth or Southern Bell, BellSouth, either one?

A March 13th of '79.

Q Since 1979?

A Yes.

Q And when you started with the Company, what was your entry position, do you remember?

A Yes, I was a deskman, craft.

Q And what does a craft deskman do?

A He tests customers' lines to determine what is wrong with them.

Q Okay. And --

A What the Maintenance Administrator does today.

Q All right. So, that particular position deals with customer trouble reporting?

A Yes.

Q And the clearing and closing of customer trouble reports?

A Yes.

Q Does that position, or any of the positions that you have held with the Company since then, deal with

knowledge about the PSC repair and rebate rules? Are you familiar with those?

A Yes, I am.

Q All right. And it is my understanding, if it is your understanding that an out-of-service trouble, if it goes out of service over 24 hours, is counted against the Company; is that accurate or not?

A Yes.

Q Okay. Is that customer entitled to a rebate at that point?

A Yes.

Q All right. Are you familiar with the disposition and cause codes used on customer trouble reports?

A Yes, I am familiar with those.

Q Do you know what it means to exclude a customer trouble report?

A Yes.

Q What happens when you exclude one?

A Yes.

Q All right. What does happen?

A It is discounted.

Q Against?

A The report is discounted.

Q For the PSC repair index, is that what you mean?

A Not necessarily for PSC, although it would exclude

it from that. It would exclude it, also, as if it has not been taken, as if the report has not been taken. There are certain reasons to exclude reports, and they are spelled out clearly in the BellSouth practice.

Q Why weren't you happy with your other position?

A I was very happy with it. I was glad to be running that center. It was closer to home for me, and I was very happy with running it, as matter of fact. It was something I always wanted to do was to run an installation maintenance center.

Q And did you share those feelings with your supervisor when she mentioned you were unhappy?

A Yes, ma'am. As a matter of fact, my supervisor who was the operation manager at the time, asked that I be -- stay on for six more months.

Q And who is that?

A That was Jack Sellers.

Q Jack Sellers?

A Yes. He asked that I stay on for six more months, but that did not occur.

Q Okay. And when you say "she," I remember --

A The General Manager, Linda Isenhour.

Q Linda Isenhour, her name has not come out yet.

A Yes. See, I had to run that center. They had terminated that manager in that center.

Q Do you know why?

A Yes, I do. I was in on the -- I was part of the review.

Q Who was it they terminated?

A Lesko.

Q Is that Joseph Lesko?

A Joseph Lesko.

Q And do you know why he was terminated?

A Yes.

Q And would you please explain?

A Although I didn't do that portion of the review, I was on the feedback. He was terminated for classifying "test okays" as out-of-service.

Q All right. Do you know if any other instances of any individuals who work for the Company who have also classified out-of-service reports as "test okay"?

A Yes, I do.

Q That have falsified?

A I don't know if it was falsified. I was on a review team, although I didn't do that specific part of the review, I was on that review team that in another instance saw "test okays" being stroked out-of-service?

Q Okay.

A And, although I didn't do that portion of the review, I did a review on autoscreen rules and cable



control. I sent back that portion of the review because the person that did that portion of the review, ma'am, was on vacation at the time of the feedback. So, I was told by my supervisor to feed it back, and that is why I have direct knowledge of other "test okays" being shown out of service.

Q In your experience, or even in your opinion, was that something that was usually done?

A No.

Q Okay. So --

A In my opinion -- was it usually done as a --

Q As a way of managing the out-of-service base?

A No, I wouldn't say you would close it -- if a customer reported a line, and it tests okay, that you would show it on close out as a test okay, no. I mean you would show it on close out as an out-of-service, because the out-of-service indicator is -- the out-of-service statusing is an indicator of the type of quality service that BellSouth is providing.

Q Okay.

A So, in my opinion, if someone reported "no dial tone," and it came in and tested okay, it wasn't proven out-of-service; therefore, it would not be shown out-of-service on close out.

Q Who was the person who went on vacation?

A Melanie Davis.

Q Melanie Davis. Did this occur, then, the review occur? Was she a supervisor at that point, and this occurred under her supervision?

A No, she was the staff reviewer.

Q She was the staff reviewer?

A Yes, and I was on the Staff at the time as part of the review team.

Q Did you find any other improper uses of --

A Well, let me clarify one thing. I didn't find those; she did.

Q Okay. She did.

A Yes. I was told to feed it back.

Q And how did you do that?

A I read from her findings.

Q To whom?

A I read it to the people that were in the maintenance center at the time, to the operation manager that was there, to all the people that are involved, normally, in a review, that are on the review team.

Q And can you name any of those people?

A I can name those people.

Q Would you please do that for me?

A Well, there was myself, and there was April Ivy on the IMC staff; Melanie Davis, who was on the IMC staff. I think Cathy Rodriguez was there on the IMC Staff. We were

feeding back to the IMC managers at the time, who were in the room. Cherie Calvert was in the room, our Operation Manager, George Lewis, was in the room. The IMC managers who normally would be in that feedback. I believe Prudence Taylor and Tina Haney, and General Manager, Linda Isenhour, I believe, was there.

Q And, again, I'm sorry, what time frame was this?

A I believe it was 1990.

Q Do you remember what month, or approximately, was it spring, summer, fall? Do you have a feel for --

A I don't remember.

Q But it was in the 1990 time frame?

A It was the 1990 time frame, I believe, yes.

Q And am I correct in processing what you told me that Mr. Lesko was terminated because of this?

A No, this was a different --

Q This was a different review?

A It was a different review. Lesko was in north Dade.

Q All right. Was any other disciplinary action, or was any disciplinary action taken as a result of this particular review?

A I have no idea.

Q You have no idea?

A No. I was only asked to provide the histories on

those that were test okay/out-of-service. The operation manager asked me to provide those.

Q Okay. You said that you were familiar with autoscreen, and that you had done some reviews of using autoscreen rules; is that accurate?

A Yes.

Q Are you familiar with anyone misusing autoscreen rules at any point in time from 1979 forward?

A As far as misusing, no, I don't believe so. On one review in the Miami Metro Test Center I know that I specifically did, because I did it myself. They had one rule that was not being stroked out-of-service that, according to the practice, should have been, but I don't believe it was misuse. It might have been an oversight.

Q Are you familiar with anyone using the wet rules to stroke affecting service reports as out-of-service in order to build the base to meet the 95 percent index?

A No.

Q Are you familiar with anyone using the wet rules or any other autoscreening rules to avoid stroking an out-of-service that should have been stroked out-of-service on the front end of the report?

A I don't have direct knowledge; all I have is hearsay information.

Q Please, will you tell me what hearsay you have?

A Well, the information, I was asked if -- as a matter of fact, in one of the questionings that I went through with BellSouth --

MR. ANTHONY: Let me just instruct the witness not to discuss what happened during those meetings.

THE WITNESS: Oh, okay.

MR. ANTHONY: If you can answer the question independent of the context of those interviews, you are free to do so. But I am going to instruct you not to discuss what was discussed in those interviews.

BY MS. RICHARDSON:

Q Okay. Then would you please make some response, either that Mr. Anthony is telling you not to respond, or you have absolutely no information outside of those interviews, or where did your hearsay come from?

A I heard hearsay come from a lunch that I had with my former supervisor and my boss.

Q And that is who?

A Who?

Q Yes. The former supervisor, was that Ms. Isenhour still?

A No, it was my former supervisor in North Dade. It was Manny Carreno and my present supervisor, Carlos Quintero.

Q And that was a lunch meeting during, or not

during, this investigation? Was it adjunct to the investigation?

A No, it was not during this investigation.

Q Okay. And the information that they discussed with you, did they tell you that it was resulting from any particular investigation, or was it just conversation, lunchtime conversation?

A It was resulting from the investigation, the internal investigation.

Q Okay. Was there anyone else present besides you and the other two gentlemen?

A No, there wasn't.

Q How did this lunch meeting happen to occur? Did you get --

A We normally go to lunch.

Q Okay.

A We normally go to lunch together. I had been asked if I had changed autoscreen rules on any occasion in the internal --

MR. ANTHONY: You can't discuss the internal investigation. You can talk about things outside of that, but you can't discuss anything on the internal.

BY MS. RICHARDSON:

Q All right. Outside of the investigation, or that particular conversation, are you aware of anyone changing

autoscreen rules? Do you have any knowledge of that outside --

A You are saying direct or indirect knowledge?

Q Direct or indirect, outside of that particular lunchtime.

A Seeing someone do it?

Q Seeing someone do it or hearing about someone doing it.

A Hearing someone doing it, yes.

Q Outside of this particular conversation that you have had at lunch with Mr. Quintero --

A Outside of that?

Q -- and Mr. Manny Carreno. Yes, outside of that particular lunchtime.

A No, no, that is when I heard it.

Q That is the only time?

A Right.

Q Okay. So, it sounds like it is belaboring, but it isn't; it's for the record, Mr. Kummer. I appreciate your patience on this.

A That's fine.

Q So, you will not be answering my question because Mr. Anthony has directed you not to answer based upon the knowledge on the internal investigation, yes or no?

A Yes.

Q Thank you. Okay. Do you have any knowledge, personal, direct or hearsay, secondhand, of any individual, any employee backing up repair times in order to meet the out-of-service index requirement?

A No, I do not.

Q Do you have any knowledge of any individual clearing a customer trouble report to an earlier time in order to meet an out-of-service repair index?

A No, I do not.

Q Okay. Do you have any knowledge, experience or have heard of any maintenance administrator, any program in an IMC where the service techs, or even a maintenance administrator, is told to call a manager in the back room before closing out a trouble report that is in danger of being out-of-service over 24 hours?

A Yes.

Q Okay. Would you please tell us about that?

A Well, there were occasions in the maintenance center where we would ask the MAs to, if there was any that were going over 24 hours, to specifically ask when the clearing time was. And that was the purpose of management intervention, to find out exactly when the clearing time was and to show that clearing time.

Q Okay.

A But not to back up, in your words, a report to



meet the out-of-service index, no, but to show the clearing time, the specific clearing time, and to emphasize that with the person that is closing it out.

Q If the actual clearing time was, say, maybe five minutes over the 24-hour time --

A Uh-huh.

Q -- would it be cleared out at 24 hours?

A No. I wouldn't -- I specifically would not direct anyone to do that.

Q Do you know --

A I would want to show the exact clearing time.

Q Do you know of anyone who has?

A No, I do not.

Q Have you ever heard of that being done?

A Have I heard of it being done?

Q Uh-huh.

A As rumor, yes.

Q Okay. And do -- as rumor?

A As rumored.

Q As rumored, do you know who was involved in the rumor?

A No, I do not.

Q Do you know where this action was taking place?

A No, I do not.

Q But it is just sort of general information that

floats around that this has been done?

A General information?

Q Uh-huh. I use general information in terms of rumor.

A Rumor, innuendo, but not -- I don't think general information. I know specifically, myself, wanting clearing times to be emphasized for the purpose of showing the exact clearing time that a trouble report was cleared.

Q Okay.

A But as far as the other questions that you asked, no.

Q Okay. Are you familiar with anyone using the no-access code to prevent missing a commitment time?

A No.

Q Do you know of anyone who may have used, or any employee who may have used a no-access code to stop the clock?

A No, I do not.

Q Are you familiar with any employee who may be excluding out-of-service reports that are in danger of going out-of-service over 24 hours, and they just exclude them to prevent that and then open up a new report in order to run a new clock or a new time on that report?

A Excluding it?

Q Uh-huh.

A No. Well, let me put it to you this way. I have been accused of that, and I have never done it. I had someone bring it up in a staff meeting about two months ago, that someone said that I closed out reports and made employee reports. And I can tell you emphatically and without a doubt that it is a lie. I never did that.

Do I know of anyone else that did it, was the question?

Q Uh-huh.

A No, I do not have any direct or indirect knowledge of seeing someone or hearing someone doing that.

Q When you were accused of doing that, was --

A I was accused of it, yes. Right.

Q Okay. Was there any persons named who said that you had done that, or given you -- were you given any circumstances, factual or otherwise, times, dates, et cetera, to back up the accusation?

A No, I was told in a staff meeting. I was in a staff meeting with other managers about two months ago. It had nothing to do with this. I was in there with my operation manager. I was in there with my immediate supervisor, when the supervisor brought that up, which I considered harassment. I was just taken aback by it. I mean, I was shocked because I knew it was untrue, and to say something like that in front of my boss, it puts a sting on

you for no reason.

Q Do you feel that may be in part why you are in your present position with the Company?

A No. I was told it wasn't. I can only guess why I am in the present position. I was told it had nothing to do with the investigation.

Q Okay. Why do you think -- why do you feel that you are in your present position? You said you could guess. I would be interested in hearing that.

A Could I show her something?

Q Yes, as far as I'm concerned.

THE WITNESS: As far as the history on my home phone number, Mr. Anthony.

MR. ANTHONY: Let me see what it is.

THE WITNESS: Okay. I thought I had with it me.

BY MS. RICHARDSON:

Q Well, while Hank is looking at that, if I can continue, do you know of any instances where someone has reported an extension of a commitment time without contacting the customer?

A No, I do not know.

Q Do you know of statusing affecting service, and I think we have touched on this earlier, affecting service as out-of-service in order to build a base, the out-of-service base, to meet the 95 percent index?

A Yes, I told you the instances where I thought that was the case.

Q Okay.

A But let me make something clear here. Again, it was only as an observer, and it is my opinion. I did not do those reviews directly, although I was on the review team. Like I told the operation manager in South Dade when I fed it back, and he asked me what it was all about; I told him I did not do the review and I could not draw any conclusions from it; that I was feeding it back. And he asked me for the histories. And the person that did that review, as soon as they came back from vacation, the first thing I said to that person was, "Please provide him with the history."

Q Okay. Now, before you introduce this particular piece of paper, would you tell me -- you have mentioned your supervisor and showing you these titles, generic titles. Please tell me the people that were involved in this meeting where you were wrongly, in your terms, accused? Please identify the people for me?

A My operation manager was in there, Ralph De La Vego; my immediate supervisor, Carlos Quintero, Charlie Finney, who is a manager. I am trying to think. I think there was one other person. I'm not sure.

Q Okay.

A I know there was one or two other people, but I'm

not sure. It was late in the day. You know, those are the people I remember exactly were there.

Q And for the record, do you know the exact date?

A No, I do not.

Q But it was about two months ago?

A It was about two months ago in a monthly staff meeting, yes.

Q And then would you share with us your guess and whatever information you have?

A Oh, yes. I was running the North Dade Installation Maintenance Center. I was taken off staff, and I was put in charge of the center for seven months. During that time, someone had made a customer report on my home number with 611 AIRO machine and put my Operation Manager's home number as the call back number. In other words, indicated it was trouble on my home phone when there wasn't. And the report came into the North Broward Maintenance Center, and it was statused as an open out report, and it went to the dispatch pool. On that morning a repairman showed up. My wife was home with two sick children. She knew about the investigation. She felt that the man was there for -- she felt it was -- the telephone man came for no reason, that she didn't know why he was there. She became mad. She felt that -- well, I don't know what she felt, because I wasn't there. But she called the general

manager and complained to the general manager about it.

Q And what did you feel about the visit?

A I felt it was wrong.

Q Did you feel it was an effort to stack the deck against you or get some kind of evidence against you?

A Well, I felt that -- well, I didn't. My wife felt that it may have been. My wife and I talk about everything. We have been married for 23 years, and after 23 years you either talk to each other all the time and discuss everything or you don't talk much at all, I guess. And she called the General Manager, and I think what she said to the general manager, the general manager was somewhat taken aback.

Q Okay. And you feel that this information, then, was the basis of the meeting, the accusations made two months ago against you in the general meeting?

A No, absolutely not.

Q But you think it may have been?

A No, no. Absolutely not. This occurred in February of '91, and the meeting was just a couple of months ago.

MS. RICHARDSON: If we could, I would like to have a copy of this as a late-filed exhibit, Mr. Monroe?

MR. ANTHONY: It is a company document, not a --

MS. RICHARDSON: It's company document? Okay.

MR. ANTHONY: Why don't we off the record for a minute, if we can?

MS. RICHARDSON: Okay.

(Off the record briefly).

BY MS. RICHARDSON:

Q All right. Mr. Kummer, will you please identify the document that you have?

A Yes. It is a DLETH, which is the display long extended trouble history, on my home number.

Q Okay, and dated?

A February 26, '91.

Q Are you familiar with anyone using the carried over no codes to stop the clock?

A Yes.

Q Would you please explain?

A When I was on staff, and I believe it was the time frame in 1990, I was called into my supervisor, immediate supervisor's office because there was some question about Metro Test Center using the carried over no transaction.

Q And can you explain further than that?

A Yes. My supervisor, who is April Ivy, had said that there was a study done in North Florida by Jerry Pellegrini. They were looking at the use of CON. And that they had found that a high percentage of CONs were from the Miami Metro Test Center.



Q So, statistically abberational, then?

A I don't know what abberational --

Q More than would normally be the case?

A Yes.

Q Okay.

A And that they had called her about it. They had called her about it on the telephone and told her about it. And I was called into her office to look at the live load, if you will, to look at CONS to see if that was actually occurring.

Q And what was the result of your looking at it?

A I had looked at it on the screen. I had done a display job information on some of the CONS, not all of them, ma'am, but just on some, to see when the commitments were and maybe the reasons why they were being used. And I didn't think they were being used appropriately.

Q In your opinion, they were being used inappropriately. Can you elaborate on whether or not you feel that that was an attempt to meet the out-of-service index base or to improve the Company's production, or --

A I don't know if I can elaborate on it. As far as -- it was a -- an attempt to distort the out-of-service index, or the people just didn't know, you know, that they were doing it incorrectly. In my opinion, they were doing it incorrectly. I thought it was incorrect because they

were regular commitments. They were just normal commitments being offered that were used in the CON transaction, and that is not the purpose of using it. The purpose of using it is to use it on customers that request an appointment beyond the appointment being offered by the Company.

Q So, when the Company was in danger of missing the appointment, they just used the CON transaction for it?

A No, I don't think so. I don't know if that is the case for sure. I don't know if it was just misunderstanding. What I can tell you is that the appointment was -- the appointment that was given to the customer wouldn't require a CON transaction. Now, why they were doing that, I could only draw conclusions that I don't know. Maybe they misunderstood it, but I said to my supervisor I thought it was wrong.

Q You told Ms. Ivy this?

A Yes. From what I had seen on the screen, I thought it was incorrect, the incorrect use of the carried over no transaction.

Q And do you know the maintenance administrators or the employees who were misusing the CON?

A No, I don't. We called out there and spoke to them.

Q Okay. Are you familiar with anyone using a dummy or an unassigned employee code to falsify customer repair

records?

A No.

Q Are you aware of anyone using a dummy or employee code on any customer repair records?

A No, I am not.

Q Okay. Are you aware of anyone using the exclude codes, like flood, lightning, and so on, to assist or avoid having an out-of-service count against the Company on the repair index?

A No, no.

Q Okay. Do you know of any other means that may have been employed by anyone within the Company to improve the out-of-service index falsely in order to meet that 95 percent?

A Directly or indirectly?

Q Directly or indirectly.

A The only time I would hear anything such as that is in review feedbacks. I was on reviews for three years. And I don't believe it was intentional, but there were times where it was brought up that customer reports, in standardization reviews, that were stroked out-of-service -- I mean, that weren't stroked out-of-service should have been. I happened to be in review feedback.

Q And that was what, '87, '88, '89 for you?

A Yes.

Q Okay. On the personnel evaluation forms that are done on Company employees, and yours specifically, there is a line that indicates per month or by month whether or not you have met, I assume you, and I need you to explain to me, the 95 percent index base and by how much. I mean, the 95 percent out-of-service over 24-hour criteria?

A On the management commitments?

Q On the management commitments.

A Yes, on the 5100 form.

Q On the 5100 form. Do you recall in '91, in October of '91, approximately what level you made, you managed to make?

A What level?

Q Uh-huh, or what the commitment was that you put down?

A Yes, 95 -- in October, let me see. October of '91 --

Q I think I can help you.

A Yes, I would say 95 percent.

Q 95 percent?

A Yes.

Q Okay. I would like to just refresh your memory. This is not an exhibit. If you would tell me if you can identify this as being yours and what the October of '91 was?

A 76.90 percent.

Q Okay. And that is your 5100 form?

A Yes. It doesn't have much to do with what I do for a living --

Q Okay.

A -- because I am systems administrator. But, you know, as a manager to the maintenance center, it is one of my commitments, as well as small business, Telsam (phonetic) or installation results of which I have really nothing to do with as a systems administrator.

Q Okay. Does that number get down -- when does that number appear? When is that decided upon? Is it on actual data or is it just a commitment, a projection for what you intend to do?

A It is an objective.

Q It is an objective for you to reach, 76 percent?

A Oh, no, 95 percent.

Q 96 percent is the objective. And what does the 76 percent on that represent?

A It represents that the objective was not met.

Q That the objective was not met.

Do you happen to remember what the objective reported on the PSC Schedule 11 for that month was?

A I would say it was 76.9 percent. For North Dade?

Q Uh-huh.

1           A     Yes, I would say, because that is -- well, in  
2 North Dade, North Dade happens to be peculiar in that it  
3 straddles exchange boundaries, ma'am. And there is a Palm  
4 Springs portion of the Miami exchange, and there is a North  
5 Dade portion of the Miami exchange which makes up the  
6 district. So, the only way to arrive at that figure is to  
7 add up the two and divide by two.

8           Q     Okay. So, then, if I were to look at PSC Schedule  
9 11, I might see a number that is different from 76.90  
10 percent?

11           A     Yes, you would see for the North Dade district a  
12 number for Palm Springs, which is the -- part of the Miami  
13 exchange, and a number for North Dade, which is the North  
14 Dade exchange. You wouldn't see a combined number like  
15 that.

16           Q     Okay.

17           A     That number, the best I would know about coming to  
18 that number is to add up the two averages and divide by two  
19 to get the average.

20           Q

21           A     Yes, I was.

22           Q     Okay.

23           A     I don't know exactly. I have had an entry put in  
24

25           Q

1 A  
2  
3  
4 Q Okay.  
5 A Well, I am not sure.  
6  
7  
8 Q And that is who?  
9 A Okay. It was Ralph De La Vego, who is my  
10 operations manager, and Becky Dunn.  
11 Q And she is from personnel?  
12 A She is from the operation management --  
13 Q She is vice president?  
14 A I thought she was an operation manager.  
15 Q Okay.  
16 A Yes.  
17 Q All right. And you asked them why?  
18 A  
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Q Okay.

A I don't know. I didn't ask.

Q You didn't ask, and they didn't explain?

A No. Well, it had to do with the investigation.

And that is what the investigation was about, so I would say it is a pretty good -- I mean, it would be a question that I thought was obvious. Yes, I did.

Q To whom?

A To the vice president.

Q And that is Mr. Sanders?

A Yes, it is.

Q Mr. Sanders. Okay.

A Yes.

Q And would you please give us those names?

A who was there at that time.



1  
2  
3 Q  
4  
5 A I don't know.  
6 Q You don't know. Have you heard any rumors to any  
7 of this?  
8 A No.  
9 Q  
10  
11 A No.  
12 Q How  
13 did that knowledge come to you?  
14 A They told me.  
15 Q They did tell you, but they didn't explain to you  
16 why they were disciplined?  
17 A No.  
18 Q They made no mention of what was going on?  
19 A  
20  
21  
22 Q  
A Yes.  
Q And the other people did not say anything to you?  
A No. I don't know --

Q Were these conversations individual, or did you get together as a group, or just kind of meet each other in the hallway?

A I would say as individuals. People talk about it a lot. It comes up from time to time.

Q Just in the course of a workday?

A Just in the course of a workday, yes. I think it is on a lot of people's minds, as it is with mine, and it comes up from time to time, yes.

Q Okay. When did you make a decision to hire an attorney to represent you personally?

A I made a decision to do that in -- I guess it was just prior to my first interview with Southern Bell. I was up for a promotion at the time. I felt that people could say things, even though they were untrue, could say things about me that could hurt my chances for promotion. I asked my brother, who is a corporate attorney. My name was mentioned in a deposition, not of being specifically accused of anything, but being in a paragraph at the end of the deposition that lumped my name along with other names.

Q Whose deposition was this?

A Frank Falsetti.

Q In Fullsetti's deposition?

A Yes.

Q Okay.

A In that deposition, he didn't accuse me of anything directly, although my name was used at the end. And I was in there with, I guess, just about every other person that worked in the maintenance center at that time.

Q And are you familiar, then, with the activities that he was making accusations about? Did they occur; did they not occur while you were there?

A The accusations that he made of other supervisors? No.

Q And with your name?

A No.

Q About the events that were going on, the falsifications that were taking place?

A No.

Q All right. So, you never saw --

A Pardon me?

Q You never saw any of that going on?

A I never saw any of it going on, no. But my name was in there. It was in there along with other managers that worked in the center. Although there was nothing directly accusing me of, I had called my brother, who is an attorney, that I mentioned, and asked him and read to him. And his advice was get an attorney. I told him that I was up for a promotion, and I thought that -- I wanted one. And I went to the first hearing with an attorney -- I mean, the

first company internal investigation with an attorney, yes. And after that, I didn't have one any more, although I went down for other questions. The Company attorney had said to my attorney, "Kummer has nothing to worry about. He is an honest person. If anything comes up, we will let you know." So, at that point I felt, you know, that everything was fine. I went down for two other interviews, and did not bring an attorney, and did not have an attorney until just -- except for this interview.

Q This particular interview?

A Yes.

Q Okay. And why did you feel like you needed a personal attorney for this particular deposition?

A I didn't feel like I needed one --

MR. MONROE: If the suggestion is some kind of inference, improper inference by retaining a lawyer, I object to that.

MS. RICHARDSON: No, no. I'm sorry. I did not mean that at all, Mr. Kirk, and you are certainly proper in making that kind of an objection. I want to be on the record that that is not what I am asking.

MR. MONROE: Well, if you can explain why you are asking him, because I am a little bit confused as to how that advances the cause in any way, other than some suggestion that someone who hires a lawyer has a

problem. As a lawyer, I tend to object to that.

MS. RICHARDSON: That's fine. I'll move on.

BY MS. RICHARDSON:

Q Let me just ask you generally, is there anything else that you are aware of that has been going on in terms of the Company employees' falsification of reports, any general knowledge that you may have that you can share with us at this point?

A Well, general knowledge, I have just heard last Friday, because I asked the person who went to Tallahassee, to give a deposition what was said about me.

Q You asked who?

A I asked Florida Green. In preparation for this meeting today, I had asked her, you know, what was said about me in Tallahassee, and she told me.

Q And what was said about you?

A Well, she said that the people said that they had heard from a friend that in North Dade I had written on the blackboard that under the threat of disciplinary action you should not stroke anything out-of-service.

Q Okay. And was there anything else that you wanted to add besides this one incident?

A No, I just thought it was -- and I can tell you it's a lie. I wish the person would have said it to me. It is a direct lie. I never did anything like that.

MS. RICHARDSON: Okay.

MR. GREER: I have got few brief questions.

CROSS EXAMINATION

BY MR. GREER:

Q You said you did autoscreener reviews?

A Yes.

Q Can you explain what that is, what you do?

A Well, what we did in autoscreen rules, is we would run the rules that were presently enforced, if you will, by the maintenance center to see if the proper ones that were decided by the area, by type and VER code combination that were being shown out-of-service.

Q Who do you report your findings to, for errors in the autoscreening rulings, if you find them?

A When I was on staff?

Q Uh-huh.

A I reported it to my supervisor in the feedback.

Q And did that come out like an operational review or something of that nature?

A Yes. I was on a few of those operational reviews.

Q Would those autoscreener errors come up in that type of review?

A Yes, they would.

Q I believe you mentioned a little while ago that you were aware of people statusing test okays as

out-of-service?

A From being part of those reviews?

Q Yes.

A Feedbacks and not directly doing that portion of the review, that is the extent of my awareness of it.

Q Do you know who -- the identities of those employees?

A Yes. I know in North Dade that it was Joe Lesko and Nancy D'Alessio by the histories. And I was told that; I didn't see it directly.

Q Is that all, just those two?

A In South Dade I heard, and it is only indirect, that it was Prudence Taylor, but I don't know that for a fact, sir, because I did not do the review. I only fed it back.

Q Okay.

A As a matter of fact, I didn't see the history. I only fed it back for the convenience of the person who was on vacation.

Q I believe you stated that in Miami Metro that you had found an autoscreener rule that they were not following, in your opinion. Is that right?

A (Witness indicating yes.)

Q Can you tell me what that autoscreener rule was?

A I think, to the best of my recollection, it was

either dial tone burst or intercept.

No, I'm sorry. Let me correct that. I know it was one of the central office rules. Let me correct that. I believe it was a VER code 33, possibly open end, is the VER code. I am just not sure. It is either intercept dial tone burst or possibly open end, but it was one of the 14 types of VER code combinations that are to be stroked out-of-service, and I found it not to be. Again, my findings from that review was that I didn't believe it was intentional. I believe it was an oversight, because I don't believe many reports come in that are statused to that out-of-service rule. I believe it was an oversight. I don't believe it was intentional. And, again, that is my opinion.

Q When you were shown that document, and I didn't see it, but the DLETH, you had said that your wife called in and had spoken to your immediate supervisor?

A No, she spoke to the general manager. My immediate supervisor was on vacation.

Q Did you feel that your general supervisor's dissatisfaction with your wife's comments stopped you from staying as IMC manager?

A Yes, I believe so. Again, that is just my perception.

Q Okay.



1           A     It may or may not be true. I just don't know. I  
2 apologized to the general manager for her.

3           Q     In the Metro Miami review of the CONs, use of the  
4 CONs status, was there something produced in that, a  
5 document saying that there was no problem with the CONs, or  
6 that the CONs -- that we had a problem with the CONs in  
7 Miami Metro?

8           A     When I looked at it -- and my boss asked me the  
9 same question. When I looked at it in her office that day,  
10 I did not run anything to the printer. I just looked at it  
11 on the monitor. So, I did not have any documentation other  
12 than what I saw. All I know is that the people that called  
13 had the documentation, and that is what prompted them to  
14 call.

15                     MR. GREER: That looks like about it.

16                                 CROSS EXAMINATION

17 BY MR. ANTHONY:

18           Q     Mr. Kummer, I just have one question for you.

19                 -

20           A     Yes.

21           Q     I am trying to preempt another deposition. You  
22 said that Becky Dunn was there. Could it really have been  
23 Hilda Geer who is from personnel?

24           A     I'm sorry. Yes, it was Hilda Geer.

25                     MS. RICHARDSON: Okay. Thank you.

(The deposition was concluded at 10:35 p.m.)

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )


COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 46 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.

WITNESS MY HAND AND SEAL this 1<sup>st</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

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

COPY

DEPOSITION OF:

SILVIA LOM-AJAN

TAKEN AT THE INSTANCE OF:

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

DATE:

Wednesday, July 29, 1992

TIME:

Commenced at 9:30 a.m.  
Concluded at 10:05 a.m.

LOCATION:

666 N. W. 79th Avenue  
Room 642  
Miami, Florida

REPORTED BY:

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

ACCURATE STENOGRAPHIC REPORTERS, INC.  
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21 \* \* \* \* \*

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S T I P U L A T I O N S

The following deposition of SILVIA LOM-AJAN was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

SILVIA LOM-AJAN

was called as a witness, and having been first duly sworn, was examined and testified as follows:

MR. ANTHONY: Before we proceed, Mr. DeBianchi, we have had some stipulations we have been using for all of these depositions. I just want to let you know what they are and make sure you don't have any problems with them.

First of all, that the deposition is taken pursuant to proper notice. Second of all, that we won't go off the record without the witness' consent. Third, that reading and signing is not waived, although nobody has been ordering the transcripts yet, I might

add. And that we are going to reserve any objections, except as to the form of the question until the time of the hearing in this matter, or some other use of the transcript.

There is one other matter, Ms. Lom-Ajan, is that how you pronounce your name?

THE WITNESS: Uh-huh.

MR. ANTHONY: I just want to make sure.

THE WITNESS: Correct.

MR. ANTHONY: -- that I need to address. These depositions are being taken in connection with an investigation that the Public Service Commission has into trouble reporting issues. As you may be aware, Southern Bell took its own investigation under the auspices and guidance of the Legal Department, and that investigation is privileged. So, to the extent that either Ms. Richardson, or Mr. Vinson, or anybody else with the staff were to ask you a question that involves your knowledge of that investigation itself, I am going to issue an instruction that you not answer that question, because it is Southern Bell's privilege. To the extent that you can answer any questions and your knowledge is not gained from that investigation, then, of course, you should answer the question, if it is not otherwise objectionable, answer it fully and honestly.



So, if that were to occur, I just don't want you to be surprised if I jump in.

THE WITNESS: I understand.

MR. ANTHONY: Okay. Thank you.

MS. RICHARDSON: Did you have anything, Mr. DeBianchi?

MR. DeBIANCHI: No. That is fine. We will stipulate to that.

MS. RICHARDSON: Would you like to put your appearance on the record?

MR. DeBIANCHI: Victor DeBianchi. I'm going to be representing Silvia Lom-Ajan here in this deposition today.

MS. RICHARDSON: Okay. And before we get started, I just have one or two preliminaries also. If we can come to an understanding, an agreement, on the definition of a few general terms. One of them is "I don't know." For purposes of this deposition, "I don't know," means you have no personal firsthand knowledge, nor have you heard anything from any source about the matter that I ask you about. Is that acceptable?

THE WITNESS: (Indicating yes.)

MS. RICHARDSON: You have to say, "yes" or "no."

THE WITNESS: Yes, that is acceptable.

MS. RICHARDSON: Thank you.

And then on "I can't remember," or "I can't recall," it means you have an absolute blank. There is no little lingering something out here that is not quite clear, but absolutely blank, on "I can't remember." Is that acceptable?

THE WITNESS: Yes.

MS. RICHARDSON: Okay.

DIRECT EXAMINATION

BY MS. RICHARDSON:

Q Would you please state your full name and spell it for the court reporter and the record?

A My name is Silvia Lom-Ajan, and that's -- do you want me to spell my first name?

Q Yes.

A S-I-L-V-I-A. My last name is L-O-M, hyphen, A-J-A-N.

Q "N," or "M"?

A N, as in "Nancy."

Q Thank you. And your address, please?

A My home address is 11214 Northwest 14th Court, Pembroke Pines, Florida 33026.

Q And what is your present position, Ms. Lom-Ajan?

A I am an Assistant Manager, Control, Station Control in the North Dade IMC.

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

A I have been in that position since November of last year, 1991.

Q '91?

A Right.

Q And what pay grade is that position?

A It is a Pay Grade 3.

Q Pay Grade 3. And who is your present supervisor?

A Carlos Quintero.

Q And who is his supervisor?

A Mr. Ralph De La Vego.

Q And what did you do prior to November of '91?

A I was the Station Control Supervisor in the Miami Metro Division. That does not exist now. It was disbanded, the division was disbanded into the other division.

Q And that is why you moved over there?

A Right.

Q Okay. When did you begin your employment with Southern Bell?

A Twenty years ago, 1972, I guess.

Q And what was your entry position?

A I was an operator.

Q Long distance?

A Well, just a local operator. We used to handle long distance, also.

Q Okay. At any time in your position, the 20 years

that you have worked with the Company, have you had any responsibility or duties concerning customer trouble reporting?

A At the present time, I handle something to that effect.

Q Okay. But this is the first position you have held?

A Right, this is the first position, and I used to be a secretary before. So, secretaries don't get involved in the actual -- I don't know -- the actual function of a telephone company. It is more like personnel type work and administrative type work.

Q Okay. And who were you a secretary for?

A I worked for Mr. Ralph Grieco, who is now a Vice President in Atlanta. I was also a secretary for Hubert Martin. I have been a secretary for so many people. I was a secretary for Jim Roach, who is retired. He's deceased now.

Q Well, have any of these individuals had responsibility for the customer trouble repair process within the Company?

A They were the operations managers over the whole organization.

Q Okay. So, you have some, maybe secondary knowledge from having worked for these individuals about the

customer trouble repair process?

A No, not really.

Q Did you type memos for them?

A No, not really.

Q As a secretary, what were your duties?

A Secretarial type work, I did very little typing as far as putting out anything. The letters normally came from the people that were actually in those positions, like the second level managers. And they would write them for his signature, but I never really typed. I mean --

Q But you read them?

A I'm sure I did, you know, type them at one time or another, but it wasn't all the time. His responsibilities were just -- he just had too many responsibilities. That was just part of his responsibility. I mean, he had engineering and he had all kinds of other responsibilities.

Q Okay. During that period of time when you were working for these different individuals as a secretary, did you gain any knowledge or any information concerning the IMC and handling of customer trouble reports from any source?

A No, I did not.

Q So, all of your information, then, is going to be coming from November of '91 forward in terms of customer trouble repair?

A No. I got promoted into the IMC in 1989, and that

is when I was exposed to the, you know, the actual trouble reporting and the actual IMC environment.

Q And in terms of your duties and responsibilities, are you called upon to actually handle the reports?

A No, I did not. My position in the IMC has been, for the most part, the station control supervisor. And my responsibility there is to dispatch the technicians on these trouble reports after they have been screened and put in for dispatch for the technicians to pick up.

Q Okay. And within that dispatching process, was part of your responsibility clearing and closing reports?

A No.

Q Someone else does that?

A Yes, somebody else. Well, if the technician picks up the report after he clears it, his responsibility is to close the report.

Q Okay. Do you work with reports at all, then?

A In a matter of speaking, I do, because I dispatch these report to the technicians.

Q Does that mean you load the dispatch code? Is there any dispatch status on the screen for these reports?

A No, I do not. Once the trouble has been screened, and -- those codes have been put in the report, you know, by other people in the office. I mainly take care of dispatching the trouble out to the technician through a

1 computer.

2 Q Okay. That means you work with Mapper?

3 A With Mapper, correct.

4 Q Do you work with Tracker at all?

5 A No.

6 Q So you are not responsible for dispatching cable  
7 repair, then?

8 A No.

9 Q Are you familiar with disposition and cause codes?

10 A Yes; yes, I am.

11 Q And are you familiar with intermediate status  
12 codes, like "no access" and "carry-over no" and CON codes?

13 A Yes, I am.

14 Q Ms. Lom-Ajan,

15  
16 A Yes, I was.

17 Q

18 A

19

20

21

Q And what status code was that?

A It was the CON code, CON.

Q The CON code?

A Right.

Q And how were you misinterpreting it?

A I thought, at the time, that if I was in jeopardy of missing an appointment, I could call the customer, advise the customer that his appointment was not going to be met, and if the customer agreed on a later dispatch, I could go in and status that on the report by using the CON code.

Q And why was that wrong?

A I did not know at the time, nobody ever came out and actually trained me on the use of the code. Come to find out, my supervisor came to me at a later date and said, "We are not supposed to be using that code the way that it is being used." And that is when I stopped.

Q Who told you to use it that way to begin with?

A Nobody.

Q Nobody told you?

A Nobody told me.

Q How did you find out about the CON code?

A It was in a list of codes that we could use, and I just took it as meaning that I could use it that way.

Q Do you know what effect that had on the report that -- those trouble reports?

A No, I do not know.

Q You don't know what effect it had?

A No, I did not.

Q Would putting a CON code on a trouble report stop



1 that clock, that 24-hour clock?

2 A I did not know that, no.

3 Q You didn't know that?

4 A No.

5 Q Okay. Do you know it now?

6 A I know it now. Now the code has been removed from  
7 that list. It is no longer in existence, because I believe  
8 that a lot of people misinterpreted it. And, you know, it  
9 is no longer in existence for the IMC to use.

10 Q Okay. And you think it was removed because people  
11 were misusing it?

12 A I don't know why it was removed. I know that it  
13 is just not there any more.

14 Q

15

16 A Yes.

17 Q You were specifically told. Who told you?

18 A My operations manager.

19 Q And that is?

20 A Ralph De La Vego.

21 Q Mr. De La Vego.

22

23 A It was a counseling entry. I don't quite remember

24

25

1 I remember something like that.

2 Q Okay.

3 A

4 Q Who was present at that meeting?

5 A Mr. De La Vego and Hilda Geer from personnel. She  
6 is, I believe, the district manager over personnel.

7 Q Okay. And those are the only two people?

8 A Correct.

9 Q That you met with.

10

11 A Yes, I do.

12 Q And who are those people?

13 A

14 Q And would you please tell me who they are?

15 A

16

17

18 Q

19

A I don't know exactly. I know that they got  
disciplined, but I don't know for what specific reason they  
got disciplined.

Q Have you heard of anybody else, or have you heard  
that anyone else was disciplined besides the people that you  
have just named?

1 A

2 also got

3 disciplined.

4 Q And do you have any idea why she was?

5 A No, I don't. Specifically, no, I don't.

6 Q Okay. Do you have any hearsay information or  
7 rumor about why she was disciplined?

8 MR. DiBIANCHI: I am just going to object to the  
9 form of the question. Hearsay is hearsay. You can go  
10 ahead and answer.

11 THE WITNESS: No, I don't.

12 BY MS. RICHARDSON:

13 Q Okay.

14  
15 A Very much, yes.

16 Q

17 A

18  
19  
20  
21  
22  
23 Q Did you appeal your discipline?

24 A

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

Q All right.

A Most definitely.

Q How often would you be eligible for promotion with the Company? I mean, you have been here 20 years.

A I don't believe that there are too many promotions right now in the works, maybe a few. But the Company is not really promoting within management very much now. I have seen craft people getting promoted. A lot of them have gotten promoted now. But as far as you being in management into another higher management position, it's not really happening. The openings are just not there. The Company is trying to, I guess, down the span of control or whatever, and the promotions are just not there.

Q Okay. Have you ever heard the term "backing up the time" used in reference to customer trouble reports?

A I have heard it, yes.

Q And what have you heard?

A I have heard of a technician backing up the time on a trouble report, if he forgets to close out that trouble report at the time that the customer had dial tone or the customer had actual service. If he forgets, he goes on break or whatever, and he will say, you know, or he will back up the time to when the customer, you know, actually got dial tone or had service.

Q Have you, or do you know of anyone who has backed up the time prior to delivery of dial tone?

A Not specifically, no.

Q You have no personal, firsthand knowledge is what you are saying?

A Correct.

Q Okay. Have you heard any rumors that that has been done?

A No, I do not.

Q Have you read anything or heard anything from any other source that that may have been done?

A No.

Q Okay. Have you ever, yourself, done that?

A No.

Q Have you heard of maintenance administrators having to call a manager to get disposition and cause codes in order to clear and close out a report?

A No. I deal very little with the maintenance

administrators because of my job function.

Q So, you have never done that?

A No.

Q Have you ever heard of anyone doing that?

A No.

Q Do you know if anyone has ever used the no access code to stop the clock on a repair report?

A No.

Q Have you ever done that?

A No, definitely not.

Q Have you ever heard of anyone doing that?

A No.

Q Have you, or do you know of any of the people that you have dispatched out to service a trouble report, do you know if any of them have ever statused a report as no access without leaving a card at the premises?

A No, I have never seen that, no.

Q And have you, in terms of your experience and responsibilities, have you ever, or do you know of any repairman who has no accessed a report without talking to a customer?

A No.

Q Okay. Have you done that yourself?

A No.

Q And you have never heard of it being done?

A No, I have not.

Q Do you know of anyone who has excluded an out-of-service report, so that it wouldn't go over 24 hours, and then opened it up again as a new report?

A No, I have not.

Q Have you ever heard of anybody doing that?

A No, I have not.

Q Have you ever done that yourself?

A No, I have not.

Q Do you know of anyone who has recorded an extension of time, using commitment time, other than what you have already testified to, to extend?

A I'm sorry; I don't understand what you are saying.

Q Let me start again.

A Okay.

Q And, please, if you don't understand, please tell me, and I will try to start again. That way we are both clear on what we are doing.

A Okay.

Q Do you know of anybody who has extended a commitment time without talking to the customer?

A No, I do not.

Q Have you ever extended a commitment time without talking to the customer?

A No, I always talk to the customer.

Q Have you ever heard of anybody doing that?

A No.

Q Do you know of anybody who has statused affecting service reports as out-of-service in order to build the base?

A No, I do not.

Q Have you ever done that yourself?

A No, I have not.

Q Okay. Have you ever heard of anybody doing that?

A I heard that that was what was being done in North Dade, and that is why those people had gotten fired, Joe Lesko and Nancy D'Alessio.

Q Okay. And is that the only incident that you have heard of?

A That is the only thing that I've heard, yes.

Q Okay. And where did you hear this?

A I don't remember specifically. It was just --

Q In the work place?

A Yes, in the work place.

Q Or at home or --

A In the work place.

Q Okay. So, people, other employees, then?

A It shocked everybody when they got fired, you know, because, you know, they were our co-workers. They were our co-workers, and you hear something like that, and



it is a big shock.

Q So, you knew these two individuals personally?

A I didn't know Nancy, but I knew Joe Lesko. Not that I have ever worked for him, but I knew who he was. You always feel bad for a person when he gets, you know, terminated, or whatever, for whatever reason.

Q Okay. Do you know of anyone who has taken test okay reports and statused them as out-of-service to build the base?

A No.

Q Have you ever done that yourself?

A No.

Q Have you ever heard of anybody doing that?

A No.

Q Okay. Do you know of anyone who has violated Company procedures on handling customer trouble reports?

A No, I do not.

Q Have you ever done that, other than what you have testified to with the CON code?

A No.

Q Okay. Have you ever heard from any source of that being done by anybody in the Company?

A No.

Q Okay. Do you know of anyone who has used a dummy employee code in statusing a customer trouble report, a

phony employee code or dummy code?

A No.

Q Have you ever done that yourself?

A No.

Q Have you ever heard of that being done?

A No.

Q Do you know of anyone who has used an unassigned employee code to status a customer trouble report?

A No, I do not.

Q Have you ever used an unassigned employee code number?

A No.

Q Have you ever heard of that being done?

A No.

Q Do you know what exclude disposition codes that exclude an out-of-service report from the index base, do you know about those?

A I know that there is a list. But if you asked me if I know specifically, no, I don't. I know that there is a list available.

Q Okay. Of specifically the exclusion codes?

A Right.

Q Is that list on the job aid or separate from the job aid, the LMOS Job Aid?

A Since I really don't deal in that, I don't really

know where it is. I know it is available, but since I don't close out reports, I wouldn't know. I don't know where to get it. I know I could go to my supervisor, and he would tell me where to find it, or one of my other co-workers. But, specifically, I don't know exactly where it is, if it is in a job aid or practice, probably a practice somewhere.

Q Okay. But you are aware that certain codes exclude out-of-service?

A Yes, I know that.

Q Okay. Do you know of anyone who has used those excludable codes?

A No.

Q Okay. To keep an out-of-service report from going over 24 hours?

A No, I don't.

Q Have you ever done that yourself?

A No.

Q Have you ever heard of that being done?

A No.

Q Do you know of any other means of building the out-of-service base, to meet that 95 percent index?

A No, I don't.

Q Have you ever statused or used any means, whatsoever, to build that out-of-service base to meet the the 95 percent index?

A No, I have not.

Q Have you ever heard from any source, whatever, of anyone doing that?

A No, I have not.

Q Do you know of any other means, or anyone who has used any other means of excluding out-of-service reports from being counted in the missed on the out-of-service base, that 95 percent index, to keep them from being counted?

A No.

Q Have you ever done that yourself?

A No, I have not.

Q Anything at all?

A No, I haven't.

Q Have you ever heard of anyone excluding in any way those reports?

A No, I have not.

Q Do you know of anyone who has falsified a customer trouble report?

A No, I have not, other than me using that code, the CON code. Not that it was falsifying, but it wasn't proper.

Q And that is your only instance for you, personally?

A Right.

Q Have you ever heard of anyone else, any other employee doing so?

A No, I have not.

Q Okay. Do you know if excluding a customer trouble report would prevent a customer from getting a rebate?

A Would I know that?

Q Uh-huh.

A Probably. I assume so, yes. If it wasn't in the report. If the report wasn't there, he can't get a rebate.

Q Okay. When is a customer eligible for a rebate, at what point?

A If his trouble is not cleared within 24 hours, and he is out-of-service, he gets a rebate.

Q Okay. Are you eligible for bonus pay under the team incentive plan?

A Yes, I am.

Q Is part of your eligibility based upon objectives or commitments that you make as an employee for the Company?

A Yes.

Q Is one of those objectives meeting that 95 percent out-of-service repair within the 24-hour index?

A Yes.

Q Okay. Have you consistently been able to meet that index requirement?

A Not always, no.

Q What happens when you don't meet it?

A We have to write a letter -- well, my boss writes

a letter explaining why we did not meet the objective. And I believe the letter goes to Linda Isenhour, which in turn -- I don't know exactly what she does with the letter. I guess she has to answer to her higher-ups.

Q Okay. Is a lot of emphasis placed on that index?

A I would say so, yes.

Q Okay. How often, or do you receive regular reports on whether or not you are meeting that index?

A Yes, we do.

Q You do. And are they daily, weekly, monthly?

A Staff, local staff, puts out a weekly report.

Q When it appears that you are not meeting the index, what action is taken by your manager? I mean, you haven't made the end of the month yet, but it appears that you may be in jeopardy of missing that index. What does your manager usually do?

A He, basically, comes over to me and makes sure that I am dispatching those out-of-service troubles with sufficient time for them to be cleared. And he doesn't really put a lot of, you know, emphasis on it, as far as stressing me out to the point where that is all that I have to go after. I do have other customers that are waiting for service, whether they are out-of-service or not. But he makes me aware that I should do everything in my power, you know, to dispatch those reports and get them cleared in

1 time.

2 MR. ANTHONY: You realize we have other people  
3 waiting?

4 MS. RICHARDSON: Yes. And thank you for having  
5 them present. I appreciate that.

6 Ms. Lom-Ajan, that is all I have for you today,  
7 and I want to thank you for personally coming. I  
8 appreciate it.

9 Now, Ms. Wilson may have one or two questions  
10 before we dismiss.

11 CROSS EXAMINATION

12 BY MR. VINSON:

13 Q Ms. Lom-Ajan, I have a couple of questions  
14 regarding your meeting with Mr. De La Vego and Ms. Geer.

15  
16  
17 A

18

19

20 Q Do you recall if Mr. De La Vego or Ms. Gear

21

22 A

23

24

25 Q

1  
2 I was wondering if you could tell  
3 me, was that your conclusion, or were you told that by  
4 somebody?

5 A I had heard of a few managers that had gone up the  
6 line to appeal, and, basically, nothing was done, or was  
7 done at the time. I don't know whether anything was done  
8 now.

9 Q Which managers were those, do you recall the  
10 names?

11 A

12 And that is about all.  
13 That is about -- I  
14 don't know whether he ever got to see him. I know he is a  
15 very busy person.  
16

Q Let me ask one question about your Form 5100 with  
your personal objectives. Has the emphasis on attaining the  
out-of-service over 24 goals changed on your Form 5100?

A I'm sorry, can you rephrase that?

Q Let me rephrase it. Is that still a part of your  
1992 Form 5100?

A Yes, it is. I believe it is, yes.

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

MR. ANTHONY: I don't have anything.



MR. DeBIANCHI: No questions.

MR. ANTHONY: Thank you, Ms. Lom-Ajan.

THE WITNESS: Thank you.

MS. RICHARDSON: Thank you for coming.

(The deposition concluded at 10:05 a.m.)

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )


COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 30 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.

WITNESS MY HAND AND SEAL this 1<sup>st</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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 )

**CERTIFIED  
COPY**

DEPOSITION OF THE WITNESS, LYNN LYTTLE,  
TAKEN BY OFFICE OF THE PUBLIC COUNSEL,  
ON TUESDAY, JULY 28TH, 1992.

Riviera Beach, Florida  
10:37 a.m. - 11:00 a.m.

APPEARANCES:

CHARLES J. BECK, ESQUIRE  
Assistant Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida, 32399-1400  
on behalf of the Citizens of the  
State of Florida.

TRACY HATCH, ESQUIRE  
Florida Public Service Commission  
Chief Bureau of Communications  
Division of Legal Services  
101 East Gaines Street  
Tallahassee, Florida, 32301  
on behalf of the Florida Public  
Service Commission.

(APPEARANCES CONT. ON PAGE TWO)

APPEARANCES CONT.:

TERRILL BOOKER, ENGINEER  
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 Bureau of Service Evaluation  
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 on behalf of Southern Bell  
 Telephone & Telegraph.

JOHN P. TYNAN, ESQUIRE  
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 212 South Old Dixie Highway  
 Jupiter, Florida, 33458  
 on behalf of the Deponent, Lynn Lytle.

- - -

I N D E X

	<u>Pages</u>
LYNN LYTLE	
Direct Examination by Mr. Beck	6-20
Cross-Examination by Mr. Lackey	20-22
Redirect Examination by Mr. Tynan	22-25

E X H I B I T S

(none)

1                   The deposition of LYNN LYTLE was taken  
2           before me, Maureen A. Kerns, Registered Professional  
3           Reporter, CM, and Notary Public, State of Florida at  
4           Large, at the offices of Southern Bell Telephone &  
5           Telegraph Company, 3650 Avenue E, Room 316, in the City  
6           of Riviera Beach, County of Palm Beach, State of  
7           Florida, on Tuesday, July 28th, 1992, beginning at 10:37  
8           a.m., pursuant to the Notice filed herein, at the  
9           instance of the Office of the Public Counsel in the  
10          above-entitled cause pending before the above-named  
11          Court.

12                   - - -

13                   MR. LACKEY: Ms. Lytle, my name is Doug  
14           Lackey, and I'm representing Bell South  
15           Telecommunications, Inc., Southern Bell. We have  
16           been operating under three stipulations in these  
17           depositions which I'm going to explain to you now.

18                   The first is, is that there's no objection as  
19           to the time or place of taking the deposition. The  
20           second is that we're reserving all objections to  
21           the questions such as to their form and their  
22           relevancy until the time the deposition is used.  
23           Those two stipulations are basically for the  
24           lawyers.

25                   The third stipulation is the one that affects

1           you most directly and that is that we're not  
2           waiving reading and signing of the deposition. And  
3           what that means is that this lady is taking down  
4           all of the questions and all of your answers and we  
5           may have it transcribed at a later date, reduced to  
6           written form, and when that's done, you'll be given  
7           a copy to review and make any corrections on and  
8           sign it before your deposition is used, and those  
9           are the three stipulations we use. Unless someone  
10          has an objection?

11                 MR. HATCH: No objection.

12                 MR. LACKEY: In addition to the stipulations,  
13           I have an instruction that I need to give you, and  
14           I'm going to give it to you now. If you have any  
15           questions about it or don't understand what I say,  
16           if you'll just ask me and I'll be happy to explain  
17           in as much detail as I can.

18                 To the extent that any question that you're  
19           asked today calls for information that you have  
20           derived from an investigation that Southern Bell  
21           conducted at the direction of its legal department,  
22           I will object to that question on the grounds that  
23           it calls for privileged information, and I will  
24           instruct you not to answer the question.

25                 To the extent that such a question is asked

1 and after I have made my objection and instruction,  
2 to the extent that you have any personal knowledge  
3 not derived from the investigation that would be  
4 responsive to the question, you should answer it  
5 fully and completely.

6 To the extent that a question is asked and I  
7 do not object to the question but you know that the  
8 answer would require you to divulge information  
9 that you learned as a result of the investigation,  
10 you should state that, that I have an answer, but  
11 in order to answer the question, I would have to  
12 reveal something I learned as a result of the  
13 investigation, and I'll handle it from there.

14 Okay. What I don't want you to do is to  
15 reveal any privileged information. On the other  
16 hand, to make sure that your answers are complete  
17 and correct, you need -- if the question is asked  
18 to which you do have an answer, you need to say  
19 what I just told you, that is I have an answer, but  
20 it's privileged rather than making some other  
21 answer. Don't -- okay?

22 THE WITNESS: Yeah.

23 MR. LACKEY: Any questions about the  
24 instructions? You understand?

25 THE WITNESS: I understand.

1 MR. LACKEY: Okay.

2 - - -

3 LYNN LYTLE

4 ,being by me first duly sworn to testify the whole truth,  
5 as hereinafter certified, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. BECK:

8 Q. Ms. Lytle, my name is Charlie Beck and I'm  
9 going to start off with the questions. There may be  
10 others that ask some questions afterwards.

11 Could you state your full name, please?

12 A. Lynn Lytle, L-Y-T-L-E.

13 Q. Are you employed by Southern Bell?

14 A. I am.

15 Q. What is your position with the company?

16 A. Assistant manager.

17 Q. And could you be more specific?

18 A. I have maintenance and provisioning of special  
19 circuits, service order control and clerical.

20 Q. Is this in Fort Pierce?

21 A. It is.

22 Q. Okay. How long have you held that position?

23 A. About nine months.

24 Q. And what position did you hold before that?

25 A. Load control.



1 Q. Okay.

2 A. Station load control, station and cable load  
3 control.

4 Q. Okay. And that's also in Fort Pierce?

5 A. Yes, it was.

6 Q. And you're a manager of that area?

7 A. Assistant manager.

8 Q. Okay. How long did you hold that position?

9 A. About three years I think.

10 Q. Let me go back one more before that if I  
11 might. What position did you hold before that?

12 A. I'm trying to think of what they called it,  
13 field assist training liason, interdepartmental liason.

14 Q. Okay. Also in Fort Pierce?

15 A. Yes, sir.

16 Q. Okay.

17

18

19 A. Yes, sir.

20 Q. And who was present at that meeting?

21 A. Mr. Floyd Knowles and the personnel manager,  
22 whose name I don't recall right now.

23 Q. Okay.

24

25 A. Yes, they did.

1 Q.

2

3 A. Yes, but I don't recall it.

4 Q. Okay. What do you recall?

5 A. Very, very little. I don't think I really  
6 heard them.

7 Q. Okay.

8 A. I was very nervous then, too.

9 Q. Okay.

10

11 A. Yes, sir.

12 Q.

13

14 A. Yes, sir.

15 Q. Could you tell me what that was?

16 A. It involved my annual raise and individual  
17 incentive award.

18 Q. Okay.

19 A. Yes, sir.

20 Q. Okay.

21

22 A. No, sir.

23 Q. Okay. And they told you something, but you  
24 don't recall what it was?

25 A. I really don't.

1 Q.

2

3 A. Because I was a test center foreman.

4 Q. Okay.

5

6 A.

7

8

9 Q. Okay.

10 A. I don't know a lot more than that.

11 Q. Okay.

12

13 A. No, sir.

14 Q. No idea at all?

15 A. No.

16 Q. Okay. Okay. Do you have any knowledge of or  
17 have you heard of repair records or the repair time on  
18 out of service records being backed up to some time  
19 other than the cleared time?

20 A. Other than the cleared time?

21 Q. Yes.

22 A. No.

23 Q. So, to your knowledge then, the only time that  
24 the repair records have been backed up was to place it  
25 up to clear time?

1           A.    The actual restoral time.

2           Q.    Okay.  Have you ever had a practice in Fort  
3           Pierce or have you heard of a practice elsewhere where  
4           the maintenance administrator would be required to  
5           contact a manager to get the close-out codes for  
6           reports?

7           A.    Not so much the close-out codes.  They were  
8           required at times to call and let us know they were  
9           closing out some reports.

10          Q.    Okay.

11          A.    Just to assure that their thinking was  
12          correct.

13          Q.    Okay.  What type of reports would they have to  
14          check about?

15          A.    Failures, cable failures.

16          Q.    Okay.  How was their communication to the MAs  
17          to tell them that they would have to call to check about  
18          the codes for cable failures?

19          A.    I don't recall.

20          Q.    Okay.  Do you know if there were any written  
21          memorandum about that?

22          A.    I don't recall.

23          Q.    Okay.  Was it only at certain times?

24          A.    No, sir.

25          Q.    Okay.  It was just all cable failures, they

1 would have to call the manager?

2 A. Yes, sir.

3 Q. Okay. How long has that practice been in  
4 effect?

5 A. I can't answer that. I don't know.

6 Q. Okay. Can you recall it ever not being in  
7 effect?

8 A. No.

9 Q. Okay. Is it in effect now?

10 A. I don't know. I'm not over there. I don't  
11 know if they're still doing it or not.

12 Q. Okay. Was there anything other than cable  
13 failures or any other type of out of service reason for  
14 which the MAs would have to call managers for the  
15 close-out codes?

16 A. No, sir.

17 Q. Have you ever had a special telephone number  
18 that would be given to people having repeat service  
19 troubles for them to call to report their outages?

20 A. I believe at one time our service techs had a  
21 card with a number on it to the district office.

22 Q. Okay.

23 A. I don't know if that's still going on or not.

24 Q. Okay. And what would they do, hand it out to  
25 customers or --

1 A. Yes, sir. I guess.

2 Q. Okay. What would happen after the customer  
3 called the district office?

4 A. The district office called the maintenance  
5 center and a trouble report was then entered.

6 Q. Did the person in the district office call a  
7 maintenance administrator?

8 A. I think they called the second level's number  
9 or the clerical lines, the main number into the test  
10 center.

11 Q. Okay. Would that be yourself at any times?

12 A. No.

13 Q. Okay. What would be the purpose of using that  
14 number?

15 A. We never really understood it. I think when  
16 it was initiated, they thought they could reduce repeat  
17 reports this way, but they could not. The customer  
18 initiated the call. It was always a customer direct  
19 report.

20 Q. Okay. Do you know of any instances where a  
21 report would not be opened on one of those calls to that  
22 number?

23 A. No.

24 Q. Okay. You're emphatic about that. Why are  
25 you emphatic?

1           A.    Because it's the only way you can operate.  
2           You can't operate without a customer report.

3           Q.    Okay. Okay. Are you familiar with the CON  
4           codes?

5           A.    I am.

6           Q.    Okay. And are those used at times when a  
7           customer asks that the repair be done at some other time  
8           other than what was offered to the customer?

9           A.    Yes.

10          Q.    Okay. Do you know of or have you heard of CON  
11          codes being used on trouble reports where the customer  
12          did not ask for a different time?

13          A.    No.

14          Q.    Do you know of or have you heard of statusing  
15          affecting service troubles as out of service troubles?

16          A.    No.

17          Q.    Okay. Have you ever discussed with any other  
18          managers or any maintenance administrators the statusing  
19          of a cable failure that should have been affecting  
20          service statusing as out of service?

21          A.    No, sir.

22          Q.    Do you recall a meeting somewhere in the time  
23          frame of May or May to August of 1989 where Mr. England,  
24          Donny Porter, yourself, Mr. Figler, and Ms. Roberts were  
25          present where a cable failure was discussed? Do you

1 recall such a meeting?

2 A. I do not recall that meeting, no.

3 Q. Okay. Do you recall any discussion at any  
4 time about statusing a cable failure that should have  
5 been affecting service as out of service?

6 A. No. It's very rare that a cable failure is  
7 not out of service.

8 Q. How about in --

9 A. Very rare.

10 Q. Okay. How about any other instances of  
11 statusing affecting service reports as out of service?

12 A. No.

13 Q. You have not had any discussions with anybody  
14 about that?

15 A. No.

16 Q. Do you know of or have you heard of, of  
17 reporting on the trouble report that the customer  
18 granted an extension of time without the customer being  
19 contacted?

20 A. No.

21 Q. Okay. Do you know of or have you heard of  
22 excluding out of service reports that were about to miss  
23 a commitment and then having those reports reopened as  
24 an employee report?

25 A. No, sir.



1 Q. Okay. Do you know of any instances where a  
2 customer directed report was closed and then opened as  
3 an employee-generated report?

4 A. No, sir.

5 Q. Do you know of any means of building or do you  
6 know of or have you heard of any means of building up  
7 the out of service base improperly?

8 A. Yes, sir.

9 Q. Could you tell me about that?

10 A. We had a cable failure in the central office,  
11 an existing cable failure in a central office whereby we  
12 were about to miss the 95 percent because of a very low  
13 base, and some customer direct reports were added to the  
14 failure.

15 Q. Okay. Were the customer direct reports added  
16 incidences where the customer had not reported a  
17 failure?

18 A. Correct.

19 Q. Okay. Do you recall what exchange that was  
20 with?

21 A. No, sir.

22 Q. Do you recall the approximate time frame?

23 A. Absolutely not.

24 Q. Okay.

25 A. I do not retain figures at all, including

1        dates.

2            Q.    Okay.    Who was involved in adding the customer  
3        reports that -- where the customer didn't call in?

4            A.    I honestly cannot answer that question  
5        truthfully.

6            Q.    Okay.    What do you recall about it?

7            A.    I remember dialing in some reports.

8            Q.    Okay.    Did you dial into the MAs?

9            A.    No, I dialed to the automated repair number.

10          Q.    AERO?

11          A.    Yes, sir.

12          Q.    Capital A-E-R-O?

13          A.    Capital A-I-R-O.

14          Q.    A-I-R-O.    Okay.

15          A.    I think.

16          Q.    Okay.    And do you recall about how many  
17        reports?

18          A.    No, sir.

19          Q.    And did you dial in from customers who would  
20        have been affected by the cable failure?

21          A.    Yes.

22          Q.    Or did you check to see that the customers  
23        whose numbers you were dialing into AIRO were people who  
24        were affected by the failure, or were they just --

25          A.    Well, it was a known severed cable.    They

1 would have been affected.

2 Q. Okay. But you checked to see that the numbers  
3 you were calling in were persons that were affected?

4 A. Yes, sir.

5 Q. Okay. Did you discuss the -- this event with  
6 anybody, dialing into the AIRO of the reports on that  
7 cable failure?

8 MR. TYNAN: I'm going to object to the form of  
9 the question unless you specify something with more  
10 particularity. With anyone, I think that's too  
11 general and vague. I want it narrowed down,  
12 please.

13 Q. (BY MR. BECK) Have you discussed it with any  
14 Southern Bell employees?

15 A. I don't recall doing so, but that doesn't --

16 Q. Okay.

17 A. I'm not saying I didn't.

18 Q. That's all I'm asking is what you can  
19 remember.

20 A. I don't recall. It was a very tiny portion of  
21 a long career.

22 Q. Okay.

23 A. I didn't have reason to recall this.

24 Q. Okay. We're just trying to find out what  
25 happened. What led you to do that?

1 A. To build the base.

2 Q. Okay.

3 A. Not to miss that central office's PSC ruling.

4 Q. Okay. Did anybody suggest that you should do  
5 that?

6 A. I, I don't know where it came from. I  
7 honestly don't.

8 Q. Okay. Okay. Did you ever discuss it with  
9 Mr. England?

10 A. I don't recall discussing it with  
11 Mr. England.

12 Q. Okay. Okay. How about with Mr. Porter, did  
13 you ever discuss it with him?

14 MR. TYNAN: Time frame. Before or after the  
15 event occurred?

16 MR. BECK: Either. Either, either talk about  
17 doing it or having done it.

18 A. Very, very little. I recall talking to  
19 somebody after it was done and relaying how badly I felt  
20 because we've always been such a clean center.

21 Q. Okay. Do you recall who that someone was?

22 A. No, sir.

23 MR. TYNAN: I assume you're not referring in  
24 any way to her discussions with me?

25 MR. BECK: Oh, no. I'm not referring to

1           counsel.

2           MR. TYNAN: Okay.

3           MR. BECK: I'm talking about Southern Bell  
4           employees.

5           THE WITNESS: Understood.

6           Q. (BY MR. BECK) Okay. And do you recall what  
7           that person said after you told them about feeling badly  
8           about it?

9           A. No.

10          Q. Okay. Okay. Do you know of or have you heard  
11          of any other means being used in your center in Fort  
12          Pierce to build the out of service base?

13          A. No, sir.

14          Q. Do you know of or have you heard of fictitious  
15          employee codes being used on trouble reports?

16          A. No, sir.

17          Q. Okay. Are you aware that certain exclude  
18          codes will take a report out of the PSC rule  
19          requirement?

20          A. Yes, sir.

21          Q. Okay. Have you ever heard of those exclude  
22          codes being-used in instances where they weren't  
23          properly applied to the report?

24          A. No, sir.

25          Q. Do you know of any other means or have you

1 heard of any other means being used to exclude reports  
2 from being counted toward the PSC report?

3 A. No, sir.

4 Q. Okay. Do you know of or have you heard of any  
5 other means of falsifying information on customer  
6 trouble reports?

7 A. No, sir.

8 Q. Okay.

9 MR. BECK: Thank you. That's all I have.  
10 There may be others.

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

12 MR. LACKEY: I have just a couple of  
13 questions, please.

14 CROSS-EXAMINATION

15 BY MR. LACKEY:

16 Q. I may have missed this when you answered  
17 Mr. Beck. Do you recall what exchange was involved?

18 A. No, I don't not.

19 Q. You don't know whether it was Hobe Sound?

20 A. Hobe Sound --

21 Q. Hobe Sound.

22 A. -- or South Port were always problem offices  
23 to cover is all I can tell you.

24 Q. Okay. But you can only recall this one  
25 instance where something like this happened?

1 A. Yes, sir.

2 Q. And you don't remember which exchange it was?

3 A. No, sir.

4 Q. Okay. One of the other instances that I'm  
5 concerned about may have taken place back in May to  
6 August of 1989, somewhere in that time frame, and it  
7 involved I believe a cable cut and an instruction given  
8 to an MA to indicate that it was an out of service  
9 failure instead of a service affecting failure.

10 A. Yes, sir.

11 Q. Ms. Roberts -- do you know Ms. Barbara  
12 Roberts?

13 A. Yes, sir.

14 Q. Okay. She indicated yesterday that there was  
15 some discussion about how that particular cable cut  
16 should be treated, whether it was service affecting or  
17 out of service.

18 Do you have any recollection of a meeting with  
19 Ms. Roberts or a conversation with  
20 Ms. Roberts during the time frame I've described  
21 addressing such a situation?

22 A. Barbara had all the maintenance administrators  
23 reporting to her at the time. We had many discussions  
24 because Barbara was new. To recall one, no.

25 Q. Okay. Nothing sticks out in your mind?

1           A.    No.  I do recall one situation where we paid a  
2           maintenance administrator overtime to stay on a very  
3           large cable.  She sat at my desk where she could  
4           communicate with the men in the field on the radio.  
5           They were clearing hundred pair complements at a time,  
6           and we were trying to close out those hundred pair  
7           complements at a time.  Some of them went over 24 hours,  
8           some of them were done in just a few hours, because it  
9           involved a large conduit run and this MA was instructed  
10          to status this cable failure out of service and she did  
11          not.  If that's what Barbara is referring to, I don't  
12          know.  But I do recall that particular one.

13          Q.    But the cables were out of service then?

14          A.    Absolutely out of service, and some of them  
15          over 24 hours and she had -- the MA had a direct order,  
16          so to speak, to status those failures out of service and  
17          she did not.

18          Q.    But you don't know whether that was what  
19          Ms. Roberts was talking about?

20          A.    I have no idea.

21               MR. LACKEY:  Okay.  Thank you.

22                       CROSS-EXAMINATION

23          BY MR. TYNAN:

24          Q.    With respect to the cable cut that you were  
25          referring to in your earlier testimony that you reported



1 the -- certain lines on that cable out of service, they  
2 in fact were out of service, were they not?

3 A. Yes, they were.

4 Q. So, to the extent that you reported that  
5 information into the system, it was a true and accurate  
6 report?

7 A. Yes, sir.

8 Q. It's just that you reported it and not some  
9 customer?

10 A. Correct.

11 Q. All right. At that time, I'm not talking  
12 about now, but at that time, do you know if doing that  
13 violated any Public Service Commission or company rule,  
14 regulation or whatever?

15 A. Not to my knowledge.

16 Q. All right. Does it now?

17 A. There are stricter guidelines now, yes.

18 Q. All right. Can that --

19 A. Company guidelines.

20 Q. All right. Does that cable failure with no  
21 service to the customers get reported into the system  
22 somehow now?

23 A. No. Not unless the customer reports.

24 Q. You mean -- but would your company be aware of  
25 it?

1 A. Yes, sir.

2 Q. If it was a whole cable failure?

3 A. Yes, sir.

4 Q. And do you have the same kind of time frames  
5 to complete the work like they talk about on this Public  
6 Service Commission business, 95 percent done in a  
7 24-hour period?

8 A. Yes, sir.

9 Q. How would you know in the system if you didn't  
10 report it in that the cable was cut?

11 A. You don't.

12 Q. How in the world can you meet that time frame  
13 then if nobody knows it?

14 A. Your time frame starts when your customers  
15 report.

16 Q. Oh, I see. All right. Do you have any  
17 internal time frames that you attempt to meet?

18 A. No.

19 Q. You don't attempt --

20 A. As quick as we can.

21 Q. As quick as possible?

22 A. Yeah.

23 Q. All right. That's all. Thank you.

24 A. Cable failures are always your fastest  
25 restoration.

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MR. BECK: Okay. Thank you very much.

MR. TYNAN: All done.

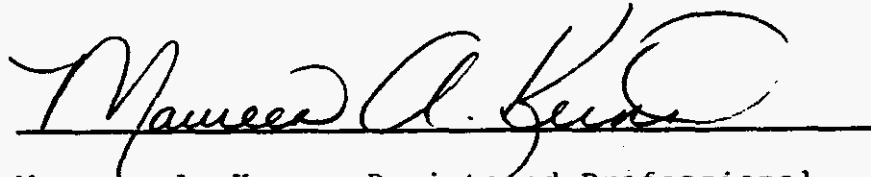
MR. LACKEY: Thank you. Appreciate it.

(Concluded at 11:00 a.m.)

C E R T I F I C A T E

I, Maureen A. Kerns, Registered Professional Reporter, CM, and Notary Public, State of Florida at Large, do hereby certify that the foregoing deposition of LYNN LYTLE was taken before me in this cause at the time and place and in the presence of counsel as set out herein; that before giving his/her deposition, the witness was duly sworn by me to testify the whole truth; that the foregoing pages constitute a true record of his testimony of the witness and of all proceedings had.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor am I interested in the outcome of the action.

A handwritten signature in cursive script, reading "Maureen A. Kerns", is written over a horizontal line.

Maureen A. Kerns, Registered Professional Reporter and Notary Public, State of Florida at Large. Commission Expires: Dec. 20, 1994

ERRATA SHEET

PURSUANT TO RULES OF CIVIL PROCEDURE, this deposition is being submitted to you for examination, reading and signing. Please do not write on the transcript. Any change in form of substance you desire to make should be entered upon this sheet as follows:

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THE FLORIDA COURT REPORTING CO.  
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*M. Watson*

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 ) DOCKET NO. 910163-TL  
TELEPHONE & TELEGRAPH COMPANY'S )  
Repair Service Activities and )  
Reports. )

COPY

DEPOSITION OF: GARY MASER

TAKEN AT THE INSTANCE OF: The Citizens of the State of  
Florida, by and through Jack  
Shreve, Public Counsel

DATE: Thursday, July 30, 1992

TIME: Commenced at 11:00 a.m.  
Concluded at 11:45 a.m.

LOCATION: 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 STENOGRAPH REPORTERS, INC.  
100 SALEM COURT  
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ACCURATE STENOGRAPH REPORTERS, INC.

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## ALSO PRESENT:

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Regulatory Review.

STAN GREER, FPSC Division of Communications.

\* \* \* \* \*

I N D E XWITNESS:PAGE

GARY MASER

Direct Examination by Ms. Richardson

6

CERTIFICATE OF REPORTER

21



S T I P U L A T I O N S

The following deposition of GARY MASER was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

GARY MASER

was called as a witness and, after being first duly sworn, was examined and testified as follows:

MR. ANTHONY: Before we begin, the same stipulations as before.

MR. HILDEBRANDT: Correct. Fine.

MS. RICHARDSON: Mr. Hildebrandt, would you like to put in an appearance for the record?

MR. HILDEBRANT: Sure. My name is Mark Hildebrant, and I am here on behalf of the witness, Mr. Maser.

MR. ANTHONY: Mr. Maser, just one thing before we get started. As you may be aware, these depositions

are a part of the Florida Public Service Commission's investigation into Southern Bell's trouble reporting practices. As you may also be aware, the Company has conducted its own investigation into the trouble reporting practices. That investigation is privileged, which means no third party can get it from the Company. So, to the extent that you get a question from anybody which goes to your knowledge about that investigation, I'm going to ask you not to answer the question. So, if I ask you not to answer, I just want you to be aware that may be coming to you, okay? Do you understand?

THE WITNESS: Yes, I understand.

MR. ANTHONY: Thank you.

MS. RICHARDSON: And just to be clear, you are to let me know that you did have some information, and give him an opportunity to object. Just don't automatically assume that you don't answer it.

THE WITNESS: Okay.

MS. RICHARDSON: And then I have just a few opening preliminaries that I want to make sure we are understanding, so that when we both read the record we both know what we said.

THE WITNESS: All right.

MS. RICHARDSON: Under "I don't know," if I ask you a question, and you tell me you don't know, okay,

or I ask you do you know someone or an event or an incident that may have happened, for me that means that you have no personal direct knowledge of that person or the event or whatever we are discussing. And you have no secondhand knowledge, you haven't heard about it from any source, okay? Pretty much the same thing applies for "I don't remember," "I can't recall," absolute blank. There is nothing else floating around out there, kind of vague memories. If you have them out there, the little vague memories, tell me, "I don't really know, but there is something; I had something to do with that," or "I remember we did something about it, I just can't tell you specifically." And that will give me an opportunity to maybe ask some more questions and try to boost your memory on it. Okay?

THE WITNESS: I understand.

DIRECT EXAMINATION

BY MS. RICHARDSON:

Q All right. Then, if you would to start, please, if you will give the court reporter your name and spell it for her, so that we have it accurately?

A Gary Maser, M-A-S-E-R.

Q Okay. And your address?

A 2026 Discovery Circle East, Pompano Beach 33064.

Q Now what is your present position?

A I am Assistant Manager in the Installation Maintenance Control Center in Hollywood, Florida.

Q You drive from Pompano to Hollywood every day?

A Every day.

Q I'm impressed.

A On the Turnpike.

Q On the Turnpike. Okay. And how long have you held this position?

A In Hollywood, approximately two years.

Q Two years, dating from about the first of 1990, around the first of 1990?

A I think it was June, June of 1990.

Q June of 1990.

A Let me make that September, September 1st is when I reported.

Q Okay. Who is your present supervisor?

A Nicole Maxwell.

Q All right. And who is her supervisor?

A Izzy Perera.

Q What did you do prior to your move to the Hollywood IMC, what was your position?

A I held the same title, Installation Maintenance Center Load Control Supervisor in Orlando, Florida.

Q And how long did you hold that position?

A Approximately two years.

Q And what did you do prior to that?

A I was an outside service tech supervisor in charge of installation and repair.

Q And so you supervised the employees who actually went out and did the actual repair, the hands-on stuff?

A Correct.

Q And did that require some technical expertise on your part to do that?

A Yes. I was a service tech prior to that.

Q How long have you been with the Company?

A Since 1973.

Q And what did you start out as?

A Service tech.

Q You were a service tech at that point, okay. What is the scope of your present duties, what exactly are you all involved in at the IMC?

A Primarily dispatching service techs on the job that they are going to be performing for that day.

Q Then in terms of the customer trouble reporting process as it kind of flows through this system, would you have any responsibilities for actually receiving the customer trouble report?

MR. HILDEBRANDT: Based upon the advice of Counsel at this time the witness is respectfully going to invoke his Fifth Amendment rights, against

self-incrimination guaranteed to him under the Constitution of the United States.

MS. RICHARDSON: For that question?

MR. HILDEBRANDT: Well, we'll see what else follows.

MS. RICHARDSON: Well, you will interject each time?

MR. HILDEBRANDT: Right.

MS. RICHARDSON: Okay, Mr. Hildebrandt, thank you.

BY MR. RICHARDSON:

Q In your present position, then, supervising the STs, do you have any responsibility for taking the report after it has been received and working on the repair section of that report, the timing of the repair part?

MR. HILDEBRANDT: Same objection, same advice to the witness.

MS. RICHARDSON: Okay.

BY MS. RICHARDSON:

Q Mr. Maser, in terms of your present scope of responsibilities and your supervising of employees, do you have any responsibility for handling a trouble report from the point of time it is dispatched to the field to the time it is cleared and closed?

MR. HILDEBRANDT: Same objection, same advice to the witness.

MS. RICHARDSON: Okay.

MR. HILDEBRANDT: If you want to expedite this thing, you know, you want to go question by question, fine. I believe from now on out he will be invoking his Fifth Amendment rights guaranteed to him by the Constitution. If you want to go question by question, you can do that, but I think that he has given you all that he will at this point in time. You know, you're asking the questions, so however you want to do it.

MS. RICHARDSON: Okay. We will continue on, if we may, please.

MR. HILDEBRANDT: Fine, anyway you would like.

MS. RICHARDSON: Thanks, Mr. Hildebrandt.

BY MR. RICHARDSON:

Q Within the Company's structure, do employees, management employees, receive a written job description for their duties and responsibilities?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, have you been disciplined recently by the Company?

MR. HILDEBRANDT: Same -- were you through? I'm sorry. Same objection same advice to the witness.

MS. RICHARDSON: Okay.

1 BY MS. RICHARDSON:

2 Q Mr. Maser, were you disciplined in 1990 by the  
3 Company?

4 MR. HILDEBRANT: Same objection, same advice to  
5 the witness.

6 BY MS. RICHARDSON:

7 Q Mr. Maser,

8 :

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10 MR. HILDEBRANDT: Same objection. Same advice to  
11 the witness.

12 BY MS. RICHARDSON:

13 Q Mr. Maser,

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16 MR. HILDEBRANT: Same objection. Same advice to  
17 the witness, and objection to the form of the question.

18 BY MS. RICHARDSON:

19 Q Mr. Maser,

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MR. HILDEBRANT: Same objection, same advice to  
the witness.

BY MS. RICHARDSON:

Q Mr. Maser, have you read anything in the newspaper  
related to this present investigation?



MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, have you ever backed up repair times to meet an out-of-service over 24 hours index?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q And do you know of anyone else who has?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of any process in any IMC where MAs were directed to call a manager to receive disposition and cause codes to close out a trouble report?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever had that procedure in your IMC?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever heard of that being done?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, are you familiar with disposition and cause codes used on trouble reports?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has used a no access code to stop the clock on an out-of-service report?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has excluded out-of-service reports that were about to miss the 24-hour clock, or exceed it, to exclude that report or close it and then re-open a new report in order to actually clear and close the trouble?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to

the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has recorded an extension of a commitment time on a report in order to stop that 24-hour clock from ticking?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has used the carry-over no, or the CON code to stop the 24-hour clock on a trouble report?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever heard of that being done?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, are you aware of the Company's change in policy where the Company has directed employees to no longer use the CON carry-over no code?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has taken test okay reports and closed them out-of-service in order to meet the out-of-service index?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever heard of that being done?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has unintentionally violated Company policies and procedures on customer report handling?

MR. HILDEBRANT: Same objection, same advice to

the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who may have done so through misinterpretation?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you know of anyone who has used an employee code other than their own to enter information on a customer trouble report?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who has used excludable disposition and cause codes to exclude an out-of-service report from the 24-hour index base?

MR. HILDEBRANDT: Same objection, same advice to

the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of any other means or way of building the out-of-service base in order to meet a 95 percent objective on the repair index?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who has used any other means, or any means whatever, to build the base to meet that 95 percent index?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who has taken affecting service reports, statused them as out-of-service reports, in order to build the base to meet that 95 percent index?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q And have you ever heard of someone doing so?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Do you know of anyone who has falsified a customer record?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you ever done so yourself?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Have you heard of it being done?

MR. HILDEBRANDT: Same objection, same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, do you recall being interviewed by Company security regarding Company sales?

MR. HILDEBRANT: Same objection. And also an objection to attorney/client privilege on behalf of the witness, who would have been the client. He is not

waiving it. He is not waiving the privilege, so the record is clear.

MS. RICHARDSON: Okay.

BY MS. RICHARDSON:

Q Mr. Maser, did you win an award for your participation in the sales program with the Company?

MR. HILDEBRANT: Same objection, being the Fifth Amendment at this time, and I would advise the witness not to answer that.

MS. RICHARDSON: Based upon?

MR. HILDEBRANDT: The Fifth Amendment.

MS. RICHARDSON: And the attorney/client, or just the Fifth Amendment?

MR. HILDEBRANDT: No, I don't think you asked anything attorney/client, but the Fifth Amendment.

MS. RICHARDSON: Okay.

BY MS. RICHARDSON:

Q Mr. Maser, do you know a Don Babair?

MR. HILDEBRANDT: Same objection, Fifth Amendment. Same advice to the witness.

BY MS. RICHARDSON:

Q Mr. Maser, did you have conversations with a Ms. Jona Bradley (phonetic) regarding sales taken and reported by Marshall Taylor?

MR. HILDEBRANDT: Same objection, Fifth Amendment,



and advise the witness not to answer.

MS. RICHARDSON: On the basis of attorney/client?

MR. HILDEBRANDT: No, on the basis of the Fifth Amendment.

MS. RICHARDSON: Just the Fifth Amendment?

BY MS. RICHARDSON:

Q And for the record, will you please state out loud that you have refused to answer any of my questions on the basis of your attorney advising you to take the Fifth Amendment privilege? If you would make that orally for the court reporter, I would appreciate it.

A How do you want me to state it?

Q Well, however, that you are just not responding because of your attorney's advice.

A I am not responding due to my attorney's advice.

MS. RICHARDSON: Thank you. I have no further questions at this point, but the staff may wish to pose one or two before I can let you go. .

MS. WILSON: I have no questions.

MR. GREER: No.

(The deposition was concluded at 11:45 a.m.)

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )


COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 20 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.

WITNESS MY HAND AND SEAL this 13<sup>th</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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 )

**CERTIFIED  
COPY**

DEPOSITION OF THE WITNESS, DONALD R. PORTER,  
TAKEN BY OFFICE OF THE PUBLIC COUNSEL,  
ON TUESDAY, JULY 28TH, 1992.

Riviera Beach, Florida  
9:24 a.m. - 10:00 a.m.

APPEARANCES:

CHARLES J. BECK, ESQUIRE  
Assistant Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida, 32399-1400  
on behalf of the Citizens of the  
State of Florida.

TRACY HATCH, ESQUIRE  
Florida Public Service Commission  
Chief Bureau of Communications  
Division of Legal Services  
101 East Gaines Street  
Tallahassee, Florida, 32301  
on behalf of the Florida Public  
Service Commission.

(APPEARANCES CONT. ON PAGE TWO)

APPEARANCES CONT.:

TERRILL BOOKER, ENGINEER  
 Florida Public Service Commission  
 Bureau of Service Evaluation  
 Division of Communications  
 101 East Gaines Street  
 Tallahassee, Florida, 32399-0866

R. DOUGLAS LACKEY, ESQUIRE  
 Southern Bell Telephone & Telegraph  
 675 West Peachtree Street  
 Suite 4300  
 Atlanta, Georgia, 30375  
 on behalf of Southern Bell  
 Telephone & Telegraph.

JOHN P. TYNAN, ESQUIRE  
 P.O. Box 777  
 212 South Old Dixie Highway  
 Jupiter, Florida, 33458  
 on behalf of the Deponent, Donald Porter.

- - -

I N D E X

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E X H I B I T S

(none)

1                   The deposition of DONALD R. PORTER was  
2           taken before me, Maureen A. Kerns, Registered  
3           Professional Reporter, CM, and Notary Public, State of  
4           Florida at Large, at the offices of Southern Bell  
5           Telephone & Telegraph Company, 3650 Avenue E, Room 316,  
6           in the City of Riviera Beach, County of Palm Beach,  
7           State of Florida, on Tuesday, July 28th, 1992, beginning  
8           at 9:24 a.m., pursuant to the Notice filed herein, at  
9           the instance of the Office of the Public Counsel in the  
10          above-entitled cause pending before the above-named  
11          Court.

12                   - - -

13                   MR. LACKEY: Mr. Porter, I'm Doug Lackey, and  
14           I'm representing Bell South Telecommunications,  
15           Inc., Southern Bell, and we have been operating  
16           these depositions under three stipulations which  
17           I'm going to explain to you now. Two are basically  
18           for the benefit of the lawyers and one is for your  
19           benefit.

20                   The first is that there's no objection as to  
21           the time or place of taking the deposition, here  
22           and now. The second is that we're reserving  
23           objection except as to the form of the question and  
24           the relevancy of the question until the time of  
25           first use.

1           What that means is that normally if Mr. Beck  
2           would ask you a question that would be  
3           objectionable in a court of law, other than the  
4           form of the question he asked you, we don't  
5           object. We just waive and you go ahead and answer  
6           the question. That's a standard stipulation.  
7           Nothing different than we normally do.

8           The last stipulation is the one that should be  
9           of primary interest to you and that is this lady is  
10          taking down all the questions and all the answers  
11          that are being given. If this deposition is  
12          subsequently transcribed, that is typewritten,  
13          you'll be sent a copy and will be given an  
14          opportunity to read it and to make any corrections  
15          and then sign it before it's used. And that's the  
16          third stipulation. The reading and signing of the  
17          deposition is not waived.

18          Now, before we begin the deposition, I have an  
19          instruction that I need to give you; and if after  
20          I'm done, you don't understand what I've said or  
21          you want me to explain any part of it, I'll be  
22          happy to do that.

23          To the extent that any question that Mr. Beck  
24          or Mr. Hatch asks you calls for an answer that  
25          would be based on information that was derived from

1 the investigation that was done by Southern Bell at  
2 the direction of its legal department, I will  
3 object to that question on the grounds that it  
4 calls for privileged information, and I will  
5 instruct you not to answer the question.

6 To the extent that such a question is asked  
7 and you have personal knowledge not obtained as a  
8 result of the investigation, you should go ahead  
9 and answer the question fully and completely.

10 To the extent that a question is asked and I  
11 don't object to it, but you know that in order to  
12 answer that question, you're going to have to tell  
13 them something that you learned as a result of the  
14 investigation, you should indicate that. You  
15 should say I have an answer to your question, but  
16 the information that I have I learned during the  
17 course of the investigation, the interviews or  
18 whatever, and once you do that, then I'll step in  
19 and take care of it from there.

20 The important thing is that if you're asked a  
21 question, you should answer completely, but if it's  
22 going to cause you to reveal what I'm calling  
23 privileged information, you should tell me that  
24 before you answer so that I can take appropriate  
25 action. Is the instruction clear or do I need to

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THE WITNESS: I think so.

MR. LACKEY: Thank you, sir.

- - -

DONALD R. PORTER

being by me first duly sworn to testify the whole truth,  
as hereinafter certified, testified as follows:

DIRECT EXAMINATION

BY MR. BECK:

Q. Mr. Porter, my name is Charlie Beck, and I'm  
going to start with the questions. Others may have some  
after I'm done.

Your name is Donald R. Porter?

A. That's correct.

Q. And you are employed by Southern Bell?

A. I am.

Q. What is your position with Southern Bell?

A. I am an assistant manager, IMC.

Q. Where is that?

A. In Fort Pierce.

Q. How long have you held that position?

A. Well, about 14, 15, 16, 17 years. Since '76 I  
think it is. Since '74. Since '74, I'm sorry.

Q. Okay. And could you briefly describe what  
that position entails?



1           A.    What my job briefly entails is analyzation of  
2   trouble reports, after close out, during their close  
3   out, during their being in the pool to be dispatched on  
4   before they're closed out. Basically an analytical job  
5   I guess you would say.

6           Q.    Okay.

7           A.    I also back up other supervisors in their  
8   positions when they're off days, vacations, stuff of  
9   that nature.

10          Q.    Okay.

11  
12          A.    Yes, I did.

13          Q.    Was there a meeting where that took place or  
14   meeting to discuss it?

15          A.    There was a meeting to present me with the,  
16   with the -- with my, with my boss.

17          Q.    Okay. Do you recall who the people were who  
18   were present at that time?

19          A.    F. R. Knowles, and I do not remember the other  
20   gentleman. He was not from our turf. He was from  
21   personnel I believe.

22          Q.    Okay.

23  
24          A.    Well, yes.  
25

1 Q. Okay.

2

3 A.

4

5 Q. Did they tell you?

6 A. Not that I recall.

7 Q.

8

9 A. No, I didn't.

10 Q. Why not?

11 A.

12

13

14

15 Q. Do you have any opinion about what type of  
16 record keeping was involved that formed the basis for  
17 the discipline?

18 A. Not really. Not 100 percent, no.

19 Q. Okay. What do you believe it to be?

20 A.

21 Q. In what way?

22 A. I'm not sure. I'm not sure at all about it.

23 Q. Okay.

24

25

1 A.

2 Q. Okay.

3

4 A.

5

6 Q. Okay

7

8 A. That's about all we do in there.

9 Q. Okay

10

11 A. Yes.

12 Q. And what was that?

13 A.

14

15 Q. Okay.

16

17 A. No.

18 Q. And again why not?

19 A.

20

21

22 Q. Okay. Do you know what time period was  
23 involved with respect to problems with the trouble close  
24 outs?

25 A. No. Close outs, no.

1 Q. Do you have an opinion?

2 A. No.

3 Q. Do you have any knowledge or have you heard of  
4 backing up the times for the repair times on out of  
5 service reports?

6 A. I guess I don't really thoroughly understand  
7 that.

8 Q. Okay. Let me try and rephrase it. Do you  
9 know of or have you heard of times for repairs being  
10 affected that are entered on repair records, those times  
11 being backed up to some other time?

12 A. Most certainly.

13 Q. Okay. Could you describe the circumstances  
14 where that would occur?

15 A. Yes, I think so. An individual most of the  
16 time, something of that nature would happen with a cable  
17 repairman where, well, it's 9:30 and say that cable  
18 repairman came to work at 8 o'clock and picked up this  
19 case in trouble and he actually cleared it at 9:30, but  
20 he had a couple of hours to go in buttoning up, closing  
21 up his supplies and one thing or another, and it's onto  
22 12 o'clock in the day or it may be even 1 o'clock in the  
23 afternoon. He may have gone to lunch and then called.  
24 Well, to close that out at 1 o'clock would be wrong, and  
25 it would be backed up till 9:30 when he actually had the

1 customer back in service.

2 Q. Okay. Is that procedure in effect now?

3 A. No, sir.

4 Q. Okay.

5 A. Pardon me? It is in effect now. It just does  
6 not apply to the rule of the PSC at this time. At this  
7 time, if that same scenario had have happened, you would  
8 have been, as far as the PSC, it would still be the 1  
9 o'clock close-out time, which is wrong.

10 Q. Okay.

11 A. You know, we had the customer back in service  
12 at 9:30 in the morning and that's when the customer  
13 should be shown back in service, not at 1 o'clock.

14 Q. So, the present rule has or puts the close-out  
15 time at the time the service tech calls in?

16 A. Calls in and it's closed out in the computer.

17 Q. Okay.

18 A. And it's very tough to have a cable repairman  
19 stop right in the middle of everything he's doing and  
20 call in and close this out, so --

21 Q. When was that change put into effect?

22 A. This year.

23 Q. Okay. Okay. Do you have any knowledge or  
24 have you heard of times being backed up to a time other  
25 than the cleared time on repair records?

1 A. No, sir.

2 Q. You know, in your example, say the service  
3 tech called in at 1:30 and the repair time was put in at  
4 8:30 instead of 9:30, do you have any knowledge of false  
5 clear times being entered on service records?

6 A. No, sir.

7 Q. Have you heard of that happening?

8 A. No, sir.

9 Q. Okay. Have you had a procedure in effect  
10 where the maintenance administrators would be required  
11 to call a manager to get the close-out codes for service  
12 problems?

13 A. No, not really. There are some codes that  
14 would be mandatory to be closed out, in the case of a  
15 contractor tearing up a cable and billing being involved  
16 as the company billing the contractor that cut the  
17 cable. That would -- if you had a damage like that, you  
18 would have to be certain that that would be closed out  
19 to that particular code because it automatically -- it  
20 has to be closed out to that code in order for the  
21 contractor to be billed.

22 Q. Okay. Was there a procedure in effect for  
23 that where if a contractor was involved, the maintenance  
24 administrator would be required to contact the manager  
25 for the close-out code?

1           A.   No, sir.  Actually that is more or less taken  
2           care of with the cable repairman and the cable repair  
3           foreman.

4           Q.   Okay.

5           A.   That they know that this code has got to be  
6           used in order to bill, to bill the contractor.  It's  
7           just at one time I don't -- where the bill applies to  
8           billing a contractor, you had to close this out and I  
9           think you still do.

10          Q.   Okay.  Were there any types of outages where  
11          the maintenance administrators were required to contact  
12          the manager for the close-out code other than that that  
13          you've discussed?

14          A.   Not that I'm aware of.

15          Q.   Okay.  Have you ever had a telephone number in  
16          Fort Pierce that you would provide to customers who  
17          would have repeat outages so that they could call to get  
18          repairs, a special telephone number?

19          A.   No, sir.

20          Q.   Okay.  So, even if you were a repeat customer,  
21          they would just call in the same number for repairs as  
22          anybody else would?

23          A.   Well, there are repeat reduction programs to  
24          check back.  We retest the customer's lines.  We have  
25          systems that if say your trouble -- say your telephone

1 had been in trouble, we have systems that retest your  
2 number for 30 days and prints out a printout every  
3 morning that if you had had trouble in the last 30 days,  
4 it would come up on this printout and say this fellow  
5 has had trouble in the last 30 days and it doesn't look  
6 like he's doing real well this morning, so to speak, and  
7 we would have an MA at that time take that list, which  
8 is printed out from Miami, and she would go over these  
9 and retest them. And in some cases, we would at that  
10 point, according to our practice, make up a report to go  
11 back out on your phone.

12 Q. Sure. But that's because you're computerized  
13 testing mechanism would locate that number?

14 A. That's exactly right, um-hum.

15 Q. But how about giving the customers a special  
16 number to call for repeat problems?

17 A. No, sir. We have raised heck about that for a  
18 long time, because we just don't have the personnel,  
19 that luxury with personnel people that we can take this  
20 trouble. They have a group in Miami that that's their  
21 job.

22 Q. Okay. Do you know of or have you heard of the  
23 use of CON codes to stop the clock on out of service  
24 troubles?

25 A. The CON code?



1 Q. Um-hum.

2 A. Well, the CON code would throw it out of the  
3 base, but no, sir. The CON -- excuse me.

4 Q. It would throw it out of the base because it  
5 would report it as the customer asking for an extension  
6 of time, wouldn't it?

7 A. An example would be this morning, that the  
8 customer called in and said he wouldn't be home until  
9 Saturday. What is today? Tuesday. You've got it --  
10 you know, it's not our fault. The customer knows he's  
11 got an inside problem or a yard problem with a dog or  
12 something, and that CON code was used very good at that  
13 time, too, to put this thing off until Saturday and then  
14 Saturday we would have someone go through the CON codes  
15 and put into the pool those that were for Saturday.

16 Q. Okay.

17 A. But now they've -- we don't use that anymore,  
18 and that's wrong.

19 Q. Is that a change that was made recently or  
20 this year?

21 A. Yeah, I think it was made this year.

22 Q. How are those treated now when the customer  
23 asks for a later time?

24 A. Oh, Lord, that's a mess. Those now go in as  
25 no access others I think. In order -- I believe I'm

1 right on this. I may be, I may be absolutely off in  
2 left field on this, but they go in as no access others I  
3 believe and then, therefore, are able to be picked out  
4 of -- as someone wanting a later commitment than what  
5 we're offering at that time.

6 Q. Okay.

7 A. Two days out, three days out or what have  
8 you.

9 Q. Does that still take them out of the out of  
10 service base for the purposes of PSC rule?

11 A. No, sir.

12 Q. Okay. So, they would be -- if they weren't  
13 repaired for over 24 hours, they would be reported as  
14 missed?

15 A. They would be reported as out of service  
16 trouble, yes.

17 Q. Okay. Do you know of or have you heard of the  
18 CON code being used in instances where the customer did  
19 not request a later date?

20 A. I have no personal knowledge, no, of that.

21 Q. Okay. Have you heard of that being done?

22 A. Well, you hear of a lot of things, but I have  
23 no personal knowledge.

24 Q. Well, what have you heard about it?

25 A. Well, you know, it's a way it could have been

1       used, but like I said, I still have no personal  
2       knowledge of that being done.

3           Q.    Okay. Do you have any reason to believe that  
4       , may have been done in your installation and maintenance  
5       center?

6           A.    No, sir, I don't.

7           Q.    Do you know of or have you heard of statusing  
8       affecting service reports as out of service reports?

9           A.    Well, there again, you could do this same --  
10       along the same line. Yes, I've heard of it, but I don't  
11       have knowledge of it happening in our center.

12          Q.    You've never had an occasion to direct a  
13       maintenance administrator to status an affecting service  
14       cable outage as out of service?

15          A.    Only if it was out of service.

16          Q.    Have you had any discussions with other  
17       managers in your installation and maintenance center  
18       about directing a maintenance administrator to, to  
19       status an affecting service cable outage as out of  
20       service?

21          A.    Well, we discuss things quite frequently, but,  
22       no, not that I can recall.

23          Q.    Okay. Do you recall a discussion in 1989  
24       where you were present and managers named England,  
25       Lytle, and Figler and Roberts were present, where a

1 discussion was made about a cable outage and having a  
2 maintenance administrator record the outage as out of  
3 service when in fact it was affecting service?

4 A. In what time frame, sir?

5 Q. May to August of 1989.

6 A. No, I do not.

7 Q. Have you ever told a maintenance administrator  
8 to status an affecting service trouble as out of  
9 service?

10 A. Only if it was truly out of service.

11 Q. Okay.

12 A. They would come in as MB out of service or not  
13 out of service, and if at that time it was out of  
14 service, then it should be statused out of service.

15 Q. Have you ever heard of any managers or any  
16 maintenance administrators in your IMC status affecting  
17 service trouble reports as out of service?

18 A. Not that I can recall right off, I have a  
19 problem with that one I guess.

20 Q. What's that?

21 A. I don't really -- would you state that again?

22 (The pending question was read back by the  
23 stenographer.)

24 MR. TYNAN: Do you understand the question?

25 THE WITNESS: Yeah, I think I do, but no, not

1           that I can recall.

2           Q.   (BY MR. BECK) Okay. Do you know of or have  
3 you heard of excluding out of service reports that are  
4 about to miss the commitment time, but then re-opening  
5 them as employee-generated reports?

6           A.   No.

7           Q.   Do you know of or have you heard of the use of  
8 fictitious employee codes being used on repair reports?

9           A.   No, sir.

10          Q.   Do you know of or have you heard of exclude  
11 codes being used on reports where the exclude codes  
12 didn't properly apply to the repair? Let me give you an  
13 example.

14          A.   Yes, if you would.

15          Q.   Suppose you had an out of service and it was  
16 recorded as lightning when in fact lightning had nothing  
17 to do with the out of service. There are certain -- let  
18 me back up a little bit. There are certain exclude  
19 codes that will take a repair out of the PSC rule, are  
20 there not?

21          A.   Yes.

22          Q.   And lightning is an example?

23          A.   That's right.

24          Q.   Inside wire, a flood, are there not?

25          A.   Well, lightning would, flood would. I don't

1 know -- well, yeah, I guess inside wire would, too,  
2 yes.

3 Q. Okay. Do you know of or have you heard of  
4 those exclude codes being used to take a report out of  
5 the PSC rule when the exclude codes didn't properly  
6 apply?

7 A. No, sir.

8 Q. Do you know of or have you heard of any means  
9 of building up the out of service base for the PSC out  
10 of service rule?

11 A. We did in one instance, um-hum.

12 Q. Could you tell me about that?

13 A. We had a cable failure in Hobe Sound, and we  
14 added to the reports the rest of the people that weren't  
15 working in that particular cable.

16 Q. All right. That's not clear to me. You added  
17 two people?

18 A. We added the people that -- the other people  
19 that had not reported, we added to the cable failure.

20 Q. About what time frame did that occur?

21 A. Oh, I really -- it's been within the last two  
22 years.

23 Q. Okay.

24 A. I really --

25 Q. Okay.

1           A.    I really don't know.

2           Q.    Okay.  And were the two people -- I guess two  
3 customers were added?

4           A.    We added the customers that had not reported  
5 in this particular leg of cable.  We added those  
6 telephone numbers to the cable failure.

7           Q.    Okay.  Were they added as customer-generated  
8 reports?

9           A.    They were added as customer direct reports.

10          Q.    Okay.  Who did that?

11          A.    I did some of them.  I'm not aware of anyone  
12 else that had done it at that time.

13          Q.    Okay.  And what was the purpose of adding  
14 those two people?

15          A.    Well, they were out of -- not two people.  We  
16 added more than two people.  We added the people that --  
17 along that leg of cable that were affected by this cable  
18 cut.  We added those people to it.  I do not recall at  
19 this time how many people that it was.  And the purpose  
20 for doing it was the fact that they were out of  
21 service.  And we added to it.

22          Q.    Okay.  And by doing that, that would increase  
23 the base of out of service reports, would it not?

24          A.    That's exactly right.

25          Q.    And that would make it easier to meet the PSC

1 rule?

2 A. In that particular exchange.

3 Q. Okay. The purpose then was to build up the  
4 out of service base?

5 A. Yes.

6 Q. Okay. Now, you've told me you don't remember  
7 how many people?

8 A. No, I don't.

9 Q. Was it two cable cuts that people were on?

10 A. No. It was one leg of cable that was cut. I  
11 don't even recall the cable that was cut.

12 Q. Okay. Where does the number two come from?

13 A. Number two? I added the numbers to the cable  
14 failure.

15 Q. Okay. It took me a while to figure that out.  
16 Okay. And it was people who were along the failure?

17 A. That were affected in that leg of cable.

18 Q. Okay. And you were the only person involved  
19 in that?

20 A. As far as I know.

21 Q. Okay. Why do you say as far as you know?

22 A. Well, I'm working at my KD or terminal, and I  
23 don't know what others are doing 100 percent of the  
24 time. I don't know if there was somebody else involved  
25 in it or not.



1 Q. Okay. Did anybody suggest to you that you do  
2 this or similar action?

3 A. Well, we were missing the PSC rule in the Hobe  
4 Sound area, and this would give us enough to raise the  
5 base to make this PSC rule. It's a very small exchange,  
6 and it's a very hard one to make.

7 Q. Okay. But did anybody else suggest that you  
8 do that, that you add to the base?

9 A. Not that I recall.

10 Q. Had you discussed it with anybody else?

11 A. I think it had been discussed, but I don't  
12 recall anyone suggesting that I -- directing me or  
13 suggesting that I make it up.

14 Q. Okay. Do you recall who it was discussed  
15 with?

16 A. I believe it was discussed with W. A. and I  
17 believe Lynn was there, but I'm not sure whether Figler  
18 was there or not. This has been a while back.

19 Q. Okay. But W. A., is that W. A. England?

20 A. Yes.

21 Q. And you think Mr. Figler was there as well?

22 A. I shouldn't have even have said that because  
23 I'm not really sure who was there. They were in the  
24 center at that time. They were in the, they were in the  
25 organization at that time, but I do not recall whether

1           they were at the discussion or not.

2           Q.    How about Mr. Lytle, do you recall whether he  
3           was involved in the discussion?

4           MR. TYNAN:  She.

5           A.    No.

6           Q.    She.

7           A.    No, I do not.  I really do not.

8           Q.    Do you know of any other instances of building  
9           the out of service base?

10          MR. TYNAN:  I think he already answered.  He  
11          only knows the one incident.  And that's the one he  
12          pointed out.

13          Q.    I apologize.  That is your answer?

14          A.    I guess.  I don't recall another one.

15          Q.    Okay.  Have you heard of any others?

16          A.    No.

17          Q.    Okay.  Do you know or have you heard of any  
18          other means of excluding out of service reports from  
19          being counted toward the 24-hour index?

20          A.    In what way?

21          Q.    Well, --

22          A.    I don't understand the question I guess.

23          Q.    For example, we discussed exclude codes and  
24          you've told me that you didn't have any knowledge about  
25          exclude codes being used to stop a report from being

1 counted toward the 24-hour rule. Do you recall that?

2 A. Yeah.

3 Q. Do you know of any other means that might have  
4 been used to exclude reports from the PSC rule?

5 A. No.

6 Q. Okay. Do you know of or have you heard of any  
7 other way that we haven't discussed here today of  
8 customer reports being falsified in any way, shape, or  
9 form?

10 A. No.

11 MR. BECK: Okay. Mr. Porter, thank you.

12 That's all I have. There may be others.

13 MR. HATCH: Just one question, Mr. Porter.

14 CROSS-EXAMINATION

15 BY MR. HATCH:

16 Q. Have you ever had occasion to change or status  
17 as service affecting an out of service trouble report?

18 A. Yes, sir.

19 Q. Under what conditions would that take place?

20 A. When it is out of service.

21 Q. But to take an out of service trouble report  
22 and status as service affecting?

23 A. No, you can't do that.

24 Q. Why can't you do that?

25 A. The system will not let you do that. Once it

1 is out of service, it's out of service, and we have on  
2 occasions eaten those that were statused as out of  
3 service but were truly not out of service and,  
4 ,therefore, having to eat those trouble reports because  
5 you cannot change the status of an out of service. You  
6 can change it the other way, but you cannot change it  
7 once it's been made out of service, and we have eaten a  
8 bucket full of them.

9 MR. HATCH: That's all I've got.

10 MR. LACKEY: Mr. Porter, I want to ask you  
11 something. I want to follow up on what Mr. Beck  
12 was asking you. He was being a little obtuse about  
13 it, and I want to see if I can pursue it a little  
14 bit further.

15 MR. BECK: I object to the form of the  
16 question. Referring to my questions as being  
17 obtuse.

18 MR. LACKEY: I withdraw that comment.

19 CROSS-EXAMINATION

20 BY MR. LACKEY:

21 Q. He was asking you about whether you recall an  
22 incident back in May to August 1989 where you may have  
23 instructed a maintenance -- an MA to change I believe  
24 something that was service affecting to out of service.  
25 Do you recall that line of questioning?

1 A. Briefly, yes.

2 Q. All right. Do you have any idea why  
3 Ms. Roberts would tell us that you or perhaps one of  
4 these other supervisors, England, Lytle, Figler, would  
5 have instructed an MA to change a service affecting  
6 report to an out of service report? Any recollection of  
7 it at all?

8 A. No, I don't.

9 Q. You don't remember being a part of a group  
10 telling Ms. Roberts that you were upset because the MA  
11 hadn't done what you had instructed the MA to do? None  
12 of that rings a bell with you?

13 A. That was in '89, sir?

14 Q. That was what I understood, but at any time.

15 A. No, sir, I don't, I don't recall the situation  
16 that you're talking about.

17 Q. Okay.

18 A. That is -- there is discussions that go on in  
19 the maintenance centers of people close to -- in the  
20 same working environment. We are always trying to get,  
21 you know, the index made and one thing or another. We  
22 have, we have a lot of meetings and have a lot of  
23 discussions. I just don't seem to be able to pin down  
24 the one that --

25 Q. That's all right.

1           A.    -- the exact one that you're talking about,  
2           sir.

3           Q.    That's fine. I just want to make sure that  
4           mentioning Mrs. Roberts' name didn't trigger something  
5           in your mind so you could explain something. That's  
6           fine.

7           A.    There's been a lot of people through the  
8           testing during the years.

9           MR. LACKEY: Thank you. That's all I have.

10          MR. TYNAN: Just one further thing that I feel  
11          that I need to clarify.

12                               CROSS-EXAMINATION

13          BY MR. TYNAN:

14          Q.    I gather you -- when there was this cable  
15          failure in Hobe Sound, some of the customers called in  
16          and reported their particular telephone lines out of  
17          service?

18          A.    That's exactly -- no, I don't know. I know we  
19          had a small failure. I don't recall. Evidently we did  
20          have a few customer reports in, and I don't even now  
21          recall what type of damage it was, whether it was by  
22          contractor, whether it was a wet cable, Florida Power &  
23          Light setting a pole on it or what have you. I really  
24          don't even recall what type of failure that it was. We  
25          did have a few trouble reports, and, yes, they would

1       have called in.

2           Q.   All right. In addition to that, you reported  
3       into the system yourself some telephone lines where you  
4       knew the service was cut off, but the customer hadn't  
5       called in?

6           A.   That's very true.

7           Q.   All right. And the effect of reporting that  
8       into the system, does that now create an agenda for you  
9       to get that done within certain time frames?

10          A.   24 hours from the receipt, at that time,  
11       clear.

12          Q.   So, when you were aware of it, then you fight  
13       to accomplish those goals of getting them cleared within  
14       the 24 hours?

15          A.   Most certainly.

16          Q.   Is that part of your purpose in that instance  
17       of including them in as well as building the base which  
18       you've heard it referred to?

19          A.   Well, yes, sir.

20          Q.   To your knowledge, is there a specifically --  
21       to your knowledge, is there specifically or was there  
22       specifically in effect at that time some sort of a rule,  
23       company or Public Service Commission, to your knowledge,  
24       saying you could or could not do what you did? If you  
25       know, you say yes. If you don't know --

1 A. No, sir.

2 Q. You know of no such rule?

3 A. I know of no such rule.

4 MR. LACKEY: Thank you, Mr. Porter.

5 Appreciate it.

6 MR. BECK: Thank you.

7 (Concluded at 10:00 a.m.)

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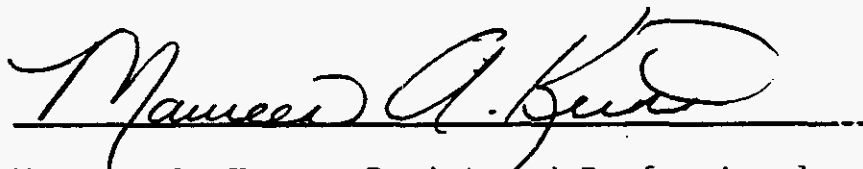
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C E R T I F I C A T E

I, Maureen A. Kerns, Registered Professional Reporter, CM, and Notary Public, State of Florida at Large, do hereby certify that the foregoing deposition of DONALD PORTER was taken before me in this cause at the time and place and in the presence of counsel as set out herein; that before giving his/her deposition, the witness was duly sworn by me to testify the whole truth; that the foregoing pages constitute a true record of his testimony of the witness and of all proceedings had.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor am I interested in the outcome of the action.

A handwritten signature in cursive script, reading "Maureen A. Kerns", is written over a horizontal line.

Maureen A. Kerns, Registered Professional Reporter and Notary Public, State of Florida at Large. Commission Expires: Dec. 20, 1994

ERRATA SHEET

PURSUANT TO RULES OF CIVIL PROCEDURE, this deposition is being submitted to you for examination, reading and signing. Please do not write on the transcript. Any change in form of substance you desire to make should be entered upon this sheet as follows:

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Notary Public,  
State of Florida at Large  
My Commission Expires:

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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. )

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STATE OF FLORIDA )  
COUNTY OF ALACHUA )

Deposition of JAMES H. RAMSEY, taken on behalf of  
the Public Counsel's Office, pursuant to Notice of Taking  
Deposition Upon Oral Examination, at 903 West University  
Avenue, Gainesville, Alachua County, Florida, on Thursday,  
July 30, 1992, at 4:30 o'clock p.m., before Marie C. Gentry,  
Court Reporter and Notary Public in and for the State of  
Florida at Large.

- - -

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- - -

I N D E XWitnessPage No.

JAMES H. RAMSEY

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- - -

MARIE C. GENTRY

P R O C E E D I N G S

4:30 o'clock p.m.

July 30, 1992

- - -

MR. LACKEY: Mr. Ramsey, my name is Doug Lackey, and I'm appearing in this deposition on behalf of BellSouth Telecommunications, Inc., Southern Bell.

Before we begin, there are a couple of preliminary matters that I need to explain.

First, this lady is a court reporter. She's taking down everything I'm saying, she's taking everything down that Mr. Beck and Mr. Hatch are going to say as well as what you and your attorney may say.

If this deposition is transcribed, that is, if it's reduced to writing, you have a right to read the deposition and make any appropriate corrections and to sign it before it's used. And I understand that you wish to exercise that right; is that correct?

MR. FINK: Yes.

MR. LACKEY: I also have an instruction that I need to give you and it's a bit complicated because we're here in Gainesville. I'll try to make it as clear as I can, but if you don't understand it, you just ask me and I'll do what I can to clarify it.

If during the course of this deposition you are asked questions by Mr. Beck or Mr. Hatch which would

1       require you to divulge information that you gained  
2       during the course of an investigation conducted by  
3       Southern Bell through the direction of its Legal  
4       Department, I intend to object on the grounds that the  
5       information is privileged and instruct you not to answer  
6       the question. It may well be that they will ask such a  
7       question and I will object and you will have information  
8       that you know from your own personal knowledge, that is,  
9       personal knowledge not secured from the investigation  
10      which would be responsive to the question. If you will  
11      tell me that, you can then, subject to the advice your  
12      counsel gives you, answer their question fully and  
13      completely. What I am attempting to do is to keep you  
14      from divulging privileged information to them through  
15      their questions.

16             In addition, there may be questions to which I  
17      don't object but you know that in giving the answer  
18      you will have to reveal to them information that you came  
19      to learn through or as a result of the investigation that  
20      I've made reference to.

21             If that occurs, you will simply tell me or your  
22      attorney that we have a problem in that regard, we'll  
23      talk about it, and then we can address the issue at that  
24      point.

25             Again, what I am trying to do is to prevent you

1 from, through my inadvertence, revealing information to  
2 Mr. Hatch or Mr. Beck that's otherwise privileged.

3 Now, we have a slight complication since we're in  
4 Gainesville and that complication is this: There have  
5 been two investigations in Gainesville. One  
6 investigation was done in the October-December 1990  
7 time frame, perhaps as late as January of 1991. That  
8 investigation was done by the Security Department of  
9 Southern Bell and basically involved trouble reports,  
10 out-of-service reports, test okays being reported as out  
11 of service, and that sort of thing. That investigation  
12 is not privileged, and if any questions are asked of you  
13 about that investigation or if you have information  
14 responsive to any question asked by these gentlemen that  
15 comes from your participation, if you had any, in that  
16 investigation, you should feel free, again subject to  
17 your attorney's advice, to answer any question fully and  
18 freely.

19 The only investigation that I am concerned with  
20 and we're asserting the privilege over is the one that  
21 happened subsequent to that and in which a Southern Bell  
22 attorney was involved. I don't know what your  
23 participation was in that investigation, but the  
24 interviews, for instance, were conducted with a  
25 Southern Bell attorney present, perhaps investigators



1 as well, if that helps you distinguish between the two  
2 investigations in your mind.

3 Now, I realize it's been sort of a lengthy  
4 instruction and if it wasn't clear or if there's  
5 anything that you would like me to clarify, I'll be  
6 happy to do it.

7 THE WITNESS: I have a basic understanding of  
8 what you're saying. There were two investigations,  
9 one in Miami and one subsequent to that.

10 MR. LACKEY: Well, if during the course of this  
11 deposition at any point it becomes unclear in your mind  
12 what I instructed you or if you have any questions about  
13 it, please feel free to stop and ask me and I'll attempt  
14 to clarify it.

15 THE WITNESS: Okay.

16 - - -

17 JAMES H. RAMSEY,  
18 having been produced and first duly sworn as a witness,  
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BECK:

22 Q Mr. Ramsey, my name is Charlie Beck. I'm with the  
23 Office of Public Counsel, and I'm going to start the  
24 questioning. There may be others afterwards.

25 Would you please state your name?

1 A James H. Ramsey.

2 Q Are you employed by Southern Bell?

3 A Yes, I am.

4 Q What position do you hold with the company?

5 A Presently I am assistant manager in safety.

6 Q Is that here in Gainesville?

7 A Yes.

8 Q How long have you held that position?

9 A Two years and one month, I believe.

10 Q Can you briefly describe what your duties are?

11 A My duties are to assess the safety proficiency of

12 the men in the field, to observe their proficiency and

13 document it.

14 Q What position did you hold before that one?

15 A Before that one, I was assistant manager in the

16 maintenance center or test center in Gainesville, Florida.

17 Q About how long did you hold that position?

18 A Oh, I believe that was about 20 months.

19 Q Could you briefly describe your duties in that

20 position?

21 A My duties --

22 MR. FINK: Hold on.

23 THE WITNESS: Okay.

24 (Off the record.)

25 A (Continued) Okay. Basically I supervised MA's at

1 one time and at another time I conducted the evaluation  
2 program for the maintenance administrators.

3 Q What is the evaluation program for the maintenance  
4 administrators?

5 A Okay. The evaluation program is basically a  
6 measure of their quality and quantity of work.

7 Q Have you held any other positions with Southern  
8 Bell that dealt with interacting with maintenance  
9 administrators?

10 A No.

11 Q Just briefly, what was your job before the  
12 assistant manager at the maintenance center in Gainesville?

13 A I was an assistant manager in a switching and data  
14 administration center.

15 Q Mr. Ramsey, earlier this year, in about March, did  
16 you have occasion to meet with a Mr. Christian and a person  
17 named Mower from personnel in Southern Bell?

18 (Mr. Fink confers with witness.) .

19 MR. FINK: You can answer it.

20 A Yes.

21 Q

22

23 A Yes.

24 Q Okay. To the best that you can recall, could you  
25 tell me exactly what they said during that meeting?

1 MR. FINK: Go ahead.

2 A

3  
4  
5  
6 Q Did they provide you any more specific information  
7 than that?

8 A No.

9 Q Did you ask them to?

10 MR. FINK: Okay. At this point we would assert --  
11 as to that question we would assert Mr. Ramsey's Fifth  
12 Amendment privilege and like privilege under Florida law  
13 against self-incrimination and respectfully decline to  
14 respond to the question.

15 And, by the way, from now on, for the convenience  
16 of everybody, if it's okay, I'm just going to say  
17 "assert the privilege," and that's what I mean.

18 MR. BECK: All right.

19 BY MR. BECK:

20 Q Is there anything else that you can recall either  
21 Mr. Christian or Mower telling you during that meeting?

22 A Not specifically.

23 Q Have you ever suggested or told anybody to back up  
24 times on repair service records to a time other than when the  
25 report was cleared?

1 MR. FINK: Assert the privilege.

2 BY MR. BECK:

3 Q Has anybody ever told you that they had backed up  
4 the time on a trouble report to a time other than the cleared  
5 time?

6 MR. FINK: Assert the privilege.

7 BY MR. BECK:

8 Q Did you have a practice at the maintenance center  
9 here in Gainesville of requiring maintenance administrators  
10 to contact a manager before -- to get a close-out code before  
11 closing reports that were over 24 hours?

12 MR. FINK: Assert the privilege.

13 BY MR. BECK:

14 Q Do you have any knowledge about the use of no  
15 access codes to stop the clock on out-of-service reports when  
16 in fact there was no trouble with gaining access?

17 MR. FINK: Assert the privilege.

18 BY MR. BECK:

19 Q Are you familiar with a code called a CON Code?

20 MR. FINK: Assert the privilege.

21 BY MR. BECK:

22 Q Do you have any knowledge about the use of  
23 fictitious employee codes on trouble reports?

24 MR. FINK: Assert the privilege.

25 BY MR. BECK:

1 Q Are you familiar with the Public Service  
2 Commission's rule regarding out-of-service reports?

3 MR. FINK: Assert the privilege.

4 BY MR. BECK"

5 Q Have you ever told or implied to someone that they  
6 should use an exclude code for lightning in instances where  
7 lightning wasn't effecting the trouble?

8 MR. FINK: Assert the privilege.

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

10 MR. HATCH: I have no questions.

11 MR. FINK: Let me put on the record that this --  
12 obviously the nature of this deposition has required  
13 Mr. Ramsey to assert his privilege and he does so  
14 reluctantly and it should be noted that he has already  
15 freely given probably about eight hours of testimony  
16 to the statewide prosecutor and the Attorney General  
17 in this matter -- not in this matter but in the  
18 related matter.

19 (Witness excused.)

20 (Whereupon, at 4:45 o'clock p.m., the deposition  
21 was concluded.)

22 - - -

C E R T I F I C A T E


STATE OF FLORIDA     )  
                              )  
COUNTY OF CLAY     )

I, Marie C. Gentry, Court Reporter and Notary Public  
in and for the State of Florida at Large, hereby certify that  
I reported in shorthand the foregoing deposition at the time  
and place indicated herein, and that the preceding pages are  
a true and correct transcription of my stenotype notes of  
said deposition.

I further certify that I am neither of counsel nor  
attorney to either of the parties in said cause, nor  
interested in the event of said cause.

I further certify that I have delivered the original  
of said deposition to Charles J. Beck, Esquire, Attorney for  
Public Counsel's office, for filing or his safekeeping.

WITNESS my hand and official seal in the Town of  
Orange Park, Florida, this 24th day of August, A.D., 1992.

  
Notary Public, State of Florida  
at Large. My commission expires  
January 21, 1993.

E R R A T A   S H E E T

IN RE: Docket No. 910163-TL

This is to certify that I, JAMES H. RAMSEY, have read the foregoing transcription of my testimony, given on July 30, 1992, and find the same to be a true and correct transcription of said testimony with the following changes (if any):

PAGE	LINE	SHOULD READ:
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\_\_\_\_\_  
JAMES H. RAMSEY, Witness

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Notary Public, State of Florida  
at Large. My commission expires  
\_\_\_\_\_.

MARIE C. GENTRY



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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 )

**CERTIFIED  
COPY**

DEPOSITION OF THE WITNESS, BARBARA ROBERTS,  
TAKEN BY OFFICE OF THE PUBLIC COUNSEL,  
ON MONDAY, JULY 27TH, 1992.

Riviera Beach, Florida  
1:45 p.m. - 2:03 p.m.

APPEARANCES:

CHARLES J. BECK, ESQUIRE  
Assistant Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida, 32399-1400  
on behalf of the Citizens of the  
State of Florida.

TRACY HATCH, ESQUIRE  
Florida Public Service Commission  
Chief Bureau of Communications  
Division of Legal Services  
101 East Gaines Street  
Tallahassee, Florida, 32301  
on behalf of the Florida Public  
Service Commission.

(APPEARANCES CONT. ON PAGE TWO)

APPEARANCES CONT.:

TERRILL BOOKER, ENGINEER  
Florida Public Service Commission  
Bureau of Service Evaluation  
Division of Communications  
101 East Gaines Street  
Tallahassee, Florida, 32399-0866

R. DOUGLAS LACKEY, ESQUIRE  
Southern Bell Telephone & Telegraph  
675 West Peachtree Street  
Suite 4300  
Atlanta, Georgia, 30375  
on behalf of Southern Bell  
Telephone & Telegraph.

- - -

I N D E X

BARBARA ROBERTS

Direct Examination by Mr. Beck

Pages

7-20

E X H I B I T S

(none)

1                   The deposition of BARBARA ROBERTS was  
2           taken before me, Maureen A. Kerns, Registered  
3           Professional Reporter, CM, and Notary Public, State of  
4           Florida at Large, at the offices of Southern Bell  
5           Telephone & Telegraph Company, 3650 Avenue E, Room 316,  
6           in the City of Riviera Beach, County of Palm Beach,  
7           State of Florida, on Monday, July 27th, 1992, beginning  
8           at 1:45 p.m., pursuant to the Notice filed herein, at  
9           the instance of the Office of the Public Counsel in the  
10          above-entitled cause pending before the above-named  
11          Court.

12                   - - -

13                   MR. LACKEY: I've been doing the stipulations,  
14           Ms. Roberts, so let me go through them. My name is  
15           Doug Lackey, and I'm representing Bell South  
16           Communications, Inc., doing business as Southern  
17           Bell. We've been using three stipulations in these  
18           depositions. One of which affects you and the  
19           other two are primarily for legal purposes.

20                   The first one is that there's no objection as  
21           to the time or place of taking the deposition.  
22           That is nobody objects to being here at this  
23           building at this time for this purpose.

24                   The second one is that we're reserving all  
25           objections except as to the form of the question

1 and occasionally the relevancy of the question  
2 until the first use of the deposition. If we were  
3 on trial somewhere and Charlie asked you a question  
4 and it called for hearsay or something, I'd have to  
5 object to keep him from asking that question and  
6 what we do in a deposition is those objections are  
7 reserved. He asks the questions, you answer them,  
8 and if he ever goes to use the deposition and I  
9 have an objection, I'll object then.

10 The last one is the one that affects you and  
11 that is that we have not been waiving reading and  
12 signing. What that means is that if the deposition  
13 is transcribed, and it may not be, but if it's  
14 transcribed, you have the right to read the  
15 deposition and sign it before it can be used for  
16 any legal purpose.

17 THE WITNESS: Um-hum.

18 MR. LACKEY: As opposed to waiving it, in  
19 which case as soon, as the court reporter certifies  
20 it, it's available for use. Those are the  
21 stipulations we've been operating under. And they  
22 are generally the ones that are used in these  
23 things. Nothing usual. Are those stipulations all  
24 right with you all?

25 MR. HATCH: Yes.

1 MR. BECK: Yeah.

2 MR. LACKEY: That's a formality, the ones  
3 we've been using on all of them. The other thing  
4 is I have a statement that I have to read to you  
5 that's directed to you. And after I've read it, if  
6 you have any questions about it or want me to  
7 explain any part, I'll be happy to.

8 And the statement is this: To the extent that  
9 any question in this deposition calls for  
10 information that you have derived from an  
11 investigation conducted by Southern Bell at the  
12 behest of its legal department, I will object to  
13 that question on the grounds that it calls for  
14 privileged information and I'll instruct you not to  
15 answer the question.

16 To the extent that you can answer the question  
17 based on your own personal knowledge, not obtained  
18 as a result of the investigation, you should do  
19 so. Answer it fully and completely. To the extent  
20 that a question is asked and I don't object to it,  
21 but you realize that in order to answer it you're  
22 going to have to reveal something that you learned  
23 through the course of the investigation that was  
24 conducted, you need to tell me that rather than  
25 answer the question so that we do not divulge the

1 privileged material.

2 Okay. If you have any questions about  
3 anything, if there's any issue, if you go, gee, I  
4 don't know whether this answer would be proper or  
5 whether it would be privileged, it's okay to say,  
6 wait a minute, I need to ask and ask me.

7 THE WITNESS: All right.

8 MR. LACKEY: I don't want you to not answer a  
9 question because it would call for privileged  
10 information. If you're asked a question by  
11 Mr. Beck or Mr. Hatch that calls for that, tell  
12 them that you have information related to the  
13 question, but you believe it's privileged and we'll  
14 handle it from there, okay?

15 And other than that, I want you to answer all  
16 the questions fully and completely just like you  
17 would normally.

18 THE WITNESS: Okay.

19 MR. LACKEY: Is there anything else? Let me  
20 ask you, do you understand? Was there anything --

21 THE WITNESS: I think I do.

22 MR. LACKEY: I've said this so many times and  
23 sometimes I shortcut it and I end up confusing  
24 everybody, including myself. At any time during  
25 the deposition, if you don't understand a question

1 or you want something explained to you, just ask.

2 THE WITNESS: Okay.

3 - - -  
4 BARBARA ROBERTS

5 being by me first duly sworn to testify the whole truth,  
6 as hereinafter certified, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BECK:

9 Q. Ms. Roberts, my name is Charlie Beck, and I'm  
10 going to start off with questions. Tracy Hatch may have  
11 some also after we're done.

12 For the record, could you state your name,  
13 please?

14 A. Barbara Roberts.

15 Q. And are you employed by Southern Bell?

16 A. Yes, I am.

17 Q. What is your position with Southern Bell?

18 A. I am assistant manager, plant contract  
19 supervisor.

20 Q. Plant contract?

21 A. Contract supervisor.

22 Q. Is that in Fort Pierce?

23 A. That is correct.

24 Q. What does that job entail?

25 A. I supervise the contractors who work for the

1 telephone company, placing of poles, cables, underground  
2 conduit, manholes, that type of stuff.

3 Q. Okay. How long have you had that position?

4 A. I returned to it in January of this year.

5 Q. Okay. I take it you had it before then?

6 A. I had it for 10 years prior to going to the  
7 maintenance center.

8 Q. Okay. When did you go to the maintenance  
9 center?

10 A. In March of '89.

11 Q. And were you at the maintenance center until  
12 January of this year?

13 A. Until December 31st.

14 Q. December?

15 A. January 1st I reported back outside. Forgive  
16 me, I have a terrible cold.

17 MR. LACKEY: Would you like a glass of water  
18 right now or anything?

19 THE WITNESS: Right now, I'm fine. If I get  
20 in a coughing fit, I'll excuse myself. My son came  
21 to visit from Orlando from college and he assured  
22 me it was a sinus condition. He called me last  
23 night to apologize.

24 Q. (BY MR. BECK) At the maintenance center, what  
25 was your job there?



A. I had various duties. When I first went in, I was assigned to be a control foreman and then I was over the maintenance administrators and then I was over the ARCs and DCs, which are dispatch clerks and administrative reports clerks.

Q. Okay.

A. Yes, I did.

Q. Okay. Is that -- who was there when that took place?

A. Duane Ward and Floyd Knowles.

Q. Okay.

A. Yes, I was.

Q. What was the basis you were told?

**A.**

That was it.

Q. By CONs, that means carried over no access codes on repair records?

A. Go ask me something I really don't know. I know it's been always called CON, but I don't know what the acronym is for.

Q. Okay. What does it mean in effect, the CON code?

1           A.    A CON code, what I understood it to me mean,  
2           was when an MA is screening a call as she gets it and  
3           she calls a customer and it has to do, maybe a wiring  
4           problem or something, say we'll be out there by 5:00  
5           today and the customer says, no, I can't do it, how  
6           about Saturday, okay, so then they CON it for Saturday  
7           morning and then put it out for dispatch on Saturday  
8           morning.

9           Q.    Okay. The Public Service Commission as a rule  
10          requires 95 percent of the out of service reports to be  
11          prepared in 24 hours, does it not?

12          A.    Um-hum.

13          Q.    If a report is given a CON code as you've  
14          described it, that takes it out of that PSC rule  
15          requirement, doesn't it?

16          A.    I understand that's what it is.

17          Q.

18  
19          A.    No.

20          Q.    Were you told what maintenance administrators  
21          --

22          A.    No.

23          Q.

24          A.    No.

25

1 Q.

2

3 A. No backup information whatsoever.

4

Q.

5

A. I certainly did.

6

Q. And you wrote a letter to Mr. Sanders?

7

A.

8

9

10

11 Q. Did you have a meeting after that letter?

12

A. After that, Mr. Sanders was down one day and  
13 we spoke at length.

14

Q. What happened after that meeting with  
15 Mr. Sanders?

16

A. We talked about the situation, about the  
17 maintenance center as a whole, and he promised to get  
18 back to me.

19

Q. Has he gotten back to you?

20

A. No, he has not.

21

Q. Okay. When was your discussion with  
22 Mr. Sanders?

23

A. It was in May.

24

Q. Okay.

25

A. And he promised to get back to me at the end

1 of May.

2 Q. Okay.

3

4 A.

5

6

7 Q.

8

9

10 A. No. No.

11 Q. Okay.

12

13

14 A. No, I do not.

15 Q. Okay.

16 A. As I explained to him, it was probably a good  
17 year before I even knew what a CON was.

18 Q. Do you know of or have you heard of any  
19 allegations of backing up repair times on out of service  
20 reports when they weren't supposed to be backed up?

21 A. Not to my knowledge.

22 Q. Are you aware of or have you heard of  
23 requiring MAs to get an exclude code from a manager  
24 before closing out reports?

25 A. An exclude code?

1 Q. Or I'm sorry, a close-out code.

2 A. Like what code it took?

3 Q. Yes.

4 A. Not unless they were unsure of it. But the  
5 man in the field gives the codes.

6 Q. What I was trying to get at was other than  
7 those incidences, where a person might ask because they  
8 weren't sure what code to use?

9 A. No.

10 Q. Okay. Do you know of or have you heard of  
11 excluding out of service reports that were about to miss  
12 the commitment time and then reissuing the report as an  
13 employee-generated report?

14 A. No.

15 Q. Okay. Do you know or have you heard of  
16 statusing affecting service reports as out of service  
17 reports?

18 A. Statusing that they're not out of service, but  
19 statusing them as they were out of service?

20 Q. No. Taking a report that should be classified  
21 as affecting service, but instead of labeling it as it  
22 should be, labeling it as an out of service report so  
23 that the out of service base is built up?

24 A. (Witness pauses.)

25 Q. Okay. You don't understand.

1           A.   Well, yeah, I kind of understand. It may  
2           relate to an incident, and I don't know if that's part  
3           of what you were just saying earlier. Do you want me  
4           just to explain --

5           MR. LACKEY: Do you have something in mind  
6           that you were told as a result of an interview that  
7           you had with company attorneys, security person, or  
8           something like that?

9           THE WITNESS: That they told me?

10          MR. LACKEY: No.

11          THE WITNESS: No. That I related to them.  
12          That's okay then?

13          MR. LACKEY: If you have personal knowledge of  
14          it, that's fine, yes.

15          THE WITNESS: No. I was just told that one of  
16          the MAs was told to do it and they didn't do it.

17          Q.   (BY MR. BECK) Okay. Who told you that?

18          A.   My supervisor and several of the other  
19          supervisors that were standing around.

20          Q.   Okay. I've got to back up a little bit.

21          A.   Yeah.

22          Q.   An MA was told to --

23          A.   An MA was told to status something out of  
24          service which indeed was not out of service. She did  
25          not status it out of service, which in essence she did

1        what was right.

2            Q.    So, the MA refused what she was told to do  
3        because what she was told --

4            A.    Actually she didn't refuse it. She just  
5        didn't do it.

6            Q.    Okay.

7            A.    Okay. And I was advised that that happened.

8            Q.    Okay.

9            A.    And, you know, I also at that time advised my  
10       MA that she did what was right.

11          Q.    Okay. Which manager told the MA to do that?

12          A.    That I do not know.

13          Q.    Okay.

14          A.    There was a group of them there, so I do not  
15       know who actually told them to do that.

16          Q.    Okay. There was a group of MAs told to do  
17       that?

18          A.    No. There was a group of managers.

19          Q.    And there was one MA?

20          A.    (Witness nods head.)

21          Q.    Do you know any persons who were involved in  
22       that, either the managers or MAs?

23          A.    The manager was W. A. England and Donny  
24       Porter, Lynn Lytle, Lenny Figler, and a gentleman that's  
25       retired. His name is Bob Hernden (phonetic).

1 Q. Okay. And it's your understanding that these  
2 managers told an MA --

3 A. Well, they had set it up for the MA to status  
4 it out of service, and she did not status it out of  
5 service.

6 Q. Okay. Now, who told you about this  
7 occurrence?

8 A. They did.

9 Q. The managers did?

10 A. Yes, um-hum.

11 Q. Okay. All of them, England, Porter, Lytle?

12 A. Yeah, it was like a little cluster group  
13 there.

14 Q. And what was their reaction to --

15 A. They were upset.

16 Q. That the MA wouldn't do what they told them to  
17 do?

18 A. Um-hum.

19 THE STENOGRAPHER: Yes?

20 A. Yes.

21 Q. Okay. Do you know when this event occurred?

22 A. That's so hard to say. I'd have to give you a  
23 range of somewhere between May and August.

24 Q. Of when?

25 A. Of 1989. I do not know --



1 Q. Okay.

2 A. -- exactly when.

3 Q. Okay. Is there anything else about this event  
4 ,that I haven't asked you that you think is relevant, or  
5 is that the beginning and end of this?

6 A. Well, that's the end of it.

7 Q. Okay. Are there any others?

8 A. I'm sorry?

9 Q. Are there any other similar events that you --

10 A. Not that I'm aware of.

11 Q. Okay. So, this was some kind of isolated  
12 incident or --

13 A. As far as I know, it was an isolated  
14 incident.

15 Q. Okay. Do you know what the affecting service  
16 report was that was to be coded out of service?

17 A. It was like a cable failure.

18 Q. Would a cable failure be affecting service or  
19 out of service?

20 A. It depends upon what it is, yes.

21 Q. Okay. What did these managers do when they  
22 found out that the MA refused to code it like they had  
23 said?

24 A. They wanted me to say something to her.

25 Q. What did you say?

1 A. Thank you.

2 Q. You just acknowledged it and then did what you  
3 felt was right?

4 A. Yeah. What she did was right.

5 Q. Okay. Did you tell that to the other  
6 managers?

7 A. I said, yeah, what she did was right. What  
8 they did was wrong.

9 Q. Okay. What is your pay grade?

10 A. I'm a pay grade three.

11 Q. And are these other managers higher pay  
12 grades?

13 A. W. A. England is pay grade five.

14 Q. Okay. How about --

15 A. The others are all three.

16 Q. Okay. Okay. Do you know of or have you heard  
17 of the use of putting down dummy or false employee codes  
18 on repair reports, you know, instead of putting down the  
19 actual employee who worked on or who statused a report,  
20 an out of service report, to put down somebody else's  
21 employee code or --

22 A. Using somebody else's employee code to close  
23 something out or something like that?

24 Q. Yes.

25 A. Not other than a mistake. I found a couple of

1 MAs doing it. You know, they would be keying something  
2 in and then somehow they would put the wrong EC number  
3 up there and it would bounce over to the other person,  
4 but not an intentional thing that I'm aware of.

5 Q. Okay. Do you know of or have you heard of the  
6 use of or improper use of exclude codes on a report to  
7 take it out of the PSC rule requirements?

8 A. Not really, because I really didn't understand  
9 all of the PSC rules, so I basically told my MAs, you  
10 call it like it is.

11 Q. Okay.

12 A. That's the only thing I know how to do. I  
13 never got any training for the position I had, so I kind  
14 of was learn as a went.

15 Q. Okay.

16 A. And I got a lot of my knowledge from the MAs.  
17 And my main concern was to give that customer the  
18 service they deserved.

19 Q. Okay.

20 A. So rule over here, you know, do what was --  
21 you know, if it was dead, it's dead. If it's  
22 transmission, it's transmission. If it's, you know,  
23 whatever it is, you call it like it is.

24 Q. Okay. But you haven't heard of anybody, for  
25 example, coding something to lightning or some other

1       exclude code in order to avoid the requirements of the  
2       PSC rule?

3           A.   No, not that I know of.

4           Q.   Do you know of or have you heard of any  
5       instances other than that we've discussed today of  
6       falsifying repair records in any way or altering them in  
7       ways that were not proper?

8           A.   No.

9           Q.   Okay.

10          MR. BECK:  Thanks.  That's all I have.

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

12          MR. BOOKER:  I don't ask anything.

13          THE WITNESS:  Oh, I'm sorry.  You just get to  
14       listen.

15          MR. BOOKER:  Yeah.

16          MR. LACKEY:  I don't have anything,  
17       Ms. Roberts.  I appreciate it.

18          MR. BECK:  Thanks a lot.

19          THE WITNESS:  You all have a good day.

20       (Concluded at 2:03 p.m.)  
21  
22  
23  
24  
25

ERRATA SHEET

PURSUANT TO RULES OF CIVIL PROCEDURE, this deposition is being submitted to you for examination, reading and signing. Please do not write on the transcript. Any change in form of substance you desire to make should be entered upon this sheet as follows:

<u>PAGE</u>	<u>LINE</u>	<u>CHANGE</u>	<u>REASON</u>
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\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Notary Public,  
State of Florida at Large  
My Commission Expires:

C E R T I F I C A T E

I, Maureen A. Kerns, Registered Professional Reporter, CM, and Notary Public, State of Florida at Large, do hereby certify that the foregoing deposition of BARBARA ROBERTS was taken before me in this cause at the time and place and in the presence of counsel as set out herein; that before giving his/her deposition, the witness was duly sworn by me to testify the whole truth; that the foregoing pages constitute a true record of his testimony of the witness and of all proceedings had.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor am I interested in the outcome of the action.

A handwritten signature in cursive script, reading "Maureen A. Kerns", is written over a horizontal line.

Maureen A. Kerns, Registered Professional Reporter and Notary Public, State of Florida at Large. Commission Expires: Dec. 20, 1994

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

COPY

DEPOSITION OF:

LYNN W. SCHMOLL

TAKEN AT THE INSTANCE OF:

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

DATE:

Thursday, July 30, 1992

TIME:

Commenced at 12:45 p.m.  
Concluded at 1:50 p.m.

LOCATION:

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 STENOGRAPHIC REPORTERS, INC.  
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TALLAHASSEE, FLORIDA 32301  
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Fort Lauderdale, Florida 33301

**ALSO PRESENT:**

CARL S. VINSON, JR, FPSC Division of Research and  
Regulatory Review.

STAN GREER, FPSC Division of Communications.

\* \* \* \* \*



I N D E XWITNESS:PAGE

LYNN W. SCHMOLL

Direct Examination by Ms. Richardson  
Cross Examination by Mr. Anthony8  
40

CERTIFICATE OF REPORTER

41

S T I P U L A T I O N S

The following deposition of LYNN W. SCHMOLL was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

\* \* \* \* \*

Thereupon,

LYNN W. SCHMOLL

was called as a witness and, after being duly sworn, was examined and testified as follows:

MS. RICHARDSON: Would you put in your appearance for the record, please?

MR. KENNEDY: Sure. Eugene Michael Kennedy, 517 Southwest First Avenue, Fort Lauderdale 33308, (305) 524-4141.

(Off the record.)

MS. RICHARDSON: We've already sworn the witness in, and Mr. Kennedy has put his appearance in on the record, so it is your turn to open with some remarks, if you would like to.

MR. ANTHONY: First of all, I'm Hank Anthony. I represent Southern Bell.

Mr. Kennedy, we have had about three and half days of depositions and used basic stipulations. I will go through them, so you can make sure you don't have any problems with them.

First of all, that the deposition has been taken pursuant to proper notice. Secondly, that we won't go off the record without the witness' consent. Third, that we won't waive reading and signing. And last, that we will save objections, except as to the form of the question until the use of the transcript at hearing or whatever.

MR. KENNEDY: Okay.

MR. ANTHONY: One other thing -- is it Schmoll, I'm not sure.

THE WITNESS: Schmoll.

MR. ANTHONY: I want to make sure I am pronouncing your name right, sir. Mr. Schmoll, these depositions are part of the Florida Public Service Commission's investigation into Southern Bell's trouble reporting practices. You may be aware that Southern Bell conducted its own investigation into the way the trouble reporting is handled. That investigation was done under the leadership, guidance and auspices of the

Company's Legal Department, and is privileged, which means that nobody outside the Company can obtain the information contained in that investigation. As a consequence, if you get any questions today that relate to your knowledge of that investigation, specifically sorts of things that came up in any interviews that you may have had, or anything that somebody told you during the interview, or you told anybody else, then I am just going to ask you not to answer that particular question.

THE WITNESS: Well, it doesn't pertain to me because I wasn't interviewed.

MR. ANTHONY: Okay. Well, just to let you know in case anything comes up. That way -- you won't be surprised if that does come up. So, to the extent, of course, that you have any knowledge that is not from the investigation, you should answer the questions fully and honestly, unless there is some other objection that may be addressed to the question, okay?

THE WITNESS: Uh-huh.

MR. ANTHONY: All right. Thank you.

THE WITNESS: Fine.

MR. ANTHONY: I'll let Ms. Richardson take it from here.

MS. RICHARDSON: And just one housekeeping detail.

We don't, at this point, Public Counsel has no immediate inclination to get a transcript reproduced, so if you want the court reporter's name and address, we will be glad to give you a card, so you will have that?

Okay. And then I have just a few preliminaries, too, in terms of -- so that we are both clear when we are communicating, we both understand the meanings of just some very common general terms that you may use.

THE WITNESS: Okay.

MS. RICHARDSON: One of them is "I don't know," or if I ask you do you know this, or that, or somebody, and you say no; that means you have no personal or direct knowledge, no firsthand knowledge about whatever it is we are talking about, and that you haven't heard anything. Your knowledge doesn't come from any outside sources of things that you have heard, or read, or that kind of thing. So, it covers all of that. Is that acceptable?

THE WITNESS: Uh-huh.

MS. RICHARDSON: Okay. And then it is pretty much the same thing for, "I can't remember," or "I don't recall." Your mind is an absolute blank. If you have some sort of vague memory, you can't give it to me full-blown, but something is out here, then tell me, "I

can't remember, but there is something out here. It is vague, but, you know, there may be something." That way I can maybe ask some other questions or refresh your memory if I know of something, that kind of thing. Is that acceptable?

THE WITNESS: Uh-huh. Yes, ma'am.

MS. RICHARDSON: Okay.

DIRECT EXAMINATION

BY MS. RICHARDSON:

Q Then I would like to start by having you give your name to the court reporter and spell it for her to make sure we have it accurately?

A Okay. It's Lynn, L-Y-N-N, W., last name is S-C-H-M-O-L-L.

Q And your address, please?

A 11450 Northwest 39th Court, Coral Springs, Florida 33065.

Q Okay. And, Mr. Schmoll, what is your present position with the Company?

A Management title? Assistant manager.

Q Okay. And that is an assistant manager where?

A I'm in construction right now. I'm what they call the plant contract supervisor.

Q Okay. And is that North Broward, South Broward?

A North Broward.

Q North Broward? Okay. And how long have you held this position?

A Since January 1st.

Q Of this year?

A Of this year.

Q Brand new position. And what is your pay grade?

A Three.

Q Three. And what did you do before you moved into this position?

A I was a service tech supervisor.

Q Where?

A In Coral Springs.

Q In the IMC North Broward?

A IMC North Broward.

Q IMC North Broward. And what does a service tech supervisor do?

A The installers and the repairmen that, you know, put in the lines, the phones, whatever. I had -- well, various numbers, but at one point in time like 19, 20 people reporting to me. And then it varied from 15 to -- I started out with like seven, and then they had all this consolidation, and we moved up to, in some cases 20 and way over 20. But not me personally. I think 20 was my top. But is there anything else? I mean, did I miss something?

Q I am not sure. I am just asking for some general

information. You are responding in terms of what your duties were, and that is what I was asking about.

Within the scope of that supervisory duty for these individuals, did you have to, or were you familiar with the customer trouble report process and the handling of customer trouble reports? Was that any part of your duties?

A Oh, for sure, yes. I mean, that's, you know, what they did was clear the customer trouble reports.

Q Residential and business?

A Yes, ma'am.

Q Okay. Now, in those terms I want to try to get it down to more detail, if I can. At what point were you involved in that customer trouble report process? Did you have any duties that dealt with entering, initially receiving and entering a trouble report?

A Well, no. The only thing I had to do was hand them out in the morning, because we used to print the troubles instead of having them pick them up in their computer. We print them so they didn't have to stand around and dial in in the morning. They could take it and go. It was already in their computer. We had a hard copy for them.

Q Okay. And the hard copies were produced off the computer initially and then printed?

A Off a printer. No, off a printer in our yard, yes.



Q In your yard. Okay. And then you said a computer. Is that CAT, that hand-held?

A Well, that is the ones that they had. But to circumvent them having to, you know, dial up and get the trouble in the morning, we would pull up the trouble for them and put it on a hard copy, so that they wouldn't have to plug their CAT in and dial up. And there would be a line waiting for dial tone, so they could take their trouble and go and be on the road.

Q So, that was an efficiency measure that you had?

A Yes.

Q Was that something you decided to do to be more efficient? Was that your innovation, in other words, is what I am saying.

A I don't know if it was mine personally, but it could have been. I mean, it is just one of those things that you do because you can, you know, to make it more efficient.

Q All right. Was your move from that position to your present position a promotion for you, then?

A Oh, no, same grade.

Q Same grade. Then why did you move from that position to what you are doing now?

A See, I asked for a transfer from my previous boss. But we got another supervisor, and the supervisor decided he

wanted to make some changes. And there were some vacancies in other departments that he was aware of. And, quite honestly, he and I didn't get along real well, so it seemed like an opportune time for him to make the changes, and he did.

Q And it has been a good move for you?

A Oh, yes.

Q Okay. Who is your present supervisor?

A Tony Towns, T-O-W-N-S.

Q Okay. And who is his supervisor?

A Bob Sattizahn.

Q Okay. And then your immediate past supervisor, the one you didn't get along with, who was that?

A Wayne Treversoll (phonetic).

Q And could you spell that name?

A Oh, no.

Q You don't have any -- Treversoll.

A Treversoll, yes.

Q All right. We will just do it phonetically.

A Okay.

Q Okay. And who was his supervisor on up the line?

A Also Sattizahn.

Q Okay. Can you be more specific about the nature of your disagreement and the need to transfer? Was that something that he generated with you, this ill feeling, or

what did it arise from?

A Well, I had one employee that we had a lot of problems with. And it was basically over discipline of this employee. He thought I hadn't been hard enough on him. And, you know, it just snowballed into something that really wasn't there. I mean, I had written him up about as many times as anybody has ever been written up, but he wanted drop notes on him instead of B forms. I thought the B forms would be a little bit stronger discipline than drop notes, but he didn't agree.

Q Okay. Does a drop note go in a personnel record --

A No.

Q -- for an employee? So, that is something a supervisor would do to sort of notify that person?

A Just a reminder, yes. All it is is a reminder for a supervisor that on such and such a day you talked to somebody about something.

Q Okay. And what specifically was this employee doing or not doing that was a problem?

A Well, we don't really have time. I mean, it's too many things.

Q Well, let me narrow it. Was this employee doing something or not doing something that dealt at all with customer trouble reports?

A Customer trouble reports?

Q Uh-huh, or repairing a customer trouble.

A Well, his productivity was poor when he was doing it. His quality was poor. His attitude was poor. But as far as, you know, just closing out his trouble reports, no, I had no problem with his coding.

Q So, it was behavioral?

A It was mostly behavioral.

Q Mostly behavioral, work attitude problems. Okay. I'm not concerned with those.

A Uh-huh.

Q Okay. When did you start with the Company?

A February of 1970.

Q 1970. Okay. And what was your entry position?

A As what is known today as a service tech. I was actually a residence installer.

Q And did this position also require you to handle maintenance and repair or just installation?

A Just installation.

Q Okay. Can you give me a feel for how much experience you have had over these past 20 years in the specific area of customer trouble report handling?

A Okay. I was promoted in 1979 -- I will leave out all the other stuff -- and I went to a PBX installation crew. And then I was loaned to what is now South Broward as

a control foreman. And from that point I went to the Burke Center, which is now AT&T, but it was Southern Bell at the time, which handled just the businesses. But I was still always in installation. Now, they had a split in installation repair, but I was in installation. And from there, right before the split, I believe it was June or July, I'm not sure, but '83, '84, '83, I went into West Broward, 100 Northwest 70th Avenue, Plantation, as a -- that was an installation, also, installation control job. And from that point -- I was always in installation until we moved from 70th Avenue, and I believe it was around '85, to Pompano, 1230 North Federal. And that is when we kind of combined -- installation and repair was starting to merge together. I was still in installation. I was doing the routing of installation orders at night. And '86 or '87, they had just gone to what you are talking about the CATs, where they routed the guys. They had gone to computer and I was a control supervisor in what they call the pod where they controlled all the service techs, you know, to get them to the right places at the right time. Have you ever seen the operation? I don't know.

Q I have not seen that side of the operation. I am not sure I have been through any Southern Bell operation. I have been through other telephone companies, just in terms of seeing what a switch is. But I don't know much about it.

A Okay. Well, it is like a video game for real money. You put points on this and move people around and -- so, as far as being contacted with customer trouble reports, at this point in time, we had like weekend duty. And so we covered the whole test center, which encompassed both sides of the spectrum. So, what knowledge I do have about trouble reports, that is where it comes from.

Q Okay. So, generally, this is the '86 time frame?

A Yes, '85 or '86, until I moved back outside, finally, in '87. I think it was August of '87.

Q So, just for a relatively few years, two maybe three years at the most, then, is what we are talking about?

A Two years, I would say, at the very most as far as having any contact with customer trouble reports, yes, ma'am.

Q Okay. Then from that experience, or just general knowledge that you may know from having been with the Company for so long, do you know about the process of opening a trouble report and then testing it and then --

A Yes, ma'am.

Q Okay. Do you know about the repairing and the clearing and closing of trouble reports?

A Yes, ma'am.

Q Are you familiar with disposition codes?

A I know what they are. I couldn't name you one

right this minute, today. It is foggy.

Q Let me throw one at you and see how you do. How about a no access code?

A Service orders, ST, no access code. No, I can't.

Q Can't help me with that one. All right. What about a carry-over no, or CON, or a CON code?

A I know what it is, but I can't give you -- you are looking for a number, right?

Q No, I am not looking for a number. Just general information, do you know what a no access means?

A Yes. I know what they are, yes.

Q Okay. You do.

A I'm sorry. I thought you were looking for a number.

Q No, I can get that somewhere else. No, I don't need the numbers. This is not a test on how many numbers you can remember, no. Okay. Well, let's go back to no access. What is a no access?

A It is something that we absolutely have to have access to fix, and it is inside the customer's house, and we can't get in there, or it is inside a confined area. It may be a dog in the yard, or whatever. You know, it is something where we can't get to the trouble to fix it.

Q Okay. And when you, or when you send someone else out that works for you to repair it, and that situation

occurs that they don't have access, do you notify them, let the customer know that you weren't able to get in?

A It is part of the procedure to hang a card or, you know, whatever, yes. We do notify them.

Q And do you know if that has always been done in every case?

A Personally, I have no knowledge it has been done in every case, no. But, you know, it is common practice to hang a card.

Q Okay. Do you know of anyone who has no accessed customer trouble reports without leaving the card, specifically, and has done that sort of as a general, not just a one-time mistake, but as a general way of doing things?

A No.

Q Okay. Have you ever that yourself?

A No.

Q Okay. Have you ever heard of anybody doing that?

A No.

Q If I were to ask you again about the CON code, the CON code, do you recognize that as a --

A I recognize it as a code. CON, it is vague. I do recognize it as a code.

Q Do you know what a commitment time is?

A Yes.



Q And what is a commitment time?

A It is the time that centralized repair gives the customer that we will clear their troubles by.

Q All right. And if the Company is not going to be able to make that commitment time, do you know if they would use the carry-over no code to indicate that on the customer report?

A I don't know if that is what it is for, or not. I don't have any knowledge of that. I have heard of it, but I don't know what the CON -- I can't remember.

Q Okay. Are you familiar with the Company requirement that, or the PSC requirement even, that out-of-service troubles should be cleared within 24 hours, and at least 95 percent of them?

A Yes, ma'am.

Q You know about that. Do you know of anyone who has used the no access code to avoid a report from being counted against the Company in the base?

A No.

Q Do you know of anyone who has used the CON or carry-over no code to stop the clock so that a report would not get counted in that base?

A No.

Q And you have never heard of that being done?

A No.

1 Q Mr. Schmoll,

2

3 A Yes, ma'am.

4 Q

5

6 A I can't remember the exact words. It was -- I  
7 would have to read it again. It has to do with the  
8 Company's loyalty -- not loyalty. I'm sorry, I can't think  
9 of the word.

10 Q

11 A Yes, ma'am.

12 Q Okay. How  
13 were you told about it?

14 A By Mr. Sattizahn.

15 Q And was he the only one in the room at the time  
16 that you were told?

17 A No, Dwayne Ward was also in there.

18 Q Okay. And there were just the three of you there?

19 A Yes, ma'am.

20 Q All right. And then within this conversation  
21 between the three of you,

22

23 A I remember discussing with them, and it was --

24

25

And so, I don't really remember a whole lot of what went on as far as word-for-word conversation.

Q Okay.

A They didn't say that, no.

Q What did you understand them to mean when they said backing up times?

A . At least that is what I understood, you know. I mean, that is the gist I got.

Q Okay. Then would you explain to me what backing up time means?

A      My understanding was that somebody said they cleared a trouble after the -- said the trouble was due at noon, and they had cleared it at 12:15, and they backed it up to 11:59 to make the 24-hour commitment;

Q Okay.

A That is my understanding of backing up times.

Q Then, do you know of anyone who has backed up the time?

**A      No.**

Q Have you ever heard, outside of that meeting, of that being done?

1           A     You mean as far as -- I have no personal knowledge  
2 of it, no.

3           Q     Okay. But have you heard from any secondary  
4 source, from talking to anybody or overhearing  
5 conversations?

6           A     Yes, vague rumors. I mean, you know, it's -- but  
7 I don't have any personal knowledge, no, ma'am.

8           Q     Okay. And when you heard these rumors, did you  
9 hear about a specific IMC that may have been involved or a  
10 specific person that may have been involved?

11          A     No.

12          Q     Just sort of generally that this has been going on  
13 in the Company, is that the nature of --

14          A     Yes.

15          Q     Okay.

16

17

18          A     Yes, I did.

19          Q     And what did they tell you?

20          A

21

22

23          Q     Okay.

24

25

1 A I am now.  
2 Q Okay.  
3 A Yes.  
4 Q  
5  
6 A  
7  
8  
9  
10  
11 Q  
12 A No.  
13 Q  
14 A Yes.  
15 Q  
16  
17 A Uh-huh.  
18 Q Okay.  
19  
20  
21 A I can't say.  
22 Q Okay.  
23  
24  
25

1 A That

2 was the feeling I came away with.

3 Q All right. .?

4 A Yes.

5 Q Do you know what you would have to do?

6 A Yes, I will definitely check into it.

7 Q Okay.

8

9 A Do I know anybody? Yes.

10 Q Recently with this investigation?

11 A Yes.

12 Q Will you please tell me who they are?

13 A Do I know who has been?

14 Q Yes.

15 A Do you want names?

16 Q Please.

17 A Okay.

18 (phonetic). What is his name?

19 That is all I can remember. I know there are some

20 more that I know, but I just can't remember the names.

21 Q Okay. Is that pretty much everybody

22

A Yes, ma'am.

Q Of management level?

A Management level, yes.

Q Okay. Have any of the crafts been disciplined?

A Not that I know of.

Q Not that you are aware. Have you talked to any of these people about the discipline?

A Yes.

Q And what have your conversations been? What have you talked about?

A It's like, you know, we were sacrificial lambs.

Q Okay. Have you all talked together about, other than the backing up the time, whether or not there were any other problems that you could think of that maybe the discipline resulted from?

A No.

Q Do you know of any practice or procedure in a maintenance center where MAs were told to contact a manager to get disposition and cause codes to close out a trouble?

A No.

Q Have you ever heard of that being done?

A No.

Q Okay. And you have never directed or supervised MAs, have you?

A I think probably on paper I might have. In other words, I was in the control pod, and you had people reporting to you that were MAs, I think. I can't say this is a fact, but that is my impression, because it was a blur.

When you were up there, it was so crazy. But as far as directly reporting to me, on a temporary basis on the weekends, yes.

Q Okay. Well, let me rephrase the question to include yourself in that.

A Okay.

Q Have you, yourself, ever directed MAs to call you as a manager or another manager to get disposition and cause codes to close out a report?

A No, ma'am.

Q Do you know about the excluding of reports, how a report might get excluded in the closing process?

A I know about excluding trouble reports, yes.

Q Okay. Would you briefly tell me what you know about it?

A Okay. If the customer calls and says, "I have no dial tone on some line," you know, 792-3000, and they generate a trouble report. And it comes out and it says 792-3000 has no dial tone. And the MA goes through the process of testing it, and finds out that the line is fine, and they call the customer, and he says, "Oh, well, that is our main number. The line that is out is 792-3001," or whatever. What we used to do is exclude that trouble report, because it really wasn't in trouble, and generate a trouble report on the correct number.



Q Okay. Then, do you know of anyone who has taken out-of-service reports and excluded them to meet that 95 percent index, to make sure that the Company made that?

A No, ma'am.

Q Have you ever heard of that being done?

A No.

Q And you have never directed anyone to do that?

A No, ma'am.

Q And you have not done that yourself?

A No, ma'am.

Q Do you know of any other way of excluding out-of-service reports from that index base?

A No.

Q You said you are sort of familiar with disposition and cause codes. Let me ask you a few questions about that and come back to this thing.

A Okay.

Q If you have a report that has been closed out to lightning?

A Uh-huh.

Q Would that out-of-service report be counted in that 95 percent index?

A No, I can't tell you "yes" or "no."

Q Do you know of any disposition codes or cause codes, disposition codes like, for instance, inside wire,

maybe, or multiple cable failure; cause codes like customer action, perhaps, that might take an out-of-service report out of that index?

A You said customer action, I think that takes it out of the index. I can't swear to it, but I think it does. I know there is -- I think it does, but I can't say for sure.

Q Okay. Have you heard of anybody using disposition codes to exclude a report?

A No.

Q Have you heard of anybody using any other method to manipulate that 95 percent, to make sure that it was met?

A No.

Q Have you ever done that yourself, manipulated that?

A No, ma'am.

Q Have you ever directed anyone else to manipulate the report base in order to meet that 95 percent?

A No.

Q Okay. Do you know of anyone who has taken affecting service reports and statused them as out-of-service reports in order to build this base to meet that 95 percent?

A I have no personal knowledge of that, no.

Q Okay. Do you have any secondary knowledge about

that?

A Yes, I have heard rumors.

Q That that has occurred?

A (Witness indicating yes.)

Q And, then, from what you do know, have you any information about any individual that may have done that?

A No, ma'am.

Q Do you have any information about where that might have occurred?

A I heard South Broward.

Q You heard that it might have occurred in South Broward?

A But I have no direct knowledge.

Q Okay. Always feel free to qualify, because you have to feel comfortable with what you are putting down on the record. And that way we will both be sure exactly what you are testifying to.

A Uh-huh. Okay.

Q And if you don't -- I failed to do this at the beginning. If you don't understand something that I am asking you, please ask for clarification or for me to expand on it, so you are comfortable in answering the questions.

A I thought you were asking me for numbers.

Q Okay. So you are sure of that now.

Let me ask you this, Mr. Schmoll. Do you know of

anybody who has unintentionally violated Company procedures on handling trouble reports?

A What do you mean by "unintentionally?"

Q Maybe unknowingly, maybe they misinterpreted the rules, or things got so busy, and they did a whole lot of things at one time and mishandled them?

A I can't think of any individual circumstances. I am sure it has happened, but I can't -- and I'm sure there was such a rush, but I can't say, "Yes, I know this happened." No, I don't know.

Q Okay. What I would like to do, because I think maybe you are thinking maybe it is just like a one-time error or one-time mistake or just a glitch; everybody makes a mistake now and then.

A Are you talking about policy that was set down, and they thought they were doing right and actually it was wrong?

Q Yes.

A No, I don't know.

Q Okay. Are you aware of ever having done that yourself?

A No.

Q Okay. And have you yourself ever directed someone to handle a customer report in a certain manner that you later found out was not according to Company policies?

A Not to my knowledge.

Q Okay. Do you know of anyone who has intentionally violated Company policy and procedures?

A No.

Q Have you ever heard of that being done?

A No.

Q Have you ever directed someone to do that?

A No.

Q And have you ever done that yourself?

A No.

Q Do you know of anyone who has used another employees code to status a trouble report?

A No.

Q Have you ever heard of that being done?

A I have heard rumors, yes.

Q Okay. And, again, have you heard these rumors in relation to specific individuals?

A No.

Q Have you heard them in relation to any location within the Company?

A Our test center, North Broward.

Q In North Broward. What have you heard about that being done in North Broward?

A I have heard, you know, like I said, rumors that somebody was using somebody else's, or a fictitious employee

code.

Q Okay. Would that be in order to close out the report, in closing, and clearing, and closing a report or --

A At this point in time, I can't remember what it was for. I just, you know, you just brought it up, and I said, "Yes, I remember rumors to that effect, but I don't know what it was for.

Q Okay. Do you know of anyone using any other means of excluding a report from the out-of-service base?

A No, ma'am.

Q Have you ever heard of that being done?

A No.

Q And you have never done that?

A No, ma'am.

Q Do you know of anyone who has falsified a customer report or record?

A No, ma'am.

Q Have you ever heard of that being done?

A No.

Q Have you ever done that yourself?

A No.

Q And have you ever directed anyone to do that?

A No.

Q Mr. Schmoll, have you ever reported anyone for mishandling customer records?

A I think what -- you mean have I ever talked to anybody about a trouble report, per se? In other words, that they did something wrong?

Q Uh-huh.

A Yes.

Q Okay.

A I haven't counseled them. I haven't disciplined them. I have probably brought it to their attention, yes.

Q Okay. And in your opinion, with this individual, did you feel that it was just a mistake and they just needed retraining?

A Yes.

Q All right. So, you don't feel that it was something -- feel that it was something they were doing deliberately?

A Oh, no.

Q Okay. And was it a problem that was ongoing? Had it been occurring for quite awhile?

A I don't know. Because the period of time I was there, I didn't supervise directly the people. So, I can't say.

Q Okay. Do you know if anyone has ever reported you for mishandling customer trouble reports?

A Not that I know of.

Q You had made mention of a time -- I think you've

said it twice now, about a lot of confusion going on in the IMC?

A Yes.

Q And what was that confusion related to?

A Divestiture and consolidation.

Q What time period was that?

A Well, you are talking about North Broward as it is today, from the time we opened until probably today.

Q And that is about '85, '86?

A '85, I believe it was '85.

Q Around that period of time. And did that confusion create problems with the customer handling and the flow and the management of those trouble reports?

A Yes.

Q Major problems? In your opinion, major problems?

A No. I mean, it was just the stress of the job, it seemed like problems, you know. They kept changing. It was constantly change, move and change, move and change. It was a very confusing time. They introduced the CATs and the Mapper/Tracker and all the different data bases, and it was a very confusing time for everybody.

Q And so it was hard to get up to speed quickly in all of these things?

A Yes, ma'am.

Q And that transition period -- is it safe to call



that a transition period?

A Yes.

Q I don't want to put too many words in your mouth. Okay. Within that transition period, then, in your opinion, could there have been some mishandling of customer trouble reports that you were unaware of?

A Yes.

MR. ANTHONY: Are you talking about intentional or otherwise?

MS. RICHARDSON: All right. Let's do both. Let's do both. Okay, I will rephrase the question both ways, then.

BY MS. RICHARDSON:

Q In your opinion, in that transition period, could there have been some mishandling, unintentional mishandling of customer trouble reports?

A Yes.

Q On what size scale, major, minor?

A I would say minor, considering the amount of reports. I can't put a percentage on it, but very, very minor.

Q Okay. And, then, let's finish it off. In that transition period, with the confusion that you have indicated, and everyone trying to get up to speed on all these new practices, is it possible that some intentional

mishandling of customer trouble reports could have occurred without your knowledge?

A Is it possible?

Q Uh-huh.

A I can't say "yes" or "no." It is possible, yes, without my knowledge.

Q Let me try one more way, then, on this?

A Okay.

Q In that transition period, did mishandling, intentional mishandling of customer trouble reports occur that you maybe were unaware of at the time, but that you now are aware of?

A No.

Q Have you ever seen an employee handling customer records or reports that appeared questionable to you?

A Could you expound on that?

Q Yes, I will do that again. You have indicated that you have some fairly extensive experience, long-term experience, in the repair part, and that you do have some experience and supervisory experience in the customer trouble reporting process?

A Uh-huh.

Q Okay. Now, within that scope of dealing with the customer trouble reporting process, have you ever noticed anything that appeared questionable or a questionable

practice to you?

A No.

Q Okay. And I am thinking like sending up red flags or signals that that doesn't look right. Is that clear?

A Yes, that's clear.

Q Did I understand you to say earlier that you knew about opening and creating trouble reports?

A I know about creating trouble reports, yes.

Q Okay. In creating trouble reports, do you have any knowledge of anyone who has created a trouble report in order to meet the repair index base to get that 95 percent?

A No.

Q Do you know of anyone who has opened a trouble report when they should not have done so?

A No.

Q Is it possible for an ST in the field to open a trouble report?

A No. Not to my knowledge, no. When I left there, let's say the beginning of the year, no, they could not open a trouble report.

Q Okay. For an ST in the field, once he gets the report and gets the phone number on it, and knows the phone number, is it possible to call back into the system in any manner other than through his CAT, direct access from him into the system? The ST directly into the system, not the

ST going to the MA, who plugs information into the system, like through telephone wires or anything else? Is it possible for an outside technician to access the computer trouble report handling system in any way other than the CAT he has in his hand?

A You just said through the MA.

Q Through the MA. Okay, through the MA, the CAT in his hand, is there any other way?

A Anybody that has access to that data base, I mean, it would be, you know, it could be anywhere. Anybody that has that access to the LMOS data base.

Q And I am thinking technically now. I know he has got the CAT in his hand, and he can type in through the CAT, and he can also get on the telephone and call the MA, and he can get on the computer. Then, would he just go to a telephone line and clip into a toll line and just dial it up without his CAT? Is there any way that he can get in, other than those two methods, the CAT and the MA?

A I guess I don't understand. Are you saying that he can use it like a test set and call the same line that the CAT is calling and get in?

Q Okay, yes. Is that possible to generate reports that way or to access the system that way?

A To my knowledge, no.

Q Do you know of anyone who has called in reports,

any employee who has called in reports through AIRO, the A-I-R-O system and generated trouble reports?

A Personally, no.

Q Have you ever heard of that being done?

A Yes.

Q And, again, where have you heard of that being done?

A When I was out in the field, security rode with us to check up, to make sure that our STs actually had troubles on the trouble reports they went on. And from the information that I know, is that it was in Miami that they were doing it. And I don't know where in Miami. I just know in Miami somebody was doing it. I think there were only two people involved.

Q Do you know the two people?

A No. I mean, that is what I heard, was two people. I don't know.

Q I'm sorry. Did you hear which two people were involved?

A No.

Q And have you every done that yourself?

A No, ma'am.

Q And have you ever directed anybody to do that?

A No.

MS. RICHARDSON: Mr. Schmoll, thank you. I

appreciate you being here. I hope it wasn't too uncomfortable for you. The PSC people may have one or two questions for you.

THE WITNESS: Sure.

MS. RICHARDSON: Okay. Thank you.

THE WITNESS: No problem. Thank you.

MS. WILSON: I have no questions.

#### CROSS EXAMINATION

BY MR. ANTHONY:

Q Mr. Schmoll, I have one question. You mentioned these two people in Miami. Do you know whether they were disciplined or not?

A I believe they were fired. I can't say. The rumor is that they were fired.

MR. ANTHONY: Thank you. I don't have anything further.

(The deposition was concluded at 1:50 p.m.,)

## CERTIFICATE OF REPORTER

STATE OF FLORIDA )


COUNTY OF LEON )

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

DO HEREBY CERTIFY that the foregoing proceedings  
was taken before me at the time and place therein  
designated; that before testimony was taken the  
witness/witnesses were duly sworn; that my shorthand notes  
were thereafter reduced to typewriting; and the foregoing  
pages numbered 1 through 40 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.

WITNESS MY HAND AND SEAL this 1<sup>st</sup> day of  
September, 1992, in the City of Tallahassee, County of Leon,  
State of Florida.

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

My Commission Expires: July 16, 1993

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

FILED: July 21, 1992

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 )

**CERTIFIED  
COPY**

DEPOSITION OF THE WITNESS, PAUL WHITE,  
TAKEN BY OFFICE OF THE PUBLIC COUNSEL,  
ON MONDAY, JULY 27TH, 1992.

Riviera Beach, Florida  
9:40 a.m. - 9:53 a.m.

APPEARANCES:

CHARLES J. BECK, ESQUIRE  
Assistant Public Counsel  
Office of the Public Counsel  
111 West Madison Street, Room 812  
Tallahassee, Florida, 32399-1400  
on behalf of the Citizens of the  
State of Florida.

TRACY HATCH, ESQUIRE  
Florida Public Service Commission  
Chief Bureau of Communications  
Division of Legal Services  
101 East Gaines Street  
Tallahassee, Florida, 32301  
on behalf of the Florida Public  
Service Commission.

(APPEARANCES CONT. ON PAGE TWO)



APPEARANCES CONT.:

TERRILL BOOKER, ENGINEER  
Florida Public Service Commission  
Bureau of Service Evaluation  
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on behalf of Southern Bell  
Telephone & Telegraph.

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Miami, Florida 33130  
on behalf of the Deponent, Paul White.

I N D E X

Pages

PAUL WHITE

Direct Examination by Mr. Beck

5-16

E X H I B I T S

(none)

1                   The deposition of PAUL WHITE was taken  
2           before me, Maureen A. Kerns, Registered Professional  
3           Reporter, CM, and Notary Public, State of Florida at  
4           Large, at the offices of Southern Bell Telephone &  
5           Telegraph Company, 3650 Avenue E, Room 316, in the City  
6           of Riviera Beach, County of Palm Beach, State of  
7           Florida, on Monday, July 27th, 1992, beginning at 9:40  
8           a.m., pursuant to the Notice filed herein, at the  
9           instance of the Office of the Public Counsel in the  
10          above-entitled cause pending before the above-named  
11          Court.

12                   - - -

13                   MR. LACKEY: Since I'm the designated  
14           stipulation giver, we're down to three stipulations  
15           on this one, that is that there is no objection as  
16           to the time and place of the taking of the  
17           deposition, that all objections except as to the  
18           form of the question are reserved until the first  
19           use of the deposition, and that reading and signing  
20           of the deposition are not waived.

21                   I think those are the stipulations we're  
22           operating under, although we really ought to ask  
23           Mr. Fink, since he's Mr. White's attorney, if they  
24           are agreeable.

25                   MR. FINK: I have no objection.

1 MR. LACKEY: As we begin the deposition, I  
2 have a statement that I've been reading, and I  
3 would like to read it now to make sure this record  
4 is complete. I'm Doug Lackey. I'm appearing on  
5 behalf of Bell South Telecommunications, Inc.,  
6 doing business as Southern Bell, and I have a  
7 statement that I need to read to Mr. White.

8 Mr. White, to the extent that any question  
9 calls for information that you have derived from an  
10 investigation conducted by Southern Bell at legal  
11 counsel's request, I will object to that question  
12 as being privileged and I will instruct you not to  
13 answer the question.

14 To the extent that you can answer the question  
15 on the basis of your own personal knowledge, you  
16 should do so, and by that I mean personal knowledge  
17 not obtained as a result of the investigation. If  
18 there's a question that I don't object to but which  
19 will require you to divulge privileged information  
20 in order to respond, you should state that instead  
21 of answering the question. Is that clear? Is  
22 there anything --

23 THE WITNESS: Yeah, that's clear.

24 MR. LACKEY: -- I can explain to you about  
25 that? Okay. Thank you.

PAUL WHITE

being by me first duly sworn to testify the whole truth,  
as hereinafter certified, testified as follows:

DIRECT EXAMINATION

BY MR. BECK:

Q. Mr. White, my name is Charlie Beck. Just so I  
can make sure with counsel that you understand the  
instruction he gave you, is it clear to you that if you  
were to say I don't know the response to the question,  
that would mean you really don't have any knowledge or  
you don't know the response. In other words, I don't  
want to be in a position where you say I don't know, but  
what you're saying is it's part of this investigation  
and I'm not going to tell you.

A. I understand.

Q. Okay. And if you know an answer, you'll  
either tell me the answer or state that you're not  
telling me the answer. Okay?

A. Yes, I understand.

Q. Okay. For the record, can you state your  
name, please?

A. My name is Paul White.

Q. And are you employed by Southern Bell?

A. Yes.

1 Q. What is your position?

2 A. Manager, installation and maintenance center.

3 Q. Okay. And you cover a specific geographic

4 area in that position?

5 A. Yes.

6 Q. What is that?

7 A. Palm Beach County, north of Boca to south of

8 Jupiter.

9 Q. How long have you held that position?

10 A. A little over a year.

11 Q. Okay. So about mid 1991?

12 A. Yes.

13 Q. What position did you hold before that?

14 A. Manager, installation and maintenance staff.

15 Q. Where was that?

16 A. Fort Lauderdale, Florida.

17 Q. How long did you hold that position?

18 A. Approximately three years.

19 Q. So, around mid '88 to mid '91 or --

20 A. Yes.

21 Q. Okay. Let me go back one more time before

22 that. What position did you hold before that?

23 A. Technical -- well, let me get the title

24 right. I was the technical consultant for Bellcor.

25 Q. What type of job was that?

1           A.    I was a subject matter expert on maintenance  
2 items for the installation and maintenance department.  
3 I represented Bellcor to the regions.

4           Q.    Okay. Were you located, what, in New Jersey  
5 then?

6           A.    Morristown, New Jersey.

7           Q.    Were you responsible for putting out practices  
8 or procedures?

9           MR. FINK: No, no, that's okay. I'm just  
10 waiting for the appropriate time to stop. I need  
11 to put something on the record, okay?

12          MR. BECK: Sure. Go ahead.

13          MR. FINK: It's my understanding that the  
14 scope of this deposition is going to be inquiry  
15 into or at least in part inquiry into a certain  
16 disciplinary action that may or may not have been  
17 taken by Southern Bell with regard to Mr. White.

18                It's further my understanding that -- I think  
19 it's beyond my understanding. I think it's within  
20 my knowledge that there is currently pending a  
21 criminal investigation by both the Statewide  
22 Prosecutor's Office and the Attorney General's  
23 Office of the State of Florida. The scope of the  
24 criminal investigation includes a focus on a number  
25 of different areas, one or more of which pertain

1 directly to the area of discipline.

2 Mr. White gave a statement for approximately  
3 eight hours to the Statewide Prosecutor's Office  
4 and the Attorney General's Office, which was taken  
5 at one time. Given the focus of the criminal  
6 investigation and also given the focus that I  
7 understand this deposition is to take, Mr. White  
8 unfortunately and contrary to, to at least his  
9 personal desires, but Mr. White unfortunately has  
10 to assert his Fifth Amendment right, Fifth  
11 Amendment privilege against self-incrimination.

12 MR. BECK: Okay.

13 MR. FINK: The best response that we can give  
14 here today, although Mr. White would certainly,  
15 from a personal standpoint, would like to assist  
16 and cooperate with the Public Service Commission,  
17 is that we would direct you to the Statewide  
18 Prosecutor and Attorney General's Office, and you  
19 can make whatever requests you can for that eight  
20 hours of testimony which would probably more than  
21 answer your questions.

22 I don't know whether they would be willing to  
23 turn it over to you, but I anticipate that  
24 virtually all of the questions that you would ask  
25 from this point forward would fall within the area

1           protected by Mr. White's privilege, and we will  
2           most likely be asserting the privilege in response  
3           to any of those questions.

4           MR. BECK: Okay. What I would intend to do is  
5           keep going forward, but when we hit questions that  
6           you want to take the Fifth Amendment or your client  
7           wants to take the Fifth Amendment to, just say that  
8           briefly based upon what you've said here.

9           MR. FINK: Okay. I will tell you for your  
10          convenience that I have no objection that you ask  
11          all the questions you want and have me assert it  
12          question by question, but I will tell you that I'm  
13          going to assert it on his behalf with regard to his  
14          background, any knowledge that he gained during the  
15          course of his background, the scope of his  
16          positions, the scope of his work with Southern  
17          Bell, and certainly with regard to any questions  
18          regarding what I understand the inquiry will likely  
19          be, which would be the area of trouble reports.  
20          Okay.

21          MR. BECK: Okay. And I would just like to  
22          briefly respond that, you know, I have no knowledge  
23          of what the Statewide Prosecutor or Attorney  
24          General may have done with respect to Mr. White.  
25          In fact, this is the first time I've ever heard of



1 the fact that he's given any statement to the  
2 Statewide Prosecutor.

3 I'd also state that this isn't a criminal  
4 proceeding. This is purely an administrative  
5 proceeding before the Public Service Commission and  
6 that I don't believe I have access to any statement  
7 the Statewide Prosecutor may have taken from  
8 Mr. White.

9 MR. FINK: Just from a practical standpoint, I  
10 don't know whether they would turn that over to you  
11 since it's still in the investigatory stage, and I  
12 am completely cognizant that this is a civil  
13 proceeding and, therefore, even were there a  
14 subpoena to Mr. White under the sections by which  
15 the Statewide Prosecutor can compel testimony by  
16 subpoena, I don't think that's available to you.

17 And so as a result, there's no, for instance,  
18 immunity afforded to Mr. White. Anything that he  
19 says during this statement can be turned over to  
20 the Statewide Prosecutor and used by them. It can  
21 be used in a number of other forums, and I think it  
22 would be foolhardy for anybody under these  
23 circumstances not to assert the Fifth.

24 MR. BECK: Okay. Was Mr. White given immunity  
25 in his statement to the Statewide Prosecutor?

1 MR. FINK: He received a subpoena from the --

2 MR. BECK: Okay.

3 MR. FINK: As I understand, as did most of the  
4 witnesses who testified before the Statewide  
5 Prosecutor, he received a subpoena from the  
6 Statewide Prosecutor, and he received the benefits  
7 of whatever the subpoena afforded.

8 MR. BECK: Okay. And I take it then that you  
9 will assert the Fifth Amendment right even if I  
10 were to ask the same questions that he answered in  
11 respect to the Statewide Prosecutor?

12 MR. FINK: Absolutely.

13 MR. BECK: Okay. Now, are you going to -- I  
14 guess when we stopped, we were just discussing  
15 Bellcor and what your positions were at Bellcor.  
16 Mr. Fink, are you going to object to any further  
17 questions about what he did at Bellcor?

18 MR. FINK: Yes, and the scope of his knowledge  
19 there and the information he received during his  
20 responsibilities there.

21 MR. BECK: Okay. And you're doing that based  
22 upon his Fifth Amendment right?

23 MR. FINK: That's right.

24 MR. BECK: I'm going to ask you a series of  
25 questions, and I guess we'll just go briefly Fifth

1           Amendment, if that is your objection.

2           Q.   (BY MR. BECK) Mr. White, earlier this year  
3           did you receive any discipline from Southern Bell with  
4           regard to your position?

5           MR. FINK: Assert the privilege.

6           MR. BECK: Okay.

7           MR. FINK: By the way, if I say the privilege,  
8           I specifically mean the Fifth Amendment and the  
9           same privilege under state law.

10          MR. BECK: Okay.

11

12

13

14          MR. FINK: Yes, sir.

15          MR. BECK: Okay.

16          Q.   (BY MR. BECK) Mr. White, I planned to ask you  
17          a whole series of questions about your personal  
18          knowledge and/or what you may have heard with respect to  
19          falsification of repair service records.

20          MR. BECK: I take it, Mr. Fink, that you would  
21          object to any questions I might ask him about his  
22          knowledge of falsification of repair records or  
23          what he may have heard about it.

24          MR. FINK: To be precise, I wouldn't object to  
25          them. I would assert the privilege in response to

1           them.

2           MR. BECK: Okay. And you would assert the  
3           privilege with respect to what he has heard about  
4           it as well?

5           MR. FINK: Yes, sir.

6           MR. BECK: Even if it were in a conversation  
7           with another employee of Southern Bell?

8           MR. FINK: Yes, sir.

9           MR. BECK: Let me ask one or two just as  
10          examples.

11          Q. (BY MR. BECK) Mr. White, do you have any  
12          knowledge of or have you heard of Southern Bell  
13          employees backing up repair times on out of service  
14          reports?

15          MR. FINK: Assert the privilege.

16          Q. Okay. Mr. White, do you have any knowledge of  
17          the use of CON or carried over no access codes to stop  
18          the clock on out of service reports?

19          MR. FINK: Assert the privilege.

20          MR. BECK: Okay. Mr. Fink, I guess you will  
21          be asserting the privilege with respect to any  
22          question I might ask with regard to repair service  
23          records.

24          MR. FINK: The best I can say, that is highly  
25          likely. I don't want to force you to go through

1 all of them, but I anticipate yes.

2 MR. BECK: Let me ask one or two more so we  
3 have a basis for what the privilege is.

4 Q. (BY MR. BECK) Mr. White, do you have any  
5 knowledge about the use of exclude codes such as exclude  
6 code for lightening when such codes would not properly  
7 be used on a repair service record?

8 MR. FINK: Assert the privilege.

9 Q. Okay. Mr. White, do you have any knowledge of  
10 the status of statussing affecting service reports as out  
11 of service reports for the purpose of building up the  
12 out of service base?

13 MR. FINK: Assert the privilege.

14 Q. Okay. Let me ask this. Your present position  
15 is in a line position, as I understand it, in  
16 installation and maintenance center?

17 A. Yes.

18 Q. And your previous position in Fort Lauderdale  
19 was a staff position?

20 A. Yes.

21 Q. Could you distinguish and tell me what some of  
22 the similarities and differences are between those  
23 positions?

24 MR. FINK: Let me see if I understand the  
25 question. You mean in terms of the difference in

1 title or --

2 MR. BECK: No. The difference of job  
3 responsibilities and what was entailed by each  
4 job.

5 MR. FINK: Hold on a second.

6 MR. BECK: Would you all like to use the other  
7 room?

8 MR. FINK: No, that's all right.

9 (Discussion off the record between Attorney  
10 Fink and the witness.)

11 MR. FINK: Okay. I'm going to assert the  
12 privilege there because I believe that the question  
13 on its face is calling for something that may be  
14 simply a factual rendition by Mr. White of company  
15 policy; however, by the same token, in answering  
16 the question, it requires Mr. White to render his  
17 own personal knowledge of those responsibilities  
18 and his opinion as to the extent and scope of those  
19 responsibilities. And, consequently, I believe  
20 that it falls within the privilege, and we will  
21 assert the privilege.

22 MR. BECK: Okay. A few more questions and  
23 then we'll be done.

24 Q. (BY MR. BECK) Mr. White, do you know a person  
25 named Dennis Slattery?

1 MR. FINK: Assert the privilege.  
2 Q. Okay. Do you know of any involvement by a  
3 Mr. Slattery with respect to falsifying out of service  
4 reports?  
5 MR. FINK: Assert the privilege.  
6 MR. BECK: I think I'm done.  
7 MR. FINK: Okay.  
8 MR. HATCH: I don't think we have anything.  
9 MR. BECK: Doug?  
10 MR. LACKEY: Oh, I certainly don't.  
11 (Concluded at 9:53 a.m.)  
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C E R T I F I C A T E

I, Maureen A. Kerns, Registered Professional Reporter, CM, and Notary Public, State of Florida at Large, do hereby certify that the foregoing deposition of PAUL WHITE was taken before me in this cause at the time and place and in the presence of counsel as set out herein; that before giving his/her deposition, the witness was duly sworn by me to testify the whole truth; that the foregoing pages constitute a true record of his testimony of the witness and of all proceedings had.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor am I interested in the outcome of the action.



Maureen A. Kerns, Registered Professional Reporter and Notary Public, State of Florida at Large. Commission Expires: Dec. 20, 1994



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