

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the )  
integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY'S repair service )  
activities and reports. )

DOCKET NO. 910727-TL

In re: Investigation into )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY'S complaine )  
with Rule 25-4.110(2), F.A.C., )  
Rebates. )

FILED: 04/28/93

DEPOSITION OF:

DAVID J. SVENDSEN

TAKEN AT THE INSTANCE OF:

The Staff of the Florida  
Public Service Commission

PLACE:

605 West Garden Street  
Pensacola, Florida 32501

TIME:

Commenced at 2:05 p.m.  
Concluded at 2:30 p.m.

DATE:

Tuesday, May 11, 1993

REPORTED BY:

Angela E. Harrell, CP,  
Registered Professional Reporter

DOCUMENT NUMBER-DATE

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FLORIDA RECORDS/REPORTING

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APPEARANCES:

JANIS SUE RICHARDSON, Staff Counsel, 111 West Madison Street, Tallahassee, Florida 32399, Telephone No. (904) 488-9330, appearing on behalf of the Office of Public Counsel.

JEAN R. WILSON, Staff Counsel, Stan L. Greer, Engineer and Terrill Booker, Engineer, 101 East Gaines Street, Fletcher Building, Room 226, Tallahassee, Florida 32399, Telephone No. (904) 487-2740, appearing on behalf of the Florida Public Service Commission.

ROBERT G. BEATTY, Esquire, 150 West Flagler, Suite 1910, Miami, Florida 33130, Telephone No. (305) 530-5564, appearing on behalf of Southern Bell.

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S T I P U L A T I O N

IT IS STIPULATED that this deposition was taken pursuant to notice in accordance with the applicable Florida Rules of Civil Procedure; that objections, except as to the form of the question, are reserved until hearing in this cause; and that reading and signing was not waived.

IT IS ALSO STIPULATED that any off-the-record conversations are with the consent of the deponent.

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WHEREUPON,

DAVID J. SVENDSEN

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

EXAMINATION

BY MS. RICHARDSON:

Q Mr. Svendsen?

A David J. works better.

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

A David J. Svendsen, S-V-E-N-D-S-E-N.

Q And your address please?

A 6915 Pine Forest.

Q Is that a company address?

A Uh-huh (affirmative).

Q Do you know the zip code there?

A 32526, I think.

Q Do you have a phone number?

A 944-0005.

Q What is your present position?

A Facility tech.

Q And how long have you been an FT?

A Good Lord, forever I guess.

Q How long have you been with the company?

14

1 A Twenty-seven years. Well, will be twenty-seven  
2 in July.

3 Q Have you been a facility tech that entire time?

4 A I was a cable splicer prior to that. They split  
5 our titles up, made us change titles.

6 Q Have you been in Pensacola that whole time?

7 A No. I come to Pensacola in, Lord, '71.

8 Q Have you talked to anybody outside of the  
9 company attorneys about your deposition here today?

10 A Uh-huh (affirmative).

11 Q Who did you talk to?

12 A Some of the guys I work with.

13 Q Did you talk about maybe some of the questions  
14 or answers you're going to be giving here?

15 A No, just trying to figure out what was going on.

16 Q And what was going on?

17 A Same old garbage.

18 Q Same old garbage as what?

19 A This is the fourth time I been in for the same  
20 thing.

21 Q You've been interviewed three other times then?

22 A Just through us at work.

23 Q When was that?

24 A A long time ago.

25 Q A couple of years, ten years?

14           1           A           Not that long ago. Three, four years ago.

              2           Q           Three or four years ago. You said three times  
              3 maybe. When was the first time, do you remember?

              4           A           I have no earthly idea.

              5           Q           Was it here in Pensacola?

              6           A           Yeah.

              7           Q           Were all of them here in Pensacola?

              8           A           Yes.

              9           Q           Do you know who was in the room with you on the  
             10 first one?

             11           A           Company people. I don't remember who it was.

             12           Q           Was there anyone from the union there?

             13           A           I don't remember.

             14           Q           Do you know if there was anyone other than an  
             15 attorney or security person for the company from any of these  
             16 three times?

             17           A           No.

             18           Q           No supervisor, no union people?

             19           A           No.

             20           Q           Did you have an attorney for any of these  
             21 statements?

             22           A           No.

             23           Q           Do you have an attorney here today?

             24           A           No, ma'am.

             25           Q           Has anyone advised you that you would not be

14

8

1 disciplined based upon whatever answers you give to me?

2 A Yes, ma'am.

3 Q Has anyone advised you of the possible criminal  
4 penalties for perjury that could apply if you perjure  
5 yourself here today?

6 A No, ma'am.

7 Q If at any point, I give you information or while  
8 we're talking you decide you have a question for me, I want  
9 you to feel free to ask. If at any time you feel like you  
10 need to go off the record and talk to company counsel, we'll  
11 stop the court reporter and you'll have an opportunity to do  
12 that. Is that okay for you?

13 A It works for me.

14 Q What do you do as a facility technician?

15 A Cable repair.

16 Q Have you done cable repair since 1980?

17 A When did I go to repair? About three years ago.

18 Q So since maybe, what, 1990 you've been doing  
19 cable repair?

20 A '89, '90, somewhere in there.

21 Q What did you do before then?

22 A Cable splicer.

23 Q Have you ever worked with residence and business  
24 troubles?

25 A Whatever troubles come to is what we fix,



1 strictly cable troubles.

2 Q What about inside residences and business type  
3 problems?

4 A No. As cable repairman we did go inside.

5 Q From the terminal back to the maintenance  
6 center, back to the center?

7 A Central office.

8 Q Central office. Thank you. Who is your present  
9 first-level manager?

10 A John Lovelace.

11 Q How long has Mr. Lovelace been your first-level  
12 manager?

13 A These are too hard questions. When we come back  
14 from home dispatch, that's probably been a year and a half  
15 maybe.

16 Q A year and a half. Who was it before Mr.  
17 Lovelace? Who was your first-level manager before Mr.  
18 Lovelace?

19 A Teeters, I think.

20 Q Is that Mr. Osborne Teeters?

21 A Yeah.

22 Q Do you remember any other first level managers  
23 that you had?

24 A My memory don't work too good any more. I'm  
25 getting old. Aren't we all?

14

- 1 Q Yes. I can speak for myself on that one. Who  
2 is the second-level manager?
- 3 A Tony Devito.
- 4 Q How long has Mr. Devito been your second-level  
5 manager?
- 6 A Since we come back from maintenance I went to  
7 construction again. A year and a half, I guess, whatever the  
8 same time was we came back over here.
- 9 Q So you worked construction for a while?
- 10 A Uh-huh (affirmative).
- 11 Q And is construction responsible for rehab at  
12 all?
- 13 A They are now some. They have got some rehab  
14 crews. Back then all we did was build new plants.
- 15 Q About what period of time were you doing  
16 construction, what years?
- 17 A Well, from '66 until three, four years ago.
- 18 Q About 1989 then when you got back to cable?
- 19 A Uh-huh (affirmative).
- 20 Q When you were on construction, did you ever get  
21 loaned out to trouble repair?
- 22 A Huh-uh (negative).
- 23 Q They had so many out of services some days they  
24 never had to call you?
- 25 A Never did.

14 1 Q Who was your second-level manager before Mr.  
2 Devito?

15 3 A Bill Bivens, I think.

4 Q Mr. Bivens?

5 A B-I-V-E-N-S.

6 Q And about how long was Mr. Bivens your  
7 second-level manager?

8 A We come back here just for a little bit. Tony  
9 is on the ST side of the house. Bill was still here. Tony  
10 come in and that's when they had the big -- everybody took  
11 the retirement.

12 Q Do you remember any other second level managers  
13 besides Mr. Devito and Mr. Bivens?

14 A Not offhand.

15 Q Okay. Who is your operation manager?

16 A Oh, John.

17 Q St. Amant?

18 A St. Amant. I couldn't think what his title was.

19 Q Okay. Do you know who it was before Mr. St.  
20 Amant?

21 A Too long for me.

22 Q Have you ever heard the phrase backing up the  
23 time?

24 A Uh-huh (affirmative).

25 Q What does that mean to you?

15

1 A Just if you're a handful away one way or the  
2 other, catch it where you can, keeps the numbers right.

3 Q When you say keeps the numbers right, what do  
4 you mean by keeps the numbers right?

5 A Well, it's common knowledge stuff flows down  
6 from boss to boss. As long as my boss is happy, he's not on  
7 my butt. If he keeps his boss happy, he's not on his butt.  
8 It runs real smooth.

9 Q Are we talking about out-of-service reports?

10 A Whatever. It didn't matter.

11 MR. BEATTY: I object to the form of the  
12 question. It certainly assumes facts not in the  
13 record. You can go ahead.

14 THE WITNESS: Did I miss something here?

15 MR. BEATTY: From time to time I make objections  
16 which are actually legal objections -- hopefully  
17 sometime they will sound that way -- that are for the  
18 purpose of putting onto the record certain matters that  
19 really don't change what you need to say or how you  
20 need to respond. It's just to insure that the record  
21 is clear.

22 THE WITNESS: Okey-dokey.

23 MR. BEATTY: You can certainly respond to her.

24 THE WITNESS: What was the question?

25 BY MS. RICHARDSON:

15

1 Q When you say keeping the record straight, do  
2 these records have anything to do with out-of-service  
3 reports?

4 A No, not particularly. Just whatever it took  
5 just to keep the boss out of trouble. As far as anything  
6 that needed to be done on the truck, you kept it that way or  
7 like a safety step without having to step there, without  
8 having to come back in, you took care of it. Instead of  
9 waiting for a digger, you started to dig. Whatever kept him  
10 out of trouble.

11 Q Are you aware of a requirement that the company  
12 complete repairs on out-of-service reports within twenty-four  
13 hours at least ninety-five percent of the time?

14 A As when all this stuff started.

15 Q That's when you found out about it.

16 A Uh-huh (affirmative).

17 Q All right. Would part of your keeping the boss  
18 happy be making sure those out-of-service reports were  
19 cleared within twenty-four hours?

20 A If you got them cleared, you got them. If you  
21 didn't, shame on it.

22 Q If you didn't, what would happen?

23 A Then they would be over twenty-four.

24 Q Would you get any feedback about that?

25 A No.

15

1 Q Is that a no or yes?

2 A I'm sorry. No.

3 Q Okay. Have you ever heard of anyone backing up  
4 the clearing time on the report just to keep it from going  
5 over twenty-four hours?

6 A No.

7 Q Have any of your managers or bosses ever  
8 indicated to you directly or indirectly that you ought to  
9 make sure all your reports were cleared within twenty-four?

10 A Well, they would want it done if possible. If  
11 it's dinner time, don't go eat dinner from eleven to twelve  
12 and the thing was over at 12:30. Fix that sucker, then go  
13 eat dinner late. Not to back them up like that, no.

14 Q I'm going to show you a document Mr. Svendsen.

15 A Try David J. It works a lot easier.

16 Q This is called Citizens' Third Set of  
17 Interrogatories and it's dated June 6th of 1991. It's item  
18 number one. An interrogatory is a question I put down in  
19 writing. I mail it off to the company and the company puts  
20 an answer for me in writing and mails it back.

21 A Okay.

22 Q All right. What we have asked is the company to  
23 tell us the names of employees who have knowledge about  
24 falsifying completion times on repair reports, trouble  
25 reports. The company answered with a list of names they say

15

1 may have information about backing up clearing times. I

2

3

4

A Yes, ma'am.

5

Q Now, the names that you don't see that are paper  
6 clipped and folded under are because the company considers  
7 that confidential information so we're not showing it to you.  
8 What I would like you to do is give you a moment and let you  
9 read this, then I want to ask you some questions about it.

16

10

A Okay.

11

(An off the record discussion was held.)

12

BY MS. RICHARDSON:

13

Q Did you want to check with company counsel  
14 before we go back on the record at all?

15

A No.

16

Q Okay.

17

A Still is.

18

Q Still is. Okay. What I would like to know is  
19 other than what you have already spoken about here today,  
20 what information do you have about backing up clearing times?

21

MR. BEATTY: Do you know anything else other  
22 than what you already told her?

23

THE WITNESS: No.

24

BY MS. RICHARDSON:

25

Q Are you familiar with disposition and cause

1 codes?

2 A Sure.

3 Q What is a disposition code?

4 A Disposition is what the cause code is, what  
5 caused the problem. Disposition, whether it be a splice  
6 cable, wet cable, bites or whatever.

7 Q Those are cause codes?

8 A Disposition codes.

9 Q Disposition codes. Is there a squirrel bite  
10 code for central office failure?

11 A Pardon me?

12 Q Do you have a disposition code for inside wire?

13 A We're strictly cable repair.

14 Q Cable repair.

15 A I want to see that squirrel get inside that  
16 central office. I want to see that. That's one bad little  
17 sucker.

18 Q Okay. Well, I'm not a cable repairman.

19 A No doubt in my mind. Not much of critter-getter  
20 either.

21 Q Do you have some weather codes?

22 A You got whatever the cause is.

23 Q Like lightning, rain?

24 A Rain, critters, people, other contractors,  
25 whatever.



1 Q Do you know if there are certain disposition and  
2 cause codes that would take an out-of-service report and not  
3 count it as a miss against the company on that twenty-four  
4 hour index?

5 A Out of service is out of service.

6 Q Has anyone ever stressed with you the use of say  
7 that lightning code?

8 A If it's lightning, it's whatever the thing is.  
9 That's what you charge it to. If it's lightning, you show it  
10 to lightning. If it's squirrel, you show it to that  
11 squirrel.

12 Q What if it was a squirrel bite and moisture got  
13 in the cable, what would you show it to?

14 A Well, hell, back then if it was moisture, that's  
15 what we showed it to was moisture. That squirrel bite -- we  
16 still fight about it all the time. Squirrel bite in the  
17 cable didn't hurt that cable. Rain getting in and getting it  
18 wet did. They said, no, if the squirrel hadn't bit the  
19 cable, it wouldn't have gotten wet. So if the cable was wet,  
20 then to me that's up to us basically what we do. If cable  
21 was wet or the splice was wet, it was wet.

22 Q Okay.

23 A But now they revised -- well, the wet didn't get  
24 there by accident. Something caused a defect, the factory,  
25 manufacturing problem, our problem, something else.

1 Q Okay. And how recent was that change that  
2 you've just referred to?

3 A Not long ago.

4 Q About a year ago?

5 A A couple of years ago.

6 Q Do you know anyone who has used say the  
7 lightning or the weather codes when they didn't apply?

8 A Not really.

9 Q Do you know of any managers who either directly  
10 or indirectly asked their repair people to use the weather  
11 codes when they didn't apply?

12 A Not to me.

13 Q Do you know if a customer is due a rebate if  
14 they're out of service more than twenty-four hours?

15 A Do now.

16 Q What do you mean by now?

17 A Since all this garbage has started. I wasn't  
18 aware of nothing like this.

19 Q Do you know of any customer that was denied a  
20 rebate because of improper handling of their trouble report?  
21 Have you ever heard a manager tell their people don't status  
22 anymore out of services today?

23 A We don't status anything. We fix it.

24 Q When you get reports, are they already statused  
25 out of service or not out of service?

16

1 A Uh-huh (affirmative).

2 Q That's a yes?

3 A Yes. I'm sorry.

4 Q That's okay. Do you ever have occasion to get  
5 say a not out-of-service report on a cable, say noise or  
6 something and when you get out there to fix it, you find out  
7 that that line is just dead? Has that ever happened?

8 A Sure, occasionally, but not -- see, that stuff  
9 don't matter. We just go fix it. We're just dumb, old cable  
10 repairmen.

11 Q When you find out it should have been statused  
12 out of service and call in, do you call in to clear and close  
13 a report with an MA?

14 A Yes, ma'am.

15 Q You let her know out of service, I'm telling you  
16 it's out of service now?

17 A Sure.

18 Q Do you know if she's changing the status?

19 A I don't have a computer.

20 Q Do you talk to her about it?

21 A Sure.

17

22 Q Okay. On occasions when you've called in on  
23 out-of-service reports that were about to go out over  
24 twenty-four, just maybe missed it by fifteen, thirty minutes,  
25 has an MA ever told you on the phone, I have to check with

1 the manager before we finished this one?

2 A Not me.

3 Q Not you. Have you ever had a manager tell you  
4 not to finish out a report that's about to go out over  
5 twenty-four hours?

6 A Not to finish one?

7 Q To wait, to contact him?

8 A I misunderstood that.

9 Q Let me rephrase it. Thank you. If you don't  
10 understand, let me know.

11 A I'm just a dumb, old country boy. You got to  
12 put it where I can understand.

13 Q Let me try one more time. If you have a manager  
14 tell you if you're about to miss that twenty-four hours, you  
15 call him before you close it out?

16 A No. We're told to get with it.

17 Q What do you mean by get with it?

18 A Well, it's say special circuit or fixing to  
19 clock on them, they might say you got about two more hours  
20 left, hour left, you might need some help to get in there to  
21 do whatever. As far as that stuff, no.

22 Q Do you know of anybody who has taken an  
23 out-of-service report that's about to go longer than  
24 twenty-four hours and then closed it out, then reopened it as  
25 an employee report in order to really fix it and close it?

1           A       No.

2           Q       Have you ever heard of that being done?

3           A       No. We just fix whatever is broke.

4           Q       All right. Have you ever heard of anyone

5           creating fictitious trouble reports?

6           A       Yeah. There was an old woman other side of

7           Milton she called in all the time saying her phone was broke.

8           She was just lonesome.

9           Q       Have you ever heard of any employees with the

10          company who created fictitious reports?

11          A       No.

12          Q       Do you know of anyone else using someone else's

13          codes?

14          A       No. I got a big old bucket truck. Say the old

15          boy is up in the air. So he's going to pick up another

16          trouble instead of do this, that and the other. I'll go

17          ahead, pick up another trouble. By the time he can pick one

18          up, I'm finished.

19          Q       Both of you have been working on the same place?

20          A       Yeah.

21          Q       Have you ever heard of someone using someone

22          else's employee code when not working the same trouble?

23          A       No.

24          Q       Have you ever heard of having someone out sick

25          one day or on vacation and his code being used on trouble

1 reports?  
2 A Not at all.  
3 Q Has anyone ever used your number?  
4 A Other than when we're paired up.  
5 Q That's the only time?  
6 A Yeah.  
7 Q Do you know about the multiple cable code? Do  
8 you use that, the multiple cable code?  
9 A No, just whatever is broke that's what we fix.  
10 Q Do you know how to exclude an out-of-service  
11 report?  
12 A No, ma'am.  
13 Q Do you know how to eliminate a trouble report  
14 from the system?  
15 A Wouldn't have a clue.  
16 Q Do you know of anyone who has put false  
17 information on a customer trouble report?  
18 A Not that I know of.  
19 Q Have you ever been disciplined for failing to  
20 follow a manager's instructions that you felt were incorrect?  
21 A Boy, is that one loaded. As far as this stuff,  
22 no.  
23 Q Has it ever occurred?  
24 MR. BEATTY: Has what occurred?  
25 THE WITNESS: Has what occurred?

1 BY MS. RICHARDSON:

2 Q Have you ever been disciplined for failing to  
3 following a manager's instructions that you felt were  
4 incorrect?

5 A Sure.

6 Q Can you give me an example?

7 A He told me on some job one day, years ago in  
8 construction where I again had my bucket truck. We couldn't  
9 open the cable up. I went across town to hang terminals for  
10 another guy that didn't need any protection from it. I was  
11 gone two hours. I got chewed out right fine. I was working.

12 Q You were working the whole time?

13 A Yeah, but it didn't make him happy.

14 Q Do you know of anyone who has filed a grievance  
15 with the company because of managers' directions that they  
16 felt were improper?

17 A Help me out on that one. I filed a bunch of  
18 grievances.

19 Q You have?

20 A Sure.

21 Q For what?

22 A Well, the last one --

23 MR. BEATTY: Objection, relevance. You can go  
24 ahead.

25 THE WITNESS: It was for attendance. I was off

17

1 sick once, then I broke my foot, fell down, screwed up  
2 both my damn -- excuse me, both my knees. So that was  
3 three times, just a grievance procedure that I wanted  
4 handled that way.

5 BY MS. RICHARDSON:

6 Q Other than strictly personal reasons how about  
7 job related reasons?

8 A No.

9 Q Do you know of anyone who has filed a grievance  
10 for job related type work handling trouble reports?

11 A No, ma'am.

12 Q Have you ever been asked to help sell products  
13 or services for the company?

14 A She asked me the same one. I couldn't sell a  
15 blind man a seeing eye dog. I do not have any tact with  
16 people. To answer your question, not likely, no.

18

17 Q Do you know anybody who has?

18 A No. They don't allow us near the public as much  
19 as they can keep us from it.

20 Q Do you know anybody who has created employee  
21 reports just to generate a task per day requirement?

22 A No, ma'am.

23 Q Mr. Svendsen --

24 A David J. works.

25 MS. RICHARDSON: David J., I want to thank you



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for your time. I think I'm through with the questions  
for you. I appreciate you coming down today.

THE WITNESS: Okey-dokey.

MS. RICHARDSON: Some of the commission people  
may have one or two for you.

MS. WILSON: I have no questions.

(Whereupon, the deposition was concluded.)

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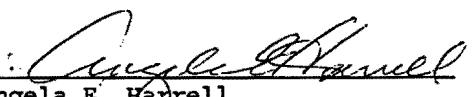
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CERTIFICATE OF OATH

STATE OF FLORIDA )  
COUNTY OF ESCAMBIA )

I, Angela E. Harrell, hereby certify that  
DAVID J. SVENDSEN, personally appeared before me and was duly  
sworn.

WITNESS my hand and official seal this 24th day  
of May, 1993.

  
Angela E. Harrell  
Notary Public, State of Florida  
My Commission No. AA753128  
Expires: 3/20/94

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REPORTERS DEPOSITION CERTIFICATE WITH ACKNOWLEDGMENT

STATE OF FLORIDA )  
COUNTY OF ESCAMBIA )

I, Angela E. Harrell, CP, Registered Professional Reporter, certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true record of the testimony given by the witness.

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

Dated this 24th day of May, 1993.

Angela E. Harrell  
Angela E. Harrell, CP  
Registered Professional Reporter

STATE OF FLORIDA )  
COUNTY OF ESCAMBIA )

The foregoing certificate was acknowledged before me this 24th day of May, 1993, by Angela E. Harrell who is personally known to me.

Patrick Baggett

 PATRICK BAGGETT  
NOTARY PUBLIC-STATE OF FLORIDA  
COMMISSION EXPIRES APRIL 4, 1997  
COMMISSION # CC273636