

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
DOCKET NO. 910163-TL

**CERTIFIED
COPY**

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

DEPOSITION OF CARMEN ORTIZ, TAKEN AT THE
INSTANCE OF THE OFFICE OF THE PUBLIC COUNSEL.

Lake Worth, Florida
June 14, 1993
10:21 a.m. - 11:02 a.m.

REDACTED

2 COPIES

ATTACHMENT C

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I N D E X

WITNESS: CARMEN ORTIZ

	Direct	Cross	Redirect	Recross
BY: MS. RICHARDSON	5			

E X H I B I T S
(NO EXHIBITS)

1 * * * * *

2 STIPULATION

3 It is hereby stipulated and agreed by and between
4 counsel for the respective parties that:

5 MR. BEATTY: I am going to make one
6 statement, and that is the company has
7 represented to each and every employee in this
8 city and in every city that with regard to the
9 depositions in this proceeding that no employee
10 will be disciplined based upon their testimony in
11 this proceeding, provided they have testified
12 truthfully.

13 * * * * *

14 The deposition of CARMEN ORTIZ was taken before me,
15 KIMBERLY C. AYERS, Professional Reporter and Notary Public,
16 State of Florida at Large, at 120 North K Street, City of
17 Lake Worth, County of Palm Beach, State of Florida,
18 beginning at the hour of 10:21 a.m. on June 14, 1993,
19 pursuant to Notice filed herein, at the instance of the
20 Office of the Public Counsel, in the above-titled cause.

21 - - -

22 THEREUPON,

23 CARMEN ORTIZ,

24 Being by me first duly sworn to testify the whole truth as
25 hereinafter certified, testifies as follows:

DIRECT EXAMINATION

BY MS. RICHARDSON:

Q. State your name, please?

A. Carmen Ortiz, O-r-t-i-z.

Q. Can you spell your first name?

A. C-a-r-m-e-n.

Q. And your address?

A.

Q.

A.

Q. And the zip?

A.

Q. And your phone number?

A.

Q. What's the area code?

A. 407.

Q. I'm still using 305, which is why. And are you accompanied here today by an attorney?

A. Yes.

Q. I'll ask him to put his appearance on the record.

MR. LEBEDEKER: On behalf of Carmen Ortiz,

I'm Mike Lebedeker.

BY MS. RICHARDSON:

Q. Ms. Ortiz, have you discussed your statement here today with anyone other than your attorney or the attorneys

1 for Southern Bell?

2 A. No, just the attorney.

3 Q. Has anyone advised you that you would not be
4 disciplined based upon your answers here today?

5 A. Yes.

6 Q. Has anyone discussed with you the possible
7 penalties if you perjure your testimony here today?

8 A. Yes.

9 Q. What's your present position with the company?

10 A. Maintenance administrator.

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

12 A. About 12 years.

13 Q. Has all that time been here in Lake Worth?

14 A. No, it's been -- it started in Palm Beach
15 Gardens, then South Military Trail in West Palm Beach, then
16 Hypoluxo and now here.

17 Q. At any time did you give a statement to a company
18 investigator?

19 A. Yes.

20 Q. Do you remember when that was?

21 A. A couple years ago, maybe.

22 Q. One or two? '91 somewhere?

23 A. Yes.

24 Q. Do you remember who was in the room with you when
25 you made that statement?

1 A. The only one I remember was the CWA. Who was it,
2 not Ed Ryan. Peoples, Ed Peoples was in there.

3 Q. Ed Peoples or Ruth Peoples?

4 A. No, Ed Peoples.

5 Q. Can you spell Peoples?

6 A. P-e-o-p-l-e-s. And then the lawyer. I don't
7 remember her name.

8 Q. Was she with Southern Bell?

9 A. I believe she was. I don't remember.

10 Q. And was it just the three of you or was someone
11 else present?

12 A. I think it was just the three of us. There might
13 have been one other person. I don't remember who was there.

14 Q. Did you discuss that statement with anyone after
15 you got out?

16 A. No.

17 Q. Did anyone discuss their statement with you?

18 A. No.

19 Q. Do you know how many people gave statements to
20 the company?

21 A. No, I don't.

22 Q. Can you briefly explain your duties as an MA are?

23 A. Okay. When the reports come in we screen them,
24 we decide whether the trouble is in or out, or what we have
25 to do with them. And then we also dispatch troubles out to

1 the men. We close out the troubles. That's about generally
2 what we do.

3 Q. When you screen you say in or out?

4 A. Means the trouble is either in the central office
5 or it's outside in the field, or could be their equipment.
6 Could be a lot of things.

7 Q. And do you decide when you screen a trouble
8 whether or not it's out of service or not?

9 A. Yes.

10 Q. How do you base that decision on -- what do you
11 base it on?

12 A. The kind of test we get if it's open, if it has a
13 ground that's out of service. But you try to call the
14 customer first. If you can get ahold of the customer, then
15 it's not out of service.

16 Q. Oh, because they -- obviously if they pick up
17 their phone?

18 A. Sometimes they can come in as open and when you
19 call them they do pick up. I have to call them.

20 Q. Do you get all of the troubles that customers
21 call in? Do all of them come through the center here?

22 A. Not now. Some of them get screened by auto
23 screener, screened right away.

24 Q. And do the troubles that go through auto screener
25 gets statused out of service or not out of service and then

1 come to you?

2 A. No, if they're out of service it gets
3 automatically screened by the center and it does make it out
4 of service.

5 Q. Then it goes directly to dispatch?

6 A. It goes directly to be dispatch. The men pick it
7 up. We don't see those.

8 Q. In their CAT terminals?

9 A. Uh-huh.

10 Q. On the ones that you've screened out of service,
11 then -- and you've been doing this, I think you said twelve
12 years?

13 A. Uh-huh.

14 Q. Has the statusing for out of service changed at
15 any point in that time?

16 A. Has it changed? Not really. Same to me.

17 Q. So it's essentially whether it's an open or a
18 ground?

19 A. Right.

20 Q. When you said open or ground, does that mean the
21 person can call or be called?

22 A. Right.

23 Q. No dial tone?

24 A. No dial tone.

25 Q. Are there any other instances that it might be

1 out of service?

2 A. If you get an open end it's out of service. Open
3 end is when it's open in the central office. One of the
4 wires break or something is wrong in frame, that's out of
5 service completely.

6 Q. Have you ever had an MA give you instructions on
7 statusing out of service reports that based on your training
8 and experience you felt were improper?

9 A. No.

10 Q. I'm sorry, have you ever had a manager give you
11 you instructions on statusing out of service reports that
12 you felt were improper?

13 A. I don't remember.

14 Q. Have you ever had a manager tell you don't status
15 any out of services today?

16 A. No, not today, no.

17 Q. Have you ever had a manager tell you don't status
18 out of services?

19 A. I might have a long time ago. I don't remember
20 when or who. Years ago.

21 Q. Five years ago, six years ago?

22 A. It might have been longer than that.

23 Q. Have you ever seen any signs posted in a room --

24 A. No signs.

25 Q. -- no statusing out of services?

1 A. No.

2 Q. The manager might have walked around the room and
3 said don't status out of services today?

4 A. Right.

5 Q. Do you know why that was being done?

6 A. I didn't at that time. I didn't really think
7 about it, no.

8 Q. Have you thought about it since then?

9 A. Yes.

10 Q. Why do you think that was being done?

11 A. Probably to meet their commitment.

12 Q. When you say meet their commitment, do you mean
13 that out of service over 24 hour report needs to be cleared
14 within 24?

15 A. Right.

16 Q. To meet that index then?

17 A. Right.

18 Q. Would the manager that you got these instructions
19 from have been one of your first level or second level
20 managers?

21 A. Probably first level, I would say. Second level,
22 they don't say much.

23 Q. Let me go to your first level managers while
24 we're on that topic. Who's your present first level
25 manager?

1 A. Ann Horne.

2 Q. A-n-n. Is there an "E" on it?

3 A. I think it's A-n-n. Then H-o-r-n-e.

4 Q. And how long has Ms. Horne been your manager?

5 A. Not too long. Six months maybe. Not even that.

6 She's new.

7 Q. Who was it before Ms. Horne?

8 A. Ray White.

9 Q. And how long was Mr. White your first level?

10 A. A few years. I don't remember exactly how many
11 years. Three, four years. I don't know.

12 Q. Do you remember who it was before Mr. White?

13 A. Not really. They keep changing them.

14 Ray White -- let me see, Wayne Harker was my boss.

15 Q. H-a-r-k-e-r?

16 A. Uh-huh. I don't remember how many years. He's
17 gone. He doesn't work here anymore. I don't remember how
18 many years either. He was maybe three years. I don't
19 remember. That's just a guess.

20 Q. '85, '86, somewhere in that timeframe?

21 A. Yes.

22 Q. Do you remember who it was before Mr. Harker?

23 A. Let me see. I can't remember his name. He
24 doesn't work in here anymore. No, I don't remember.

25 Q. Do you remember any other first level managers

1 that you've had?

2 A. Those are the only ones I can remember.

3 Q. Let's start with the second level. Who's your
4 present second level manager?

5 A. Paul White.

6 Q. And how long has Mr. White been your second level
7 manager?

8 A. I would say about four years, maybe. That's just
9 a guess.

10 Q. All right. Do you remember who it was before
11 Mr. White?

12 A. Crampton.

13 Q. Tom Crampton?

14 A. Uh-huh.

15 Q. Do you remember who it was before Mr. Crampton?

16 A. I think it was Ed Williams, maybe. That's a
17 guess there. He's gone. I don't remember.

18 Q. Don't remember anymore. All right. Let's do
19 operations manager while we're here. Who's your operations
20 manager right now?

21 A. Lewis, Mr. Lewis. What's his first name?

22 Q. George Lewis?

23 A. That's him.

24 Q. Do you know who it was before Mr. Lewis?

25 A. I do but I can't remember his name. He's gone.

1 It will come back to me. I try to block out all these
2 people. I can't remember his name, but I have him right
3 here.

4 Q. You have him right there. If he comes to you,
5 let me know. When you were talking about a manager passing
6 around the information about not statusing out of services,
7 would that have been Mr. Crampton?

8 A. No.

9 Q. Do you know where Mr. Crampton is now?

10 A. He's outside in the field somewhere. Don't know
11 where.

12 Q. Do you know if he's still in West Palm Beach?

13 A. Yeah, he is.

14 Q. And he's still employed by the company?

15 A. Right.

16 Q. What about Mr. Williams, is he still employed by
17 the company?

18 A. He's retired.

19 Q. You said that you were responsible not only for
20 screening, but dispatching and closing out. I'd like to
21 talk about closing out trouble reports. Before 1992 how was
22 the trouble report closed out?

23 A. Before 1992? If the man called and says close it
24 out, we would close it out to whatever he told us to close
25 it out. He gave us the codes and everything.

1 Q. Would that be disposition and cause codes?

2 A. Uh-huh.

3 Q. What briefly is a disposition codes?

4 A. Disposition code is what they close it out to.

5 Whatever trouble he found.

6 Q. Okay. And would an example of that say be cable
7 failure?

8 A. Yes.

9 Q. What about inside wires; is that a disposition
10 code?

11 A. Inside wire, that would be inside wiring.

12 Q. 1207, 1210?

13 A. Yeah, that's the disposition code.

14 Q. All right. What about central office failures.
15 Are there disposition codes for that; do they have
16 disposition codes?

17 A. Everything has disposition can codes.

18 Q. What's a cause code?

19 A. Cause code is like what the trouble is. Was it
20 defective, was it deterioration, whatever. That's a
21 different code. Whatever they found out there.

22 Q. Are there cause codes for weather?

23 A. Yes.

24 Q. Like lightening?

25 A. Uh-huh.

1 Q. Moisture, flood?

2 A. Right.

3 Q. We were talking about closing times and we were
4 also talking about disposition codes and cause codes being
5 used. And I believe we've already established that you're
6 aware that the company has a requirement of clearing out of
7 service reports within 24 hours?

8 A. Right.

9 Q. Do you know of any disposition or cause codes
10 that with would exclude an out of service report from being
11 counted as a miss against the company in that 24 hour clock?

12 A. No.

13 Q. What about inside wiring; if the trouble is
14 inside the person's home.

15 A. Uh-huh.

16 Q. And the company sends the man out there in 24
17 hours.

18 A. Uh-huh.

19 Q. And the customer says nope, I don't want the
20 company fixing it because I don't want to pay for it. I'll
21 take care of it myself.

22 A. Right.

23 Q. If that report is still out of service over 24
24 hours, is that going to count against the company?

25 A. No, because he's going to close it out if the

1 customer says no. He'll close it out to a code where he
2 won't get charged, the customer won't get charged.

3 Q. Now if that report is out of service over 24
4 hours before the ST goes out to it, the customer says it's
5 inside my house, I'll take care of it, I don't want to be
6 charged for it, and he closes it out to an inside wire code,
7 is that going to count against the company?

8 A. No, I would think not. I've never thought about
9 it really.

10 Q. So that would exclude those reports?

11 A. Right.

12 Q. What about weather codes. If we had a hurricane
13 and the company can't get all of these trouble reports
14 cleared in 24 hours, is that going to count against the
15 company on that index?

16 A. If they close it out to a weather code I would
17 say no. That's my guess, because I don't know anything
18 about weather codes that much.

19 Q. Have you ever heard of anyone using specific
20 disposition or cause codes to affect that out of service
21 index?

22 A. No.

23 Q. Do you know of anyone who has used specific
24 weather codes when the outside weather didn't apply to that
25 code?

1 A. No.

2 Q. Let me give you a specific example of that. Do
3 you know of anyone who has used a lightening code when there
4 wasn't any thunder storms in the area?

5 A. I don't know of anyone, no.

6 Q. Do you know of anyone using inside wire codes
7 when the problem was really not inside the premises?

8 A. No.

9 Q. Other than putting down the disposition and the
10 cause codes on a report when you close it out, what else do
11 you do?

12 A. Screen.

13 Q. I mean on the close out procedure. We've got the
14 disposition and cause codes.

15 A. Then you put a narrative down there. The
16 narrative is going to tell what we closed it out to.
17 Because it was a bad jack or whatever. You have to put all
18 of that in there.

19 Q. Is the narrative supposed to go along with the
20 disposition and cause codes?

21 A. Yeah, it is.

22 Q. Do you know of anyone who has used a narrative
23 that just obviously didn't relate at all to the disposition
24 and cause codes used?

25 A. No.

1 Q. Do you know of anyone closing out a report
2 without the narrative?

3 A. No. We're not supposed to, no.

4 Q. When the problem was closed or when you're
5 closing it out, do you have a process or place for that?

6 A. To put when?

7 Q. Yes.

8 A. No, not on the narrative. There is nothing in
9 there.

10 Q. What about on the close out procedure?

11 A. On the close out it's just the time when you're
12 closing out.

13 Q. So, you would put a time?

14 A. No, the computer does. Unless the man says,
15 well, I closed it out at 3:30, then we back it up. He's
16 calling in at 4:00. He says it was really in service at
17 3:30, so then we back it up to 3:30. To whatever the man
18 tells us to do.

19 Q. Are you still doing that now?

20 A. If he tells us, yes.

21 Q. And if you do that now, does the computer enter
22 the actual time as well as the backed up time?

23 A. It enters the time that we type in there. If we
24 type 3:30, that's what -- and then it will -- on the close
25 out it will say the time that it actually got closed out.

1 Like if it was 4:00 that's what it would show on there.

2 Q. Do you know of anyone who has backed up the
3 clearing time on a report to show that it was cleared within
4 24 hours when it wasn't?

5 A. Years ago yes, not anymore.

6 Q. Tell me about that.

7 A. I don't remember anything, you know. I do
8 remember that it was done.

9 Q. Was it done inside the maintenance center?

10 A. Yes, inside the maintenance center.

11 Q. By the MAs?

12 A. Yes, they were told.

13 Q. They were told. Who told them?

14 A. I don't remember. I don't remember who the
15 supervisor was in those days. It was years ago.

16 Q. But it was a supervisor who gave the instruction?

17 A. Oh, yeah. Always supervisors.

18 Q. Do you know if STs also back up the times?

19 A. I don't know about STs, no.

20 Q. And do you know why the time was being backed up?

21 A. At the time I didn't really think about it. No,
22 I didn't know. But now I guess they were trying to meet
23 their 24 hour commitment.

24 Q. Were all of the MAs backing up the time or just
25 one or two?

1 A. I don't know if all of them were doing it, but
2 some of them were.

3 Q. Were you the only one that knew that this was
4 going on?

5 A. Well, if I knew it was because I remember doing
6 it. I remember doing it, but I don't remember who told me.
7 I don't remember.

8 Q. Was it just sort of standard procedure at that
9 point?

10 A. I don't think it was standard procedure. They
11 just -- once in a while they would say back it up to meet
12 the commitment. But, no, it was not standard procedure.

13 Q. And when you say back it up to meet the
14 commitment, you mean the 24 hour clock?

15 A. Right.

16 Q. Do you know how long this went on, this
17 procedure?

18 A. No, I don't know.

19 Q. Do you know if a customer is due a rebate if
20 they're out of service more than 24 hours?

21 A. At the time I didn't think about no rebates.
22 They never told us what that meant. But now I do know they
23 get a rebate.

24 Q. Do you know of any customer that may not have
25 gotten a rebate?

1 A. No.

2 Q. When you were told to back up the time to meet
3 the commitment, do you remember which IMC you were in?

4 A. Which center?

5 Q. Which center you were in?

6 A. Might have been Hypoluxo. That was a while back.

7 Q. Do you know if it happened in Palm Beach Gardens?

8 A. No, I was too new there. I didn't -- I was just
9 starting.

10 Q. What about South Military Trail?

11 A. That I don't remember.

12 Q. Do know what a Test-OK is?

13 A. Uh-huh.

14 Q. Can you briefly tell me what a Test-OK is?

15 A. It's a report that comes in that's testing okay.
16 It's a good test.

17 Q. So, the customer has dial tone, can use their
18 phone?

19 A. Yeah, they do.

20 Q. Do you know of anyone who has taken a group of
21 Test-OK reports and closed them out as out of service?

22 A. No.

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

24 A. Not a Test-OK, no.

25 Q. Why wouldn't it would be proper to take a Test-OK

1 and put it out of service?

2 A. I don't know why they would do something like
3 that, because they have service, no.

4 Q. What's a pending activities completion file?

5 A. PAC file?

6 Q. Yeah, PAC file.

7 A. PAC file is where they put anything that's being
8 held. Like no access could be in the PAC file, holds,
9 anything that's on hold. The Test-OK's are in the PAC file.
10 They're waiting for somebody to give them a call, to make
11 sure it is working. So we can't close out the Test-OK's
12 until we actually talk to a customer and they say it's
13 okay. If we can't get ahold of the customer, then we do
14 dispatch out on it after four hours. You have to put it in
15 the pool to be dispatched out.

16 Q. Do you know of anyone who has taken the PAC file
17 and restated the reports in order to help with that index?

18 A. Oh, no.

19 Q. I'm going to show you a document. All right,
20 Ms. Ortiz, this is Southern Bells response to preliminary
21 order PSC-93-0263-PCO-TL entered on February 19, 1993 and it
22 was filed by the company on April 1st, 1993 in the
23 consolidated rate case docket. On line 449 there's a Carmen
24 Ortiz and I'd like you to tell me if that is you?

25 A. Yeah, that's me.

1 Q. Have you seen this document?

2 A. This one here?

3 Q. Yes.

4 A. No.

5 Q. Then let's go off the record and give you a
6 chance to look at it.

7 A. I saw it over there, but I didn't look at it.

8 Q. Well, if you would, take whatever time you need
9 to look at it, talk to your attorney, make sure you read
10 paragraph two so that you understand what the company is
11 saying about you. Off the record.

12 (Whereupon a brief discussion was held off
13 the record.)

14 BY MS. RICHARDSON:

15 Q. Ms. Ortiz, that is you listed; is that correct?

16 A. Uh-huh.

17 Q. Then I'd like you to look at number ten. And I
18 think number ten says you may have some information about
19 Test-OKs generally, including the pending activity
20 completion file. What can you tell me about the misuse of
21 the Test-OK and the pending activities completion file?

22 A. On the PAC file I don't know of any Test-OK's.
23 We just close them out. Sometimes we were told to back them
24 out.

25 Q. When you were told to back them up, you mean back

1 up the time on the Test-OK's?

2 A. Back up the clear time on it.

3 Q. On the Test-OK?

4 A. Right. Because they were testing okay.

5 Q. And were these reports closed out as out of
6 service?

7 A. No.

8 Q. They were closed out as affecting service?

9 A. As not affecting service.

10 Q. Not affecting service. So, not out of service is
11 what you're saying?

12 A. Right.

13 Q. Do you know why you were told to back up the
14 clearing time on Test-OK's?

15 A. I don't know why. We were told to back it up a
16 minute after it came in if it was a test okay. Because it
17 was testing okay.

18 Q. Do you know who gave you these instructions?

19 A. No.

20 Q. Do you know where you were working when you got
21 these instructions?

22 A. Might have been Hypoluxo.

23 Q. And was that Mr. White who was your first level
24 at Hypoluxo?

25 A. No.

1 Q.

2 A.

3 Q. And would that have been

4

5 A.

6 might have gotten there after. I don't remember.

7 Q. Number seventeen is also by your name. Number
8 seventeen indicates intimidation or pressure. I'd like to
9 know what you know about that.

10 A. If we were told to do something we were not to
11 question it. I'm your supervisor, you're to do it. That's
12 it. That's pressure, you know, intimidation.

13 Q. And which supervisor was this?

14 A. I don't remember.

15 Q. Do you remember where you were working?

16 A. Not really, no.

17 Q. Was this just one supervisor that handled things
18 this way or did --

19 A. I think there was more than one in there that
20 felt that way. Don't question it, just do it.

21 Q. Do you know of any maintenance administrator who
22 did question instructions they got?

23 A. No.

24 Q. Do you know of any MA who questioned backing up
25 clearing times to meet the index?

1 A. No.

2 Q. Do you know of anyone, either an MA or an ST, who
3 was disciplined or threatened with discipline for not
4 following directions?

5 A. No.

6 Q. Have you ever been disciplined yourself?

7 A. Never.

8 Q. Are you a union person?

9 A. Uh-huh.

10 Q. Have you ever filed a grievance based on
11 instructions or managers handling --

12 A. No.

13 Q. Do you know of anyone who has?

14 A. No.

15 Q. Do you know of anyone who has been disciplined in
16 relation to mishandling customer trouble records?

17 A. No.

18 Q. You mentioned no access. Can you briefly tell me
19 what no access is?

20 A. No access is when the ST goes out to the
21 customer's premises and there is nobody there to let them in
22 to check inside. They'll leave them a note telling them
23 they were there and call back and we send them back. That's
24 no access.

25 Q. Do you know of anyone who has no accessed a

1 report when the customer was really there?

2 A. No.

3 Q. Do you know anyone who has no accessed a report
4 before it was dispatched?

5 A. Oh, no.

6 Q. Do you know of anyone who no accessed out of
7 service reports to stop the 24 hour clock?

8 A. No.

9 Q. Do you know of anyone who has used someone elses
10 employee code?

11 A. No.

12 Q. Has anyone ever used yours?

13 A. Not that I know of.

14 Q. Do you know of any manager who has told the MAs
15 that before they close out an out of service that's about to
16 go over 24 hours they have to have his signature or his
17 permission?

18 A. I've heard that, but I don't remember which
19 manager did it.

20 Q. Do you remember which IMC this was in?

21 A. Hypoluxo maybe.

22 Q. Do you know why that instruction was being given?

23 A. No..

24 Q. Do you know if the manager on seeing these
25 reports would instruct the MA to either back up the time or

1 to put an exclude code on it?

2 A. No, he would just -- if I remember correctly, he
3 would just say watch how you close them out. But he never
4 gave instructions how to close them out.

5 Q. Do you know of any manager who has insisted that
6 reports be excluded?

7 A. No.

8 Q. How do you exclude a report?

9 A. It's like you get a report, you put an "X" on it
10 and exclude it. You erase it. It's like erasing it, taking
11 it out.

12 Q. So, it never gets in that out of service index?

13 A. Right.

14 Q. Do you know of anyone who has excluded out of
15 service over 24 hour reports?

16 A. No.

17 Q. Is it proper to do that?

18 A. No.

19 Q. When would it be proper to exclude a report?

20 A. When we get a lot of reports like poles, you need
21 the supervisor to come out and check. You exclude after you
22 call up the supervisor.

23 Q. Things that aren't related to the actual trouble?

24 A. Not related to any trouble, they want
25 information. A lot of times they call and say I want to

1 speak to this ST's supervisor. That's excludable. We tell
2 them the customer wants to talk and exclude them. There is
3 a lot of things you can exclude.

4 Q. They don't know how to work their custom calling
5 features, that's excludable?

6 A. No, that's not excludable -- yes, custom calling
7 feature, yes, that is excludable.

8 Q. What about third party calling reports?

9 A. Yes, that's excludable.

10 Q. Wrong number reports?

11 A. Yeah.

12 Q. Have you ever heard of anyone excluding out of
13 service reports just to meet that 24 hour deadline?

14 A. No.

15 Q. Do you know of anyone who has taken out of
16 service reports that are about to go over 24 hours and
17 closed them out and opened them as employee originated
18 reports in order to close the report?

19 A. No, I don't know of that being done.

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

21 A. No.

22 Q. Do you know what the carried over no or CON code
23 is?

24 A. CON code, it's another hold file that you put
25 them in. It's when it's due -- the customer calls in and

1 says he wants an ST or somebody to go out there six days
2 from the day that he calls. You put it then under CON,
3 leave it there until about the day before and then you put
4 it in the pool.

5 Q. Do you know if that CON code stops the 24 hour
6 clock?

7 A. I don't know. I never really -- I think it does.
8 The CON code does stop.

9 Q. Do you know of anyone who has CON'd a report
10 without the customer calling in?

11 A. No.

12 Q. Do you know of anyone who has misused a CON code
13 at all?

14 A. No.

15 Q. Does the company still use CON codes?

16 A. Yes.

17 Q. They still have it?

18 A. Uh-huh.

19 Q. Have you ever heard the term building the base?

20 A. No.

21 Q. Do you know of anyone who has created fictitious
22 out of service reports in order to build the base of out of
23 service reports to meet the index?

24 A. No.

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

1 A. You hear rumors.

2 Q. What have you heard about that?

3 A. That the reports were just coming in. They
4 didn't know where they were coming from. We never knew
5 where they were coming from.

6 Q. Was that in the this area, the West Palm Beach
7 area?

8 A. Yeah, West Palm Beach.

9 Q. And do you know which IMC you were in when you
10 heard this?

11 A. No.

12 Q. Did you hear any names associated with this?

13 A. No.

14 Q. Do you know of anyone who has falsified a
15 customer trouble record?

16 A. No.

17 Q. Are you familiar with the company hot line for
18 reporting improper activities?

19 A. Yes.

20 Q. Would you feel comfortable in using that hot line
21 if you felt like you had something to report?

22 A. I never really thought about using it. I mean --

23 Q. You've never had any instances where you've given
24 it any thought?

25 A. No.

1 Q. How long has that hot line been around?

2 A. I just found out about it not too long ago.

3 Maybe six months, a year. I don't know. Maybe it was there
4 but we just never knew.

5 Q. If someone told you to back up the time on a
6 report today, would that be something that you might call
7 the hot line about?

8 A. It depends why we're backing it up. If it was
9 something that was not right, yes, that would be something.

10 Q. Have you ever been asked to help sell products or
11 services?

12 A. Yes.

13 Q. And was that -- which IMC were you in?

14 A. Hypoluxo.

15 Q. And who asked you to help sell?

16 A. Crampton.

17 Q. Mr. Crampton?

18 A. Well, it was Wayne Harker, because he was my
19 boss. But he asked me to help.

20 Q. Did you help?

21 A. Yes.

22 Q. Did you get any training in sales at that time?

23 A. No.

24 Q. Did you get any prizes or points?

25 A. Very small prizes.

1 Q. What did you get?

2 A. A wallet, a pair of earrings and a little
3 luggage -- little carrying case. That's all.

4 Q. All right. Did you get any training -- no, I
5 asked you that. Did anyone ask you to keep track of the
6 amount of time that you spent doing sales as opposed to the
7 amount of time you were helping the customer with the
8 trouble?

9 Q. No. I don't remember doing that.

10 Q. Did anyone ever give you a sales script to go by
11 when you were working your sales?

12 A. No.

13 Q. Did you ever record a sale for a customer that
14 the customer did not order?

15 A. No. I'd call everyone of my customers. I was
16 calling the Spanish customers.

17 Q. Did you ever sell something to one of your
18 customers that you felt like they didn't need?

19 A. No. The only thing that I was selling was the
20 wire plan.

21 Q. Okay.

22 A. That's all.

23 Q. The wire maintenance plan?

24 A. Uh-huh.

25 Q. And when you sold the wire maintenance plan to

1 customers, were you given a list of customers to call?

2 A. No, I was going through the book, the phone book
3 looking for Spanish names. And then I would go into the
4 computer and check and see that they did not have the wiring
5 plan and I would call them and give them my speech. Do you
6 want it. And what -- a lot of them did say yes, a lot of
7 them didn't want it.

8 Q. When you sold that plan, did any of those people
9 already have the plan?

10 A. No.

11 Q. Did you do sales full-time when you were doing
12 this or just part of the time and then go back to doing --

13 A. I did it for three weeks. I think it was
14 full-time. Then I said I didn't want to do it anymore.

15 Q. Were you in a room with other people also doing
16 sales?

17 A. I was in a room all by myself.

18 Q. All by yourself. Okay. Was this at the
19 maintenance center?

20 A. Uh-huh.

21 Q. Was this in 1990, '91?

22 A. No, Hypoluxo. It was years ago. How long ago
23 was that? Let me see, we've been here about five or six
24 years. That must have been eight years ago.

25 Q. Late 80's?

1 A. Uh-huh.

2 Q. Do you know of anyone else who was assisting in
3 sales?

4 A. Nobody else wanted to do it there. The only
5 reason I did it is because I thought I was helping the
6 Spanish community. So I agreed to only Spanish customers.

7 Q. So in your opinion the wire maintenance plan is
8 something useful to have?

9 A. Right.

10 Q. When you were doing sales full-time, were you
11 given a special time record to keep track of your sales
12 time?

13 A. No.

14 Q. Do you know if your regular trouble reporting
15 code in terms of your salary code, is what I'm trying to get
16 at -- were you being paid out of the same salary code?

17 A. I would assume so. I didn't do anything with my
18 time sheet. I didn't even think about it.

19 MS. RICHARDSON: Ms. Ortiz, I think I've
20 asked you all the questions I have, unless
21 someone jogs my memory.

22 MR. PIERSON: I don't have any.

23 MR. LEBEDEKER: Our understanding is that
24 Ms. Ortiz came here voluntarily. She has
25 testified truthfully and accordingly. There will

1 be no disciplinary action taken against her by
2 her employer as a result of her testimony today.

3 (Whereupon the deposition was concluded at
4 11:02 a.m.)
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STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I, Kimberly C. Ayers, Court Reporter and Notary Public, State of Florida at Large, do hereby certify that I reported the deposition of CARMEN ORTIZ stenographically, and that the foregoing transcript is of a true and correct transcript of my shorthand notes.

I further certify that the deposition was taken at the time, place shown hereon, and that all counsel, persons as hereinabove shown were present.

I further certify that I am not an attorney, counsel, relative or employed be either party or attorney.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

WITNESS MY HAND AND SEAL THIS 29th day of June, 1993, at West Palm Beach, County of Palm Beach, State of Florida.

Kimberly C. Ayers

KIMBERLY C. AYERS, Court Reporter