

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 JOANN DAVIS, TAKEN AT THE
INSTANCE OF THE OFFICE OF THE PUBLIC COUNSEL.
- - -

Lake Worth, Florida
June 15, 1993
1:13 p.m. - 1:54 p.m.

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I N D E X

WITNESS: JOANN DAVIS

	Direct	Cross	Redirect	Recross
BY: MS. RICHARDSON	5			
BY: MR. PIERSON		35		

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

* * * * *

STIPULATION

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

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

* * * * *

The deposition of JOANN DAVIS was taken before me, KIMBERLY C. AYERS, Professional Reporter and Notary Public, State of Florida at Large, at 120 North K Street, City of Lake Worth, County of Palm Beach, State of Florida, beginning at the hour of 1:13 p.m. on June 16, 1993, pursuant to Notice filed herein, at the instance of the Office of the Public Counsel, in the above-titled cause.

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THEREUPON,

JOANN DAVIS,

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

DIRECT EXAMINATION

1
2 BY MS. RICHARDSON:

3 Q. Ms. Davis, would you state your name and spell it
4 for the court reporter?

5 A. Joann, J-o-a-n-n, B., Davis, D-a-v-i-s.

6 Q. And what is your address, please?

7 A. 120 North K Street, Lake Worth.

8 Q. What's your home address?

9 A.

10 MR. BEATTY: I'm going to object. She's
11 given her work address. Unless there's some
12 particular reason you need to have that.

13 MS. RICHARDSON: Well, I would like to have
14 it for the possibility of subpoenas, but also
15 to go ahead and continue the way we've been
16 getting home addresses from all of the other
17 individuals.

18 MR. BEATTY: Actually I think you've been
19 getting work addresses.

20 MR. LEBEDEKER: Weren't their home addresses
21 on the list of names?

22 MS. RICHARDSON: I believe there are.

23 MR. POUCHER: We asked for the home address,
24 we got the business address.

25 MR. LEBEDEKER: One of the witnesses we had

1 earlier, the one who lived down in West Palm
2 Beach --

3 MR. BEATTY: I'm certainly not going to
4 instruct the witness not to answer.

5 MR. LEBEDEKER: Well, you've already
6 answered.

7 BY MS. RICHARDSON:

8 Q. Do you know the zip code for the address that
9 you've given us?

10 A. 33460.

11 Q. Do you have a phone number?

12 A. 533-9200.

13 Q. And are you represented by an attorney here
14 today?

15 A. Yes.

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

17 MR. LEBEDEKER: On behalf of Ms. Davis,
18 Michael Lebedeker.

19 BY MS. RICHARDSON:

20 Q. Ms. Davis, what's your position with the company?

21 A. I'm a maintenance administrator.

22 Q. How long have you done that?

23 A. Almost 13 years.

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

25 A. In the maintenance center at different locations,

1 but yes.

2 Q. Where else have you been an MA besides here?
3 Have you been an MA -- are you presently located here in the
4 Lake Worth facility?

5 A. Yes.

6 Q. Where else have you been an MA?

7 A. The same office, just different buildings.

8 Q. Have you talked to anyone besides your attorney
9 or the attorneys for Southern Bell about your deposition
10 here today?

11 A. No.

12 Q. Has anyone advised you of the possible criminal
13 penalties if you perjure your testimony here today?

14 A. Yes.

15 Q. I'd like to know who your first level manager is?

16 A. Ann Horne.

17 Q. How long has Ms. Horne been your manager?

18 A. Approximately seven months.

19 Q. And who was it before Ms. Horne?

20 A. Ray White. Ray White or Greg Coffone. I'm not
21 sure.

22 Q. But you've had both of those gentlemen?

23 A. Yes.

24 Q. Who else have you had as a first level manager,
25 can you remember?

- 1 A. Curtis Guyer, Jim Bryant, Bob Corriveau. That's
2 all I can think of right now.
- 3 Q. Who's your second level manager?
- 4 A. Paul White.
- 5 Q. And who was it before Mr. White? Who was it
6 before Mr. White?
- 7 A. I'm thinking.
- 8 Q. I'm sorry, I thought you didn't hear me.
- 9 A. Tom Crampton.
- 10 Q. Can you name any other second level managers that
11 you've had?
- 12 A. Mr. Carhart and Mr. Williams.
- 13 Q. Mr. Williams?
- 14 A. Yes. I don't know his first name.
- 15 Q. And do you know who your operations manager is?
- 16 A. Yes.
- 17 Q. Who's that?
- 18 A. George Lewis.
- 19 Q. Do you know who it was before Mr. Lewis?
- 20 A. Mr. Davis.
- 21 Q. Jean Davis?
- 22 A. Yes.
- 23 Q. Do you belong to the union?
- 24 A. Yes.
- 25 Q. And do you know who your union steward is?

1 A. My union steward?

2 Q. Yes.

3 A. Karen McCarthy.

4 Q. What are your duties as a maintenance
5 administrator?

6 A. To work with the men in the field, test customer
7 lines and talk to customers.

8 Q. Are you responsible for handling the trouble
9 reports --

10 A. Yes.

11 Q. -- that get called in? Are you responsible for
12 closing out trouble reports also?

13 A. Yes.

14 Q. Have you ever heard the phrase backing up the
15 time?

16 A. Yes.

17 Q. And what does that mean to you?

18 A. To back up the time?

19 Q. Yes.

20 A. Meet the commitment that the company has given
21 the customer. Close out of trouble reports to meet the
22 commitment that was given the customer, the company has
23 given the customer.

24 Q. Is that a commitment by which time the trouble's
25 going to be repaired or something else?

1 A. It's the time that we've given the commitment --
2 we've given to the customer. Like if it was due today by
3 five, or something like that.

4 Q. Oh, okay. Does the company have a commitment for
5 clearing troubles within 24 hours?

6 A. Yes.

7 Q. Do you know if they require that 95% of out of
8 service troubles be cleared within 24 hours?

9 A. No, I don't know.

10 Q. Never heard of that. When you say meeting the
11 commitment, do you know if the company has ever backed up
12 clearing times to meet the 24 hour commitment?

13 A. No, I don't know.

14 Q. Do you, in your maintenance administrator work
15 and when you close out troubles, do you put in a clearing
16 time on troubles; actually load it into the computer data
17 base on a particular trouble?

18 A. Clearing time?

19 Q. Yes.

20 A. Yes.

21 Q. You put that in. Have you ever had a manager ask
22 you to put in a clearing time other than the actual clearing
23 time on the report?

24 A. No.

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

1 A. No.

2 Q. Have you ever had an outside field technician
3 give you a clearing time for a report that was inaccurate?

4 A. I wouldn't know it was inaccurate.

5 Q. I'm going to show you a document, Ms. Davis.

6 This is citizens third set of interrogatories. An
7 interrogatory is a question we send in writing to the
8 company and the company sends us a written answer back.
9 This is dated June 6th, 1991. And we asked the company to
10 give us the names of employees who had knowledge about
11 falsifying completion times on repair service form reports
12 or records,

13 and said that this person may have some
14 information about clearing times. And what I'll do is, I'll
15 go off the record and let you read this so that you'll have
16 a chance to see it. If you want to ask your attorney about
17 it, that will be fine.

18 (Whereupon a brief discussion was held off
19 the record.)

20 BY MS. RICHARDSON:

21 Q. Okay.

22
23 A. Yes.

24 Q. I'd like to know other than what you've already
25 testified to here today about backing up clearing and

1 closing times on reports what you know about that?

2 MR. BEATTY: If there is anything else. I
3 assume that's part of your question.

4 MS. RICHARDSON: Yeah.

5 MR. BEATTY: Anything more than what she's
6 already testified to.

7 THE WITNESS: Say that again.

8 BY MS. RICHARDSON:

9 Q. I'd be glad to repeat myself. I'd like to know
10 other than what you've already told us here today, okay,
11 what you may know about backing up clearing times on trouble
12 reports?

13 A. We have done it to meet the commitment that the
14 company has given a customer.

15 Q. Let me ask you a little bit more about that and
16 see if I can get a little bit more clear on your response.
17 Can you give me an example of what you mean by backing up
18 the clearing time to meet the customer commitment time?

19 A. Let's say that we have a report that's due today
20 by five, we haven't been able to get ahold of a customer,
21 it's six o'clock. Now, it was due by five, there's nothing
22 wrong with the line. The customer is home by six, we would
23 back it up to meet the commitment, because there was never
24 anything wrong with the line actually. Like a report made
25 when the phone was off the hook but now it's back on the

1 hook caused by the customer or something like that.

2 Q. Has that ever been done with an out of service
3 report?

4 A. Yes.

5 Q. Can you give me an example of how it was done
6 with an out of service report?

7 A. Well, if it was due today by five or we send a
8 guy out and he actually did it by five but he called in at
9 6:00, we would back it up then to meet the company
10 commitment.

11 Q. If he closed it out and finished the job at 5:10,
12 what time would you put down on clearing time?

13 A. 5:10.

14 Q. Do you know of any MA who understood meeting the
15 commitment as putting down a cleared time of 5:00 when it
16 was a 5:00 commitment regardless of when the ST actually
17 cleared it?

18 MR. BEATTY: Objection to the form of the
19 question. It calls for her to reach into the
20 minds of others and speculate what they believe.

21 BY MS. RICHARDSON:

22 Q. You can still answer.

23 A. No.

24 Q. When you close out a report, what kind of
25 information do you have to put into the report itself or put

1 into the computer to get the report closed out?

2 A. The end result test, if we talked to a customer
3 or not, and what we did.

4 Q. Do you know what a disposition code is?

5 A. Yes.

6 Q. What's a disposition code?

7 A. A disposition is whatever we found wrong with the
8 phone.

9 Q. Can you give me an example of a disposition code?

10 A. Maybe an 04 code would be a trouble was in the
11 cable.

12 Q. Is inside wire a disposition code?

13 A. Yes.

14 Q. Is central office failure a type of disposition
15 code?

16 A. Yes.

17 Q. What's a cause code?

18 A. Could be different causes. Do I know what it is?

19 Q. Yeah.

20 A. What caused the problem or who caused the
21 problem.

22 Q. And would an example be maybe a weather code?

23 A. Yes.

24 Q. What about a code for when the customer's the one
25 who actually maybe cut their own line or yanked their phone

1 out; there's a code for that?

2 A. Yes.

3 Q. Do you enter disposition and cause codes when
4 you're closing trouble reports?

5 A. Yes.

6 Q. Do you know if the company requires that a report
7 close within 24 hours; do you know if there are any
8 disposition or cause codes that would not count as a miss
9 against the company if those out of service reports went
10 over 24 hours?

11 A. Do I know?

12 Q. Yes.

13 A. Yes.

14 Q. Okay, which ones?

15 A. Probably an 07 code.

16 Q. Is that the Test-OK?

17 A. Uh-huh.

18 Q. Do you know if maybe some of the weather codes,
19 like lightening or flood --

20 A. I don't know.

21 Q. Do you know about a customer action code, if the
22 customer is the one that broke his own line would the
23 company be held -- would that be held against the company if
24 they didn't fix it in 24 hours?

25 A. I wouldn't think so, no.

1 Q. What about inside wire, if the problem is in
2 the -- inside the customer's house and the company was
3 ready to fix it but the customer said don't come, I don't
4 want to pay the company to fix it, if it's still out over 24
5 hours do you think that would be held against the company or
6 would that be excluded?

7 A. We wouldn't exclude it, no.

8 Q. I didn't say that properly. Would it count
9 against the company if that report wasn't fixed in 24 hours?

10 A. I don't know.

11 Q. Have you been instructed to use certain
12 disposition and cause codes in closing reports in order to
13 help the company meet that --

14 A. No.

15 Q. -- commitment? Have you ever been asked to use
16 inside wire codes when the problem was not inside the house?

17 A. No.

18 Q. Have you been asked to use certain weather
19 codes --

20 A. No.

21 Q. -- when you knew the weather code didn't apply?

22 A. No.

23 Q. What do you do when you exclude a report?

24 A. Put in a narrative on why we excluded it.

25 Q. Can you exclude an out of service report?

1 A. No.

2 Q. Do you know of anybody who's excluded out of
3 service reports?

4 A. No.

5 Q. Have you heard of that being done?

6 A. No.

7 Q. Do you know if a customer is due a rebate,
8 Ms. Davis, if they're phone is out over 24 hours?

9 A. Now I do since all this came about, but as far as
10 this went I didn't know a rebate was generated.

11 Q. Do you know if any customer may not have gotten a
12 rebate because their reports had not been handled properly?

13 A. No.

14 Q. Do you know of any instances of mishandling of
15 customer trouble reports?

16 A. No.

17 Q. I want to go back for a moment to our
18 conversation about backing up the time to meet the company's
19 commitment. You indicated -- I think you indicated, correct
20 me if I'm wrong on this because I'm going from memory, you
21 said if it was 6:00 and the commitment was 5:00 and the line
22 was now testing okay, even if you couldn't reach the
23 customer that you would still back the time up to meet the
24 commitment because the line was okay; is that what you told
25 me?

1 A. Yes.

2 Q. Now, how do you know that the trouble had been
3 cleared if you couldn't reach the customer?

4 A. Because the line tested okay.

5 Q. Are there times when a line would test okay when
6 it actually was maybe a central office failure and the line
7 was really not okay?

8 A. No.

9 Q. Are there times when the telephone line may have
10 been crossed with another number and the line would test
11 okay but it wouldn't be that persons line, it would be
12 somebody else's line you were testing? Okay, let me ask it
13 a different way. Is the Test-OK always accurate?

14 A. No.

15 Q. When I said that, I'm referring to like the
16 original test and then a test later on.

17 Q. Before you close it out you'd retest it?

18 A. Yes.

19 Q. But can you be sure that it's a Test-OK if you
20 haven't actually called the customer?

21 A. According to the original test and the end test,
22 yes, sometimes you can.

23 Q. I'm not quite sure why you would want to back it
24 up to 5:00 to show it was 5:00.

25 MR. BEATTY: Well, there is no pending

1 question.

2 BY MS. RICHARDSON:

3 Q. Are you familiar with the CON code, the carried
4 over no code?

5 A. I'm familiar, but not very.

6 Q. Have you ever used it?

7 A. I think I have.

8 Q. Do you know what it means?

9 A. The time I used it was for a future due date for
10 trouble.

11 Q. Do you know if that CON code stopped the 24 hour
12 clock, repair clock on a report?

13 A. I don't know.

14 Q. Do you know if it was proper to use the CON code
15 when the company couldn't meet the commitment and called the
16 customer and told the customer they were going to be late?

17 A. I don't know. That's what I used it for.

18 Q. Do you know of anyone who used the CON code
19 improperly?

20 A. No.

21 Q. Have you ever heard the expression building the
22 base?

23 A. No.

24 Q. I'm going to show you another document,
25 Ms. Davis. This is Southern Bell's response to preliminary

1 order PSC-93-0263-PCO-TL entered on February 19, 1993. It
2 was filed April 1 by the company in the consolidated rate
3 case docket and there's a Joann Davis listed at number 128.
4 Have you seen this document?

5 A. My lawyer showed it to me.

6 Q. By your name are a series of numbers, okay, and I
7 think number six is by your name.

8 A. Uh-huh.

9 Q. If you would look -- here we go. Number six
10 indicates that you might have some information about
11 building the base of out of service troubles, not including
12 Test-OK reports that were statused as out of service.

13 A. Uh-huh.

14 Q. And I'd like to know what you know about building
15 the base of out of service troubles.

16 A. I don't know.

17 Q. Have you ever heard of anyone speaking about
18 building the base of out of service troubles?

19 A. No.

20 Q. What's a Test-OK report?

21 A. A Test-OK report is just that a customer calls
22 in, they say something is wrong with the line, we test it
23 and it's okay. There is nothing really wrong. They may
24 have left the phone off the hook or had a bad set plugged in
25 and now it tests okay.

1 Q. If it's a Test-OK report, can it be closed out as
2 an out of service report?

3 A. Can it?

4 Q. Yes.

5 A. Yes.

6 Q. Define an out of service for me?

7 A. Out of service trouble is a customer has no dial
8 tone on the line, no -- totally out of service.

9 Q. Based on your experience and your training, is it
10 appropriate to take a report that's testing okay and close
11 it out as out of service?

12 MR. BEATTY: Objection. It's been asked and
13 answered. You can respond.

14 MR. LEBEDEKER: You can answer that question.
15 It's okay.

16 THE WITNESS: Can you repeat it?

17 MR. LEBEDEKER: She forgot the question.

18 BY MS. RICHARDSON:

19 Q. Based on your training and experience is it
20 proper to take a Test-OK report and close it out as out of
21 service?

22 A. No.

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

25 A. No.

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

2 A. No.

3 Q. Have you ever had a manager tell you, look Joann,
4 don't status any out of services today?

5 A. Yes.

6 Q. Under what conditions would that happen?

7 A. I'm not sure.

8 Q. Do you know about when it happened?

9 A. No.

10 Q. Were you working in Lake Worth at the time that
11 it happened?

12 A. I was in the maintenance center.

13 Q. Which one; Lake Worth or one of the other centers
14 around this area?

15 A. We were just on a different street, Hypoluxo
16 Road.

17 Q. Do you know who your managers were when you were
18 at Hypoluxo?

19 A. The same ones we have now, basically.

20 Q. Which manager gave you the instructions not to
21 status today?

22 A. I think it was

23 Q. Do you know why he was telling you don't status
24 any out of services today?

25 A. No.

1 Q. Did you ask him why?

2 A. No.

3 Q. At the time did you think that that was a proper
4 instruction for him to be giving you?

5 A. Yes.

6 Q. Do you still feel the same now?

7 A. Yes.

8 Q. I think I did ask you, do you know whether or not
9 a customer is due a rebate when they're out of service 24
10 hours?

11 A. I didn't know until this happened.

12 Q. If a customer on this instance when
13 told you not to status any out of services, if one of those
14 customers had gone out of service more than 24 hours would
15 they have gotten a rebate then?

16 A. I don't know.

17 MR. BEATTY: Objection. Calls for
18 speculation.

19 BY MS. RICHARDSON:

20 Q. Did you talk to any of the other MAs about his
21 instruction not to status out of services?

22 A. No.

23 Q. Do you know if any of the other MAs questioned
24 those instructions

25 A. I don't know.

1 Q. Was that a one time occasion when he said that or
2 did he give you that instruction on other occasions?

3 A. I can't remember.

4 Q. Were you ever asked to take a group of not out of
5 service reports and change that status to out of service?

6 A. No.

7 Q. Do you know of anybody who's used somebody else's
8 employee code?

9 A. Yes.

10 Q. Who was that?

11 A. I don't know who, but at the time my boss was Jim
12 Bryant and he mentioned it had been done.

13 Q. Do you know -- did he tell you anything else
14 about why it had been done or under what circumstances?

15 A. No.

16 Q. Did he mention Mr. Guyer or Mr. Coffone in
17 relation to that conversation?

18 A. No.

19 Q. Has your employer code ever been used by somebody
20 else?

21 A. Yes.

22 Q. Who used your code?

23 A. I don't know who used it, but I was told it had
24 been done.

25 Q. Do you know what trouble reports your code was

1 used on?

2 A. No.

3 Q. Did you ever see the report?

4 A. No.

5 Q. Was it your employee code that Mr. Bryant was
6 talking about?

7 A. Yes.

8 Q. Were you at work the day your employee code was
9 used?

10 A. No.

11 Q. Ms. Davis, have you ever been disciplined in
12 relation to your handling of customer trouble records?

13 A. No.

14 Q. I'm sorry.

15 A. No.

16 Q. I want to make that very clear for the record.

17 A. No.

18 Q. Do you know anyone else who has?

19 A. No.

20 Q. Have you ever been given an informal counseling
21 session, conversation or warning from a manager for your
22 handling of customer trouble records?

23 A. No.

24 Q. You're part of the union. Have you ever filed a
25 grievance?

1 A. No.

2 Q. Do you know anyone who has filed a grievance
3 related to instructions that they received from managers on
4 handling trouble reports that they felt were improper?

5 A. No.

6 Q. Do you know of any managers who handled trouble
7 reports themselves?

8 A. Yes.

9 Q. Is that something a manager -- is that part of a
10 managers work?

11 A. I don't know.

12 Q. Can you tell me who was handling the reports, who
13 you remember?

14 A. No.

15 Q. Can you tell me when this occurred?

16 A. No.

17 Q. Can you tell me why they were doing it?

18 A. Probably because the load was high.

19 Q. Because the load was high?

20 A. (Witness nodding head.)

21 Q. There weren't enough MAs to handle the load?

22 MR. BEATTY: Objection to the form of the
23 question. It's leading. You have not accurately
24 characterized her testimony.

25 MR. LEBEDEKER: You can answer, if you can.

1 THE WITNESS: What was the question again?

2 BY MS. RICHARDSON:

3 Q. Was it because there were not enough MAs to
4 handle the load, is that what you mean?

5 A. I would say yes.

6 Q. Instead of me spoon feeding you on this, maybe we
7 could do it a different way. Can you give me anymore
8 information about why you think the manager was working with
9 trouble reports directly?

10 A. No.

11 Q. Are you familiar with the auto screener?

12 A. Yes.

13 Q. What does auto screener do?

14 A. Auto screener actually handles the report. If a
15 customer calls in it actually screens the report for the
16 customer. I mean instead of an MA handling it.

17 Q. Does auto screener test the line too?

18 A. Yes.

19 Q. Can auto screener status out of service?

20 A. Yes.

21 Q. Can auto screener status not out of service?

22 A. Yes.

23 Q. Does auto screener dispatch?

24 A. Yes.

25 Q. Do you get auto screener reports?

1 A. Do I get them?

2 Q. Yes. Does auto screener send reports to you?

3 A. Yes.

4 Q. What kind of reports come to you?

5 A. Ones that need further investigation.

6 Q. And then do you also screen the report then after
7 you get it?

8 A. Yes.

9 Q. Are you familiar with wet rules and dry rules for
10 auto screener?

11 A. What?

12 Q. I want you to look at number 21, which was by
13 your name.

14 A. Not in those terms, no.

15 Q. Do you know of anyone who has used auto screener
16 rules to avoid statusing out of service reports as out of
17 service?

18 A. No.

19 Q. Have you of heard of that being done?

20 A. No.

21 Q. Do you know of anyone who has used auto screener
22 in order to help them meet the 24 hour commitment on out of
23 service reports?

24 A. No.

25 Q. Are you aware of PSC requirements that the

1 company complete out of service reports within 24 hours?

2 A. Now I am.

3 Q. Do you know of anyone who has used the auto
4 screener rules to meet that PSC requirement?

5 A. No.

6 Q. Do you know of anyone who has put incorrect
7 information on customer trouble reports in order to help
8 them meet the PSC requirements?

9 A. No.

10 Q. Do you know of anyone who has put false
11 information on customer trouble records?

12 A. No.

13 Q. We had talked -- you had mentioned that you had
14 been given instructions not to status out of services when
15 you were in Hypoluxo. Were you given those instructions at
16 any other center besides Hypoluxo?

17 A. Not that I can remember, no.

18 Q. Do you know what a no access is?

19 A. Yes.

20 Q. What's a no access?

21 A. Repairman has gone out on a customers premises
22 and they're not home, or he has no access to a building
23 terminal or something like that.

24 Q. Are there two different no accesses, then; one
25 for the home and one for a building?

1 A. No, not really.

2 Q. Are you familiar with the no access subscriber
3 and the no access other codes?

4 A. Yeah.

5 Q. Do you know if the no access subscriber code
6 stops that 24 hour repair clock?

7 A. I didn't know that.

8 Q. Do you know that?

9 A. No.

10 Q. Do you know of anyone who has no accessed a
11 report without dispatching it?

12 A. No.

13 Q. Do you know of anybody who reported a no access
14 when they really could have had access?

15 A. No.

16 Q. Have you ever had a manager tell you not to close
17 out an out of service report that was about to go out over
18 24 hours until you have talked to him or her?

19 A. No.

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

21 A. No.

22 Q. Let me try one more time. Do you know of any
23 managers who have insisted that no MA close an out of
24 service report that was about to go out over 24 hours
25 without getting their permission?

1 A. No.

2 Q. Do you know of anyone who has taken an out of
3 service report that's about to go out over 24 hours, closed
4 it, and then reopened it as an employee report.

5 A. No.

6 Q. Do you know anyone who has given customers inside
7 direct lines so they can call a manager directly instead of
8 calling in a repair report directly?

9 A. Yes.

10 Q. When was this going on?

11 A. I don't know.

12 Q. Don't know. Was it in Hypoluxo?

13 A. Yes.

14 Q. Was it happening in Lake Worth, this center?

15 A. Yes.

16 Q. Do you remember which manager was using this
17 policy?

18 A. No.

19 Q. In your opinion, based on your experience and
20 your knowledge, do you know if that's a proper thing to do?

21 A. Yes.

22 Q. On the repeat reports from the customers that get
23 loaded as employee reports -- can you define an employee
24 originated report for me?

25 A. An employee originated report?

1 Q. Yes.

2 A. You said on a repeat list?

3 Q. Well, let's just avoid repeat for a minute.

4 What's an employee originated report?

5 A. A trouble report made up by someone here before a
6 customer finds out there is trouble on a line or something
7 like that.

8 Q. If a customer sees a repairman, Southern Bell
9 repairman outside and goes to the repairman and says I've
10 got trouble with my phone and the repairman phones it in, is
11 that an employee originated report?

12 A. No.

13 Q. If a customer calls in a repeat report directly
14 to a manager, is is that an employee originated report?

15 A. No.

16 Q. Then let me go back to my original question one
17 more time. Do you know of instances where customers who
18 called in repeat reports to managers had their reports
19 opened as employee originated reports?

20 A. No.

21 Q. I'm confused somewhere and I'm not sure what my
22 first question was that you responded yes to and how that
23 was different. Can you explain if at all possible -- we may
24 have to go back to the original question, Kim. Have you
25 ever been asked to help sell products or services?

1 A. Yes.

2 Q. And where were you working when you were helping,
3 the maintenance center in Lake Worth?

4 A. Both.

5 Q. Hypoluxo and Lake Worth?

6 A. Uh-huh.

7 Q. How long were you helping with sales; how many
8 years?

9 A. Not exactly helping, more or less just talked to
10 a customer and if they had a problem or something we would
11 offer him -- it wasn't a sales campaign.

12 Q. Okay. Were you eligible for any points?

13 A. Yes.

14 Q. Were you able to cash those points in for any
15 objects or prizes?

16 A. Yes.

17 Q. What kinds of things did you get?

18 A. A pillow and I think a clock radio.

19 Q. Were given any customer lists to call?

20 A. No.

21 Q. Were you given any kind of training or sales type
22 training?

23 A. No.

24 Q. Were you given a script, a sales script to help
25 you?

1 A. No.

2 Q. Were you given any kind of information that
3 explained the services and products and the costs of those
4 when you helped customers with those?

5 A. We automatically have it.

6 Q. How do you automatically have it?

7 A. We have the features. Not the price, but we have
8 the features.

9 Q. Then how would the customer find out about how
10 much the price was if the customer said, yeah, I want call
11 waiting. How would he find out how much it cost?

12 A. We would bridge him with the business office. We
13 would call the business office and have the customer on the
14 line at the same time.

15 Q. So there would be three of us talking all at
16 once?

17 A. Yes.

18 Q. Do you know of anyone who recorded a sale of a
19 service or product to a customer without the customer's
20 approval?

21 A. No.

22 Q. Have you heard of that happening?

23 A. Yes, since this case, but not before that.

24 Q. Have you yourself ever recorded a sale of a
25 product or a service to a customer without the customer's

1 approval?

2 A. No.

3 Q. Have you ever had a manager ask you to record a
4 bunch of sales maybe for someone else but where you never
5 talked to the customer yourself?

6 A. No.

7 Q. When you were doing the sales part of your
8 speaking to the customer, did you keep track of the amount
9 you time you spent on the sales conversation as opposed to
10 the trouble report?

11 A. No.

12 Q. Did you ever work in a room doing just sales as
13 opposed to --

14 A. No.

15 MS. RICHARDSON: Okay, Ms. Davis, I think
16 that's all the questions I have for you. I thank
17 you for being here today. There may be some
18 questions around the table.

19 MR. PIERSON: I have a couple here.

20 CROSS EXAMINATION

21 BY MR. PIERSON:

22 Q. When your manager told you not to status any out
23 of services today, can you tell me the circumstances under
24 which that happened?

25 A. I can't remember.

1 Q. You also said that you thought it was proper.
2 Can you explain why you thought it was proper not to status
3 any out of services?

4 A. Well, I can't remember exactly the situation.
5 Like not just statusting out of service that day, maybe
6 certain trouble reports, certain reports. Not everything
7 that we got.

8 Q. The customer commitment, is that the same as the
9 24 hour commitment?

10 A. No.

11 MR. PIERSON: That's all I have.

12 MR. BEATTY: Okay, that's it it.

13 (Whereupon the deposition was concluded at
14 1:54 p.m.)

CERTIFICATE

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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 JOANN DAVIS 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 by either party or attorney.

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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