

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

~~920260~~ TL

COPY

DEPOSITION OF: DENNIS SLATTERY
TAKEN AT THE INSTANCE OF: Citizens of the State of Florida, by and through Jack Shreve, Office of Public Counsel
DATE: Thursday, July 30, 1992
TIME: Commenced at 8:00 a.m. Concluded at 9:45 a.m.
PLACE: 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 STENOGRAPHY REPORTERS, INC.
100 SALEM COURT
TALLAHASSEE, FLORIDA 32301
(904) 878-2221

DOCUMENT NUMBER-DATE
11363 OCT 21 88

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

REPRESENTING THE SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY:

HARRIS R. ANTHONY, ESQUIRE
BellSouth Telecommunications, Inc.
d/b/a Southern Bell Telephone & Telegraph Company
c/o Marshall M. Criser, III
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

REPRESENTING THE CITIZENS OF THE STATE OF FLORIDA:

SUE RICHARDSON, ESQUIRE
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400

REPRESENTING THE FLORIDA PUBLIC SERVICE COMMISSION:

JEAN WILSON, ESQUIRE and
STAN GREER, Class B Practitioner
FPSC Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0863

REPRESENTING MR. DENNIS SLATTERY:

MARK H. HILDEBRANDT, ESQUIRE
2301 Collins Avenue
Suite M-14
Miami, Beach, Florida 33139

ALSO PRESENT:

WALTER BAER, Office of Public Counsel.
CARL VINSON, FPSC Division of Communications.

* * * * *

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS:

PAGE NO.

DENNIS SLATTERY

Direct Examination by Ms. Richardson
Cross Examination by Mr. Greer

7
49

CERTIFICATE OF REPORTER

51

1 is that nobody else can obtain the contents of that
2 investigation. This cannot be discovered. As a result
3 of that, if you should receive any questions during
4 this deposition that ask you for your knowledge about
5 that investigation, either what you may have been told
6 by somebody or what you heard, or anything else that is
7 related to the investigation, other than the fact that
8 you participated in it, if you did, then I'm going to
9 ask you not to answer those questions. So, to the
10 extent that you can answer the questions with knowledge
11 that you have that's derived from anything other than
12 the investigation, of course, you're free to answer
13 those questions, if they are not otherwise
14 objectionable, and I would hope that you would do so
15 fully, completely and honestly. Okay?

16 THE WITNESS: Sure.

17 MS. RICHARDSON: Okay. And I have just one or two
18 preliminary things, and it deals with communications so
19 that you and I understand what you mean when you use
20 the words, for instance, "I don't know." I want to be
21 sure that we are both communicating, we both understand
22 what that means. It is a very common term but
23 sometimes common terms get misunderstood. For
24 instance, when you say "I don't know," or if I ask you,
25 "Do you know this, that or the other," and you answer,

1 Carl Vinson, both a part of the Commission Staff.

2 MR. ANTHONY: Hank Anthony, on behalf of Southern
3 Bell Telephone and Telegraph.

4 MR. HILDEBRANDT: Mark H. Hildebrandt, on behalf
5 of the witness, Mr. Slattery.

6 MR. ANTHONY: Before we get started, Mr.
7 Hildebrandt, we have had some stipulations throughout
8 the three days of depositions so far, and I want to
9 make sure that you don't have any problem with them.

10 We have the fact that the deposition has been
11 noticed pursuant to proper notice; that we won't go off
12 the record without the deponent's consent; that reading
13 and signing will not be waived, and that we'll reserve
14 any objections except as to the form of the question.
15 until the time of the use of the transcript at hearing.
16 Are those agreeable with you?

17 MR. HILDEBRANDT: Fine.

18 MR. ANTHONY: One other thing, Mr. Slattery, these
19 depositions are part of an investigation that has been
20 begun by the Florida Public Service Commission into
21 Southern Bell's trouble reporting practices.

22 And as you probably are aware, Southern Bell has
23 conducted its own investigation of those practices.
24 That investigation was done by the Legal Department,
25 and it was a privileged investigation. What that means

1 "No," then I would like that, for our purposes, if you
2 can agree to it, to mean that you have no personal,
3 direct knowledge about whatever events or whatever
4 persons or whatever happenings we may be discussing at
5 that time. I would also like it to mean, for purposes
6 of this deposition, that you have no hearsay knowledge
7 or from any secondary source, newspaper knowledge. In
8 other words, you just absolutely don't know. Is that
9 acceptable?

10 THE WITNESS: Uh-huh.

11 MS. RICHARDSON: Then, also, for "I don't recall"
12 or "I don't remember," or if I ask you do you remember
13 such and such and you say, "No," then I would like that
14 to mean that your mind is an absolute blank, there is
15 no fragments of memory tickling out here, so that we
16 are clear on that. Is that acceptable?

17 THE WITNESS: Sure.

18 MS. RICHARDSON: Okay.

19 DIRECT EXAMINATION

20 BY MS. RICHARDSON:

21 Q Then if you would, for the record, I would like
22 for you to state your name, and if you would spell it, so
23 that we have it accurate.

24 A Dennis Slattery, S-L-A-T-T-E-R-Y.

25 Q And your address, please?

1 A

2 Q Mr. Slattery, what is your present position with
3 Southern Bell?

4 A I am the manager of the installation maintenance
5 center in the North Broward Division, southeast area,
6 Southern Bell.

7 Q All right. And how long have you held that
8 position?

9 A I have been the manager there since December,
10 1986.

11 Q And what is your pay grade level in that position?

12 A Five.

13 Q You're a Pay Grade 5. Who is your present
14 supervisor?

15 A Robert Sattizahn.

16 Q All right. And who is his present supervisor?

17 A Scott Mulcahy.

18 Q And that's M-U-L-C-A --

19 A H-Y.

20 Q -- H-Y.

21 A Yes.

22 Q In 1985, you said?

23 A No, November '86.

24 Q '86. And what did you do prior to November of '86
25 with the Company?

1 A For a couple of years I reported to the general
2 manager and did management training for him.

3 Q And what kind of training or what type of
4 employees did you train?

5 A Management and nonmanagement and nontechnical,
6 fault locating, technical training.

7 Q Okay. Technical training in terms of what? Can
8 you expand on it a little bit, so that I can understand it?

9 A Technical training in relationship to finding
10 trouble faults in cable, cable repairs, outside plant type
11 of troubles.

12 Q Would this involve actual observation or running
13 tests types of equipment or --

14 A No, we ran classroom seminars, four-day seminars.
15 We ran the management people through it and then all the --
16 what we call cable repairmen and technicians through it.

17 Q All right. Did that in any way involve how they
18 would handle a trouble report? How those people would
19 handle a trouble report?

20 A No, this is technical.

21 Q It's technical.

22 A On how to measure the fault using sophisticated
23 test equipment, and how to pinpoint where the fault was
24 located, and how to make sure before they dug a hole that it
25 was there, that type of training.

1 Q Okay. Do you know what a multiple cable failure
2 is or can you define one for me?

3 A A multiple cable failure is where you have a
4 trouble, and usually a wet spot or a damage where more than
5 one customer's line is involved or more than one cable --
6 working cable pair is involved in that multiple fault.

7 Q Okay. So, it can be just two customers on one
8 line or one cable or --

9 A Well, we build them in a system of three or more
10 as a multiple. But, yes, a multiple could be two or more.

11 Q Okay. And in terms of an out-of-service trouble,
12 are you familiar with the rule that the Commission (sic) is
13 to repair out-of-service troubles within 24 hours and to
14 complete 95 percent of those?

15 A Schedule 11?

16 Q Uh-huh.

17 A Yes.

18 Q You're familiar with that. Then on the Schedule
19 11 with the multiple cable failure, does multiple cable
20 failure count toward that out-of-service if it is over 24
21 hours or is it exempt from that?

22 A It depends on how -- on what it's caused by.

23 Q Okay. Can you explain that a little bit more?

24 A Well, there are several exclusions that I can
25 recall. I can't recall them all verbatim, but contractor

1 damage, usually is what we have down here in Florida. A
2 backhoe digging up a cable would be a contractor damage and
3 that would be excluded, so to speak. But usually we fix
4 those well within the guidelines of 24 hours in most cases.

5 Q Would a multiple cable failure be excluded from
6 the Schedule 11 report?

7 A Yes. I think a multiple cable failure was one of
8 the exclusions.

9 Q Okay.

10 A I believe it still is to this day.

11 Q All right. When did you first start with the
12 Company and what was your entry position with the Company?
13 Do you know?

14 A Yes.

15 Q Okay.

16 A 1964.

17 Q Wow. Okay. You're going to retire sometime soon?

18 A As a repairman.

19 Q As a repairman.

20 A No, I love the job. I really do.

21 Q But the Company doesn't have any set retirement
22 age or time, number of years with the Company?

23 A Sixty-five, I guess, is when you have to retire.

24 Q Okay. I didn't know if you had 30 years of
25 service.

1 A Twenty-eight.

2 Q And you started as just an outside technician?

3 A Yes, a repairman.

4 Q Repairman at that time. Can you kind of just
5 briefly summarize all of your experience that dealt with,
6 over this long period of service with the Company, that
7 deals with customer trouble report handling? I mean, has it
8 all been 23 (sic) years of that, or have you been doing
9 other things?

10 A I have been doing other things. I was a
11 technician for a number of years. I was on the headquarters
12 staff position, division staff position, an area staff
13 position. I served three years as a business office
14 manager. I have been with two companies, though. I had the
15 outside cable repair, station repair installation, along
16 with what we used to call the test center, and now it's the
17 maintenance center. And so I have had a variety of jobs
18 throughout the Company.

19 Q And all of those positions have dealt with
20 customer trouble reports?

21 A Well, no. The business office really didn't. You
22 know, we took an overflow. If a customer called, we would
23 refer it to a repair foreman, but we didn't handle it.

24 Q Okay. While you were in the business office, were
25 you at all working with customer rebates from trouble report

1 handling, if they went over, you know, out-of-service over
2 24 hours?

3 A Well, it was with another company in a different
4 state. So, I can't -- I don't think we did it at that time,
5 different set of rules.

6 Q So, you came to work for Southern Bell and went to
7 work for someone else and then came back to work for
8 Southern Bell?

9 A No, I worked for another company, and I came with
10 Southern Bell in 1979, and I have been here since.

11 Q Mr. Slattery,

12

13 A

14 Q

15 A

16

17

18 Q

19 A

20

21 Q

22

23

24 A In general terms?

25 Q Uh-huh.

1 A

2

3

4 Q Okay.

5 A

6

7 Q

8 A

9 Q

10

11 A

12 Q

13

14 MR. ANTHONY: I'm sorry, Mr. Slattery, if you
15 could speak up. We're having a hard time hearing.

16 THE WITNESS: It's probably hard in this room. It
17 always has been in this room. You're not the first to
18 complain.

19 BY MS. RICHARDSON:

20 Q Does it indicate -- and if you will just look at
21 it to refresh your memory.

22

23 A

24 Q Okay.

25 A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q

A Yes, ma'am.

Q

A

Q Yes.

A

Q

A Yes.

Q

A Yes.

Q

A

Q

A

Q

1

2

3

4

A

5

6

7

8

Q Okay.

9

A You know, our group is the customer advocate group. We are there to get the trouble cleared and get it installed. That's all we try to do day in and day out.

12

Q Have you, in thinking back and trying to recall events that may or may not have happened then

14

15

16

17

18

A No, I've thought back and my managers, which you're probably going to interview several, they have been above reproach with me, some have been with me for years and they all have integrity. And I can't honestly think of anything that we did or said or implied that would cause anybody to do anything incorrectly maliciously.

24

Q Not even maliciously, let's just get beyond

25

maliciously. And for the purposes of the questions that I

1 ask you, I am looking for any kind of general information,
2 not just definite falsification or deliberate falsification,
3 but anything that would be aberrational, out of the norm,
4 possibly mishandling of reports, unwittingly or unknowingly
5 by employees, those kinds of activities.

6 MR. ANTHONY: Mistakes? Under that definition,
7 any time anybody made a mistake, a simple clerical
8 error, that would be included? Are you asking for
9 that?

10 BY MS. RICHARDSON:

11 Q Clerical errors will be fine, too, and you are
12 certainly welcome to respond in terms of breaking it out for
13 me, those kinds of activities?

14 A Yes. When you deal with that volume and you deal
15 with it, and it's a very -- I don't know if you have ever
16 been in a center -- it's a very, very big operation. It's
17 like a demand center. People make mistakes, type the wrong
18 thing, put the wrong Y, when it should have been N. Those
19 things happen. We try to keep them to a minimum. As many
20 happen one way as the other way, I would say. But, you
21 know, I can honestly say my people never did anything
22 intentionally. We tried to always do it the right way.

23 Q All right. Now, as a supervisor, when someone
24 makes just a clerical error or a mistake, how do you handle
25 that?

1 A You know, if we saw what we determined to be an
2 error, we have sent out what we call an investigative report
3 to the responsible supervisor, the first level supervisor.
4 And they would look into it with their employee, and talk to
5 him and see if it was a training problem or a
6 misunderstanding of something or just a mistake.

7 Q Okay. How would you handle that particular
8 employee that was making clerical errors and administrative
9 mistakes?

10 A Mainly training, going over it again until they
11 got it right.

12 Q I mean, if they continued to make the clerical
13 errors and mistakes?

14 A Well, I never really had anybody that continued to
15 make those mistakes. In my years in there, we never, that I
16 can honestly recall, have taken disciplinary action against
17 anybody for making continuous mistakes, clerical mistakes.
18 Usually people are smart enough to correct it after a couple
19 of times you talk to them about it.

20 Q Would they have been disciplined?

21 A Pardon?

22 Q Would they have been disciplined for clerical
23 errors and general mistakes?

24 A If it would affect something internally it could
25 go to that point, but it never did in our operation. We

1 usually corrected it.

2 Q Okay. So, then, discipline in the Company is
3 reserved for more serious types of problems?

4 A Yes. Yes, very serious problems.

5 Q Okay. Then let's set aside the clerical errors
6 and mistakes, and let's also for the moment set aside
7 intentional deliberate falsification. Okay. We've got this
8 group in between. We have got clerical errors on one end,
9 those are not disciplinary matters but training matters. We
10 have got falsification and deliberate, okay, knowing
11 mishandling on this end. And would you agree that those are
12 maybe disciplinary matters for the Company, that those
13 people would be disciplined?

14 A Yes, if it is done intentionally, deliberately,
15 yes.

16 Q Okay. So, that is on this hand. Now, let's take
17 the big group that's in the middle, if we can for the
18 moment.

19 MR. ANTHONY: I object to the question. There is
20 nothing in the record to indicate the premise of the
21 question that there is a big group in the middle.

22 BY MS. RICHARDSON:

23 Q Let's take this group, and I'm going to call it a
24 big group --

25 MR. ANTHONY: I will object to you calling it a

1 big group.

2 MS. RICHARDSON: That's fine. I'm calling it a
3 big group.

4 BY MS. RICHARDSON:

5 Q In the middle here, there may be just questionable
6 practices, people may be doing things that are improper or
7 violate Company procedures, but they don't know that they
8 are doing this.

9 A Could be interpretation.

10 Q Interpretation problems.

11 A As you well know our business is complex. The
12 rules are complex. You know, just look at your own rules
13 and try to read the PSC rules and you'll see how complex
14 they are.

15 Q Really. Okay. So, now, let's talk about this
16 group for a minute here in terms of what has been going on
17 with these activities and your thinking back now,

18

19

20

21 A Yes.

22 Q

23 A

24 Q

25 A Yes.

1 Q Can you please tell me their names?

2 A The ones that I'm aware of?

3 Q Yes, uh-huh.

4 A

5

6 Q Can you spell that?

7 A

8 Q --

9 A

10 Q All right.

11 --

12 A

13 Q

14

15 A

16 Q Okay. Now, thinking back, we have set aside
17 clerical errors, because those generally, as Company policy
18 from what I hear you saying are not discipline. They are
19 training problems. And that is how that's dealt with. And
20 we are setting aside this other group out here, the
21 deliberate falsification, the intentional mishandling of
22 reports. And now we have this area in the middle. Okay.

23

24

25

1

2

A

3

4

5 Q All right. Now, let's think about interpretation
6 and perception of Company procedures that you're
7 implementing every day and you are handling customer trouble
8 reports. And as you have said and testified, you're making
9 the best effort that you can to clear these out-of-service
10 within 24 hours and to follow Company practices and
11 procedures. Is that an accurate restatement of what you
12 said?

13

A Uh-huh.

14

15 Q You know, we have got this thing in the middle,
16 this group in the middle. What, in your mind, went on that
17 created a severe enough problem

17

18

A I honestly can't say that I can think of anything

19

20

21

22

23

Q All right. Let's take one more layer off.

24

25

Just in general here, and we are still talking

1 about this area of just general mishandling, questionable
2 practices, unwitting, unknowing handling of customer trouble
3 reports

4
5
6 Think back for me about your position at that time and how
7 you were handling things, okay? And I am sure you have done
8 this on your own many, many times, and you have put it
9 through your mind. What are some of the thoughts that you
10 have come up with that you have handled these trouble
11 reports that on further thought or further reflection or
12 going back through the procedures and rules, may have
13 appeared to be inaccurate, or may have appeared to be
14 questionable, or may have appeared to be, okay, incorrect?

15 A And that is a good question. I guess from our
16 standpoint, from the North Broward Division, we are very
17 proactive in pushing to make the load. We call it making
18 the load. We don't call it meeting the commitment, meeting
19 of the load, making sure that every customer that we
20 committed today will be cleared today or installed today.
21 And we were very aggressive in doing that. That is about
22 the only thing I could really -- where we stood out..

23 Q And when you say "making the load," is that that
24 95 percent index?

25 A No. No, that means if we have ten installation

1 and ten repairs committed to the customers, that we would do
2 ten installations and ten repairs in the time that we
3 committed to do it, that day, we would get it done today.

4 Q Okay.

5 A So, whether we had to pull resources from other
6 groups to get it done, that is -- we were very aggressive in
7 that.

8 Q And is there anything else?

9 A No, not that I can think of.

10 Q

11 A

12 Q And that is?

13 A Robert Sattizahn and Dwayne Ward, who is the head
14 of Personnel here in the southeast area of Florida.

15 Q And is it D-W-A-Y-N-E?

16 A Yes, D-W-A-Y-N-E, I think is how you spell it.

17 Q And he is the head of Personnel?

18 A For this area, right. He is in the operation
19 level.

20 Q Okay. And when you met with them, there was no
21 one else in the meeting, was there?

22 A No, the three of us.

23 Q

24

25

1 A
2 Q
3
4 A
5 Q Okay.
6 A I couldn't give you exactly everything I said.
7 Q We don't --
8 A
9 wrong.
10 that and
11 Q
12 A
13 Q With the Company?
14 A
15 Q
16
17
18 A Yes, I do.
19 Q All right. In what way?
20 A
21
22 Q
23 A
24 Q
25 A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q

A Yes, ma'am.

Q

A Yes, I did.

Q

A

Q

A

Q

A

Q

A

Q

A

Q

MR. ANTHONY: I'm sorry, Mr. Slattery, could you speak up?

THE WITNESS:

BY MS. RICHARDSON:

Q

1 A

2

3

4 Q Okay. You have been a supervisor for several
5 years, correct?

6 A Since 1973.

7 Q All right. And in all of that time, when you have
8 had to correct an employee, either through retraining or, I
9 believe you didn't say you had ever disciplined anybody, but
10 you have had to correct people for actions that they have
11 taken?

12 A For clerical errors, I've disciplined people for
13 things other than clerical errors.

14 Q All right. In your experience, then, as a manager
15 and a supervisor with the Company, have you ever disciplined
16 an employee on your watch without telling them what they had
17 done wrong?

18 A Never.

19 Q Why? Why not just tell them they are disciplined
20 and send them back out?

21 A You don't do that.

22 Q Why not?

23 A It's not the way things work in life. People have
24 to know what they did wrong so they can correct it.

25 Q

1

2

3

A

4

Q

5

A

6

Q

7

8

A

9

10

Q

11

A Because of the allegations, that everybody did everything. I'm sure you've heard those rumors. Basically, there are -- the majority of the people in Southern Bell are very honest people, just trying to do their job day in and day out. And I am going to say right to you here that my people in my operation are that type of people. There is no financial gain in any of this. And working in the maintenance center is where we work, and it's probably the toughest job the telephone company has, other than the business office right now. And our whole intent is to be the customer advocate, and that is what we try to do.

12

Q When you said that I may have heard rumors and allegations of activities or goings on that may be the reason for -- that higher management decided that so much discipline needed to be administered, can you give me

13

14

15

16

1 examples?

2 A Basically, what I read in the newspapers and
3 allegations -- what I read in the newspapers when this thing
4 started.

5 Q What kinds of things were happening?

6 A The accusations that everybody backed up times at
7 Southern Bell.

8 Q And what does backing up time mean?

9 A Backing up the time is a generic term that all the
10 RBHCs use, all the telephone companies use for backing up
11 the clearing time. You have your trouble report time, your
12 trouble clear time and your trouble close time. The typical
13 technician taking a job would be dispatched at a certain
14 time. He would clear or restore service at a given time, in
15 a given moment of time. And then he usually had some
16 associated work that would be done, either as limited as
17 cleaning up his tools and washing his hands, or it could be
18 as complex as doing some, you know, reroute work, trimming
19 trees, that would take you another few hours here. And like
20 sometimes they use the close time as the clear time, which
21 could cause problems. You could miss a commitment because
22 of that. So, we always reminded people to back it up to
23 make sure you get the accurate clear time. And I think
24 that's what has confused a lot of people in this issue. And
25 that is where the term "backing up" came from.

1 Q Are there any other types of activities that you
2 have heard of that were problems?

3 A No.

4 MR. ANTHONY: I'm going to object to that. Mr.
5 Slattery didn't testify that backing up the time was a
6 problem. He testified that he read that people said
7 that it was a problem, not that it was a problem.

8 BY MS. RICHARDSON:

9 Q Mr. Slattery, have you, or do you know of any
10 procedure for any time that you have been with the Company
11 for your 28 years here, and I know that is asking you to
12 think back a far piece, an IMC procedure requiring a
13 maintenance administrator to call a manager in order to get
14 disposition and cause codes to close out trouble report?

15 A Well, sure. For example, you have a cable failure
16 and the technician finished it up late, so they would call
17 the supervisor in the morning to find out what the
18 disposition and cause code was. We don't know what happened
19 to it. Did a truck hit it, did a backhoe hit, did a
20 contractor cut it, you know, did it get wet, whatever
21 happened, sure there would have to be occasions where they
22 would ask what the disposition and cause code was. We don't
23 have but about 5,000.

24 Q Have you heard of anyone having that procedure for
25 an improper purpose in the Company?

1 A No.

2 Q And you have never done that yourself?

3 A No.

4 Q You have never required your people to do that
5 yourself?

6 A No.

7 Q And you have never directed any of your other
8 managers to do that?

9 A No.

10 Q Are you familiar with the no access code, the NAS
11 code?

12 A (Witness indicating yes.)

13 Q What is the purpose of a no access code?

14 A Well, the no access code puts the trouble in a
15 hold status, and we hold it -- well, I hold it for three
16 days to see if the customer calls back in. No access
17 usually means that we have gone out there, there is a
18 physical trouble on the line, and we have proven it in from
19 the network interface, the ONI. And we can't gain access to
20 the residence -- to the premise to fix the trouble. So, we
21 leave them a no access card, and we hold the trouble report
22 open for three days. If we don't hear from them, then we
23 close it out.

24 Q All right. And then holding it open stops the
25 clock at the no access point of that 24-hour clock for

1 out-of-service?

2 A Yes.

3 Q Okay. Then do you know of anyone who has ever
4 stasured a no access without leaving word with the customer
5 or contacting the customer?

6 A No.

7 Q Have you ever heard of that being done?

8 A No.

9 Q Okay. And you have never directed anyone to do
10 that?

11 A No.

12 Q And you have not done that yourself?

13 A No.

14 Q Do you know of anyone who has used the no access
15 code to stop that 24-hour clock, to prevent that trouble
16 from being counted in that out-of-service base?

17 A You mean intentionally?

18 Q Intentionally.

19 A No.

20 Q Do you know of anyone who may have used the no
21 access status thinking it was proper, okay, being unaware
22 that it was improper to do so if they hadn't contacted the
23 customer just to stop that clock?

24 A No, I'm not aware because that would be the only
25 time you would use it, if you couldn't gain access for

1 whatever reason.

2 Q Do you know of anyone who may have excluded
3 out-of-service reports that were bound to go over 24 hours
4 and then reopened them in order to clear them and close
5 them?

6 A No.

7 Q Okay. Now, let's separate that from an
8 intentional to just they may have done it. They thought it
9 was proper, maybe there was some other type of work to be
10 done, like closing the sheath or whatever, and they thought
11 service was restored, but the report itself was being
12 carried forward?

13 A I can't give you any specifics, but I'm sure that
14 could have happened. When you deal with a multiple fault
15 complex splice, those things can happen. When you close it
16 up, you could put a pressure cross on it and knock one of
17 the 500 that you've fixed back out. Sure, those things can
18 happen. You're not aware of it until the customer reports
19 back again.

20 Q Okay. In terms of extending the time, the
21 commitment time -- let me start over. Do you know what the
22 commitment time means with the customer?

23 A Yes. That is the commitment that we gave the
24 customer to fix it.

25 Q To fix the service. Okay. Do you know of anyone

1 who has taken the commitment time and changed the commitment
2 time without contacting the customer?

3 A No, that is a strict rule. We don't do that
4 without contacting the customer.

5 Q Okay. Do you know of anyone who has done it,
6 changed that commitment time without knowing the rule or
7 thinking that it was okay to do that without contacting the
8 customer? They had tried and they couldn't get the
9 customer, so they just changed the time?

10 A No.

11 Q Have you ever heard of anybody doing that?

12 A No.

13 Q And you have never done that yourself?

14 A No, ma'am.

15 Q And you have never directed any employee to do
16 that?

17 A Absolutely not.

18 Q Going back to the out-of-service index base, the
19 95 percent requirement, okay? And you said that you placed
20 a lot of emphasis on making sure that all the work that came
21 in on the day was done that day, and that you -- let me not
22 put words in your mouth. Did you also emphasize meeting
23 that 95 percent index with your people?

24 A That is just one of many, many indexes that we
25 have, and we talked mainly to our managers about it. We

1 don't emphasize it with the nonmanagement people, never
2 have.

3 Q But your managers are aware?

4 A We mainly go on missed commitments. That is what
5 we talked about. If we give the customer a 5:00 commitment,
6 that is when we want to be there and have it fixed or be
7 there and have it installed by 5:00. That is what we deal
8 in. We try to keep our clocks always under 24 hours, so
9 that we are always within the guidelines of the Public
10 Service Commission, but you get into June with 24 inches of
11 rain, you can't always do it.

12 Q Do you know of anyone who has taken affecting
13 service reports, stated them as out-of-service, in order
14 to build the base to meet that commitment?

15 A No.

16 Q Have you ever heard of anybody doing that?

17 A Well, I've heard things about people building, but
18 it's just rumor. But I don't know of any specifics at all.

19 Q All right. The rumors that you have heard, are
20 they related to this locality, to the Broward area?

21 A No, they weren't.

22 Q They weren't. Which area of the Company were they
23 related to?

24 A Mainly in the south area.

25 Q South Miami?

1 A Uh-huh.

2 Q Do you know of anyone who has used any means
3 whatever to build the base of out-of-service to meet that 95
4 percent index?

5 A No.

6 Q And have you ever heard of anybody doing that?

7 A No.

8 Q Have you ever directed your people to do so?

9 A No. What I directed my people to do is you base
10 it on what the customer reported and/or the test. If the
11 customer says they have no dial tone; they have no dial
12 tone. Why else would they call us?

13 Q Is that Company procedure to go on what the
14 customer said instead of the test?

15 A Well, it was originally and/or, you know, what the
16 customer told you, and/or your test. But now it's basically
17 what the customer reported and the test has to meet the
18 out-of-service criteria. You could call as a customer and
19 say you have no dial tone, and we test it okay, that would
20 not be statused out-of-service.

21 Q Okay. So, it would be an affecting service
22 report?

23 A Yes.

24 Q Under the Company's 1992 guidelines?

25 A Well, actually it has been for a couple of years

1 now.

2 Q For a couple of years, and that has not changed
3 then?

4 A No, that has not changed.

5 Q Okay. And when you say that -- the test, is that
6 also part of the AUTOSCREEN rules that we are talking about,
7 the VER and type combinations?

8 A Yes. And some are still incorrect, but, yes, it
9 is.

10 Q Okay. And when you say "some are still
11 incorrect" --

12 A Right. Let me rephrase that.

13 Q That's fine.

14 A They have changed some of the rules, like, for
15 example, a customer reports no dial tone, and we test the
16 receiver off of the hook. That used to go through
17 AUTOSCREEN and go into the dispatch pool and sit there. And
18 we have another program called AJR, automatic job reject,
19 that if the trouble comes off, it comes up for manual, we
20 don't dispatch it, because we don't want to go out there if
21 they've hung up the receiver. Because of this, and I can
22 only say because of this, that has to be manually handled
23 now. So, it's a cost, putting it back into the business
24 because of all this other stuff going on that should be
25 automatically handled and gone through. And we have

1 appealed that. Everybody is looking at that again.

2 Q So, in other words, higher management has sent you
3 notice it will be done this way, and you have appealed it?

4 A Yes, through the proper channels, because it just
5 doesn't make sense to do it that way.

6 Q Well, I want to thank you for clearing up auto
7 job reject. I didn't quite understand it.

8 A We invented it right here.

9 Q You invented it here, in your area?

10 A Working with AT&T.

11 Q Okay. With the VER and type combinations and
12 statusing, then, at this point, prior to what you have just
13 described this procedure, what was the procedure for
14 determining? Was it always what the customer said,
15 regardless of what the test showed?

16 A No, it was a combination of what the customer said
17 and what your test indicated.

18 Q And if the customer said no dial tone --

19 A And your test indicated trouble at the time or
20 trouble on the original scan-through, yes, you would
21 dispatch it out-of-service.

22 Q And what if the test showed line in use and the
23 customer said, "I don't have dial tone"?

24 A That would be out-of-service, because you could
25 show line in use, and it could still be out-of-service

1 because MLT is not infallible. You could get -- you
2 actually could get a line in use, test it, and it could have
3 a short on it or ground on it, because it's just a system.
4 It's just a mechanical system. They are not 100 percent
5 accurate, let me put it that way to you.

6 Q At what point in the process is it going to be
7 statused out-of-service?

8 A Right up front.

9 Q Right up front, if it's an MLT or if an MA handles
10 it, it's going to be statused right up front instead of
11 waiting until the person, the repairman has gone outside to
12 look at it?

13 A Yes, it's handled right up front.

14 Q Is that the same for cable?

15 A Pardon?

16 Q Is that the same for cable?

17 A No, it isn't. When it goes to a failure?

18 Q Uh-huh.

19 A It lumps everything from the screening pool, so it
20 doesn't get a chance. Once you build the failure, then it
21 lumps it. And in your final closeout, you would status it.

22 Q Out-of-service?

23 A Yes.

24 Q Would you ever exclude a cable failure?

25 A No, absolutely not.

1 Q Would you ever exclude a customer report?

2 A Yes. Oh, sure. You exclude customer reports all
3 the time informational, instructional, misdirected.

4 Q All right. Do you know anyone who has excluded
5 customer out-of-service reports that have gone over 24
6 hours?

7 A Intentionally?

8 Q Intentionally.

9 A No.

10 Q Do you know of anyone who has done that
11 unintentionally thinking it was correct or not incorrect to
12 do so?

13 A Yes. They get mixed up when service orders get
14 involved in it. There is some confusion sometimes, and the
15 data is inaccurate, and they think it's a service order in
16 progress that day, and they exclude the report. And in
17 actuality it was excluded the day before. There are
18 mistakes that can happen.

19 Q Okay. As manager you see operational reviews and
20 you see statistical analyses of how these troubles are
21 flowing through and how they are being handled, correct?

22 A Oh, yes.

23 Q Yes.

24 A During this period we have been reviewed so many
25 times it's unbelievable.

1 Q All right. Have you ever noticed an aberration or
2 more than usual taking and exclusions of out-of-service
3 reports, a higher number than would be indicated by the
4 normal flow?

5 A No. On all the reviews that we have in the North
6 Broward, and I can only speak for North Broward, that is
7 always one of the areas that we have done real well on. We
8 were always okay.

9 Q On that?

10 A Yes.

11 Q And in the operational reviews, where have the
12 problems been, where have they cropped up?

13 A Narrative, usually, the technicians putting in
14 trouble found, work done. And it is so complex any more and
15 if you use a billing code, it's got to match the trouble,
16 you know, if we are billing for detariffed work. This is
17 unusually the weak areas. They don't get enough narrative
18 or they give the wrong information for one part of it.
19 That's usually the weak spot in the reviews.

20 Q Okay. Are you familiar with the carryover no
21 code?

22 A CON?

23 Q The CON code?

24 A Yes, ma'am.

25 Q And the purposes of that code is to?

1 A The purpose of the CON code is applied in
2 centralized repair when a customer reports the trouble, say,
3 for example, we have commitments, and they are under 24
4 hours. And I am going to tell you we will have your service
5 fixed by 5:00 tomorrow, and you are out-of-service. And you
6 say, "Well, that would be fine, but I'm not going to be
7 home. Can you come Saturday?" And we say, "Fine." And
8 they will CON the report, because we offered you our
9 commitment and you wanted an extended commitment. So, we
10 are not penalized for that extended commitment.

11 Q Okay. Does the CON code, then, like the no access
12 code stop that clock?

13 A Stops the clock, the indicator.

14 Q Do you know of anyone who has used that CON code
15 to stop the clock to keep that report from going
16 out-of-service over 24 hours?

17 A No, and I don't think we can use it any more.

18 Q That has been a rule change that you are familiar
19 with?

20 A Yes.

21 Q And that has been since January of '92?

22 A You probably know better than I do, but we didn't
23 use it at all in the maintenance center anyway. It was used
24 by centralized repair.

25 Q Okay. Do you know of anyone who has used an

1 employee code other than their own to status the trouble
2 report?

3 A No, but I've had employee codes pop up from time
4 to time that there was no employee for it, so I think they
5 typed the wrong number, you know, because that can happen
6 when you were typing reports. And I'm sure she can allude
7 to that, instead of typing a 1 you type a 2.

8 Q Okay. So, you do not know of anyone who has
9 intentionally used another person's or a code other than
10 their own?

11 A No.

12 Q Do you know of anyone who has used the disposition
13 exclusion codes or disposition cause codes that exclude a
14 trouble report from the out-of-service-over-24-hour base in
15 order to meet that index?

16 A No. It usually goes the other way. The
17 technicians out in the field, they only remember a few codes
18 and they always use deterioration when they should have used
19 one of the exclusion codes.

20 Q Okay. Have you ever heard of anyone doing that?

21 A No.

22 Q In all the operation reviews and the reports that
23 you have seen for your area, okay, on a flow-through basis,
24 is there an approximate percentage of the number of troubles
25 that might be coded to those disposition codes that are

1 excludable from the out-of-service base?

2 A Not that I am aware of. Are you saying a pattern?

3 Q Yes.

4 A No.

5 Q Out of 100 percent of out-of-service reports,
6 about how many would normally be excludable, like inside
7 wire or something, multiple cable failure, something that
8 wouldn't get counted?

9 A I really couldn't tell you.

10 Q Have you seen any red flags in any of these
11 operational reviews, or whatever, that have notified you
12 that there has been maybe an excessive use or an overuse or
13 questionable, "It looks like maybe the lightning code has
14 been used too much, check on it," that kind of thing?

15 A No, not that type of thing. Like I said, mainly
16 it's the narratives where the staff will say, "We have got
17 to do a better job on that."

18 Q Okay. Are there any other ways of taking a report
19 out of that out-of-service-over-24-hours index, removing it?
20 We talked about the disposition and cause codes that are
21 excludable. How else can that be done?

22 A Well, you said exclude, that is about it.

23 Q Oh, exclude. Okay. I'm sorry. Is there any
24 other way?

25 A Or disposition cause codes, not that I'm aware of.

1 Q That's it. So, you don't have any knowledge of
2 anyone using any methods, whatsoever, of taking
3 out-of-service reports that have exceeded 24 hours out of
4 that base in order to meet that index?

5 A No.

6 Q All right. Do you know of anyone who has
7 falsified a customer record?

8 A And, again, you're saying intentionally falsified?

9 Q Yes, falsified intentionally, yes.

10 A No, I'm saying people have made mistakes, and
11 we'll probably always make mistakes until we retire, but no.

12 Q All right. Have you heard of anybody falsifying a
13 customer record?

14 A No.

15 Q And you have never directed any employee to
16 falsify a customer record?

17 A No.

18 Q And you yourself have never falsified a customer
19 record?

20 A No.

21 Q I would like to go back to AUTOSCREEN rules for
22 just a moment. When you were in the IMC and you were
23 dealing with -- did you deal with AUTOSCREEN rules?

24 A No. I have a staff assistant that does that and
25 sets them all up, an administrative assistant.

1 Q All right. And that person reports to you?

2 A Uh-huh.

3 Q And who was that person?

4 A Jim Thomas.

5 Q Jim Thomas. Okay. In directing Mr. Thomas, or in
6 supervising his activities with AUTOSCREENER rules, do you
7 recall using a set of dry rules, what the Company calls
8 regular rules or dry rules?

9 A Wet rules.

10 Q Wet rules and dry rules. So, you are familiar
11 with the term of "wet rules and dry rules"?

12 A Yes.

13 Q Okay. When would you use dry rules?

14 A We never did.

15 Q You never used --

16 A We never used the wet rules. We always stayed on
17 the original rules, the dry rules. We never changed.

18 Q Did you have access to a set?

19 A We didn't know how to do it.

20 Q You didn't know how to do it. But the system was
21 running on those AUTOSCREEN rules, wasn't it?

22 A On the dry rules, we never changed them.

23 Q You never changed. Okay.

24 A We never saw any benefit in it. We never bothered
25 with it.

1 Q All right. And what were the wet rules supposedly
2 for, do you know? Even though you didn't use them, do you
3 know what they were for?

4 A Basically, and I am not an expert on it at all,
5 but during rainy periods you put them in affecting service,
6 because the problem would dry up as soon as the sun came
7 out, anyway. But, then, we never used them. That's about
8 all I know about them.

9 Q

10

11

12 A Oh, yes, definitely.

13 Q Can you think of anything that you may have done
14 as a supervisor over these people where anyone might have
15 thought you had directed them to misuse the wet rules?

16 A We didn't use wet rules.

17 Q You didn't use them at all?

18 A We did not use wet rules, period. We never used
19 wet rules in my tenure as the manager of the North Broward
20 Division.

21 Q Okay. Are you familiar with any statistical
22 analyses that may have been done in the last two years of
23 your operation? I mean, in the last two years, pertaining
24 to or related to whatever period of time that you were
25 supervisor of the IMC?

1 A Are you talking about the reviews, staff reviews?

2 Q No, specifics; statistical analyses that may have
3 been run outside of just the general operational reviews?

4 A Not that I am aware of. Maybe I am
5 misunderstanding your question. We have had several
6 operational reviews. They come in and do them. Can you be
7 a little bit more specific?

8 Q Well, operational reviews are sort of standard
9 procedure, and they are done every two weeks, every month?

10 A It seems like every day.

11 Q Every day? Yes.

12 A No, they are done about every quarter.

13 Q About every quarter?

14 A External, you know.

15 Q External. So, perhaps a general run on particular
16 types of problems that people may --

17 A We do that all the time. We do it on cable
18 trouble, wire trouble. We run all kinds of statistical
19 reviews trying to pinpoint trouble areas.

20 Q Okay. And on those reviews have you ever noticed
21 any kind of abnormal activity or something that seems not
22 quite right that needed to be further checked to make sure
23 that employees were not mishandling reports or
24 misinterpreting procedures?

25 A No, because we are looking for a problem area, as

1 far as an item of plant that is giving us a problem, a
2 particular neighborhood that's giving us a problem, you
3 know, say, drop troubles or squirrel bites and that is what
4 our statistical analysis is looking for, if that is what
5 you're asking.

6 Q Yes.

7 MS. RICHARDSON: Mr. Slattery, I know that I have
8 run over your time a little bit. I thank you for being
9 here. I appreciate your comments today, and I know it
10 has been a very stressful situation covering the kinds
11 of things we have talked about today, and I thank you.
12 Now, the Commission may have one or two questions for
13 you before I can release you.

14 CROSS EXAMINATION

15 BY MR. GREER:

16 Q Mr. Slattery, I have a couple. I'm sorry for
17 being over here.

18 A You can hear better over there.

19 Q

20

21 A

22

23

24 Q

25 A

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q ?

A

MR. GREER: That's all I have.

MR. VINSON: Thank you.

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

(The deposition concluded at 9:45 a.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF ADMINISTERING OATH

STATE OF FLORIDA:
COUNTY OF LEON:

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

DO HEREBY CERTIFY that on the date and place indicated on the title page of this transcript, an oath was duly administered by me to the designated witness(s) before testimony was taken.

DATED THIS 27th day of September, 1993.



JANE FAUROT
MY COMMISSION # CC295578 EXPIRES
July 16, 1997
BONDED THRU TROY FARM INSURANCE, INC.

Jane Faurot

JANE FAUROT
100 Salem Court
Tallahassee, Florida 32301
(904) 878-2221

MY COMMISSION EXPIRES: 7/16/97

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, JANE FAUROT, Court Reporter, do hereby certify that the foregoing proceedings was taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages numbered 1 through 50 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.

DATED THIS 27th day of September, 1993.

Jane Faurot

JANE FAUROT
100 Salem Court
Tallahassee, Florida 32301
(904) 878-2221

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 27th day of September, 1993, IN THE CITY OF TALLAHASSEE, COUNTY OF LEON,

1 STATE OF FLORIDA, BY THE ABOVE PERSON WHO IS PERSONALLY
2 KNOWN BY ME.

3 *Melanie Y. Bradford*
4 NOTARY PUBLIC
5 STATE OF FLORIDA

