

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition on behalf of CITIZENS)
OF THE STATE OF FLORIDA to Initiate)
Investigation into Integrity of)
SOUTHERN BELL TELEPHONE & TELEGRAPH)
COMPANY's Repair Service Activities)
and Reports.)

DOCKET NO. 910163-TL

COPY

DEPOSITION OF:

DENNIS WILLIAM MARSHALL

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 10:35 a.m.
Concluded at 11:25 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.
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TALLAHASSEE, FLORIDA 32301
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1 APPEARANCES:

2 REPRESENTING THE SOUTHERN BELL TELEPHONE AND
3 TELEGRAPH COMPANY:

4 HARRIS R. ANTHONY, ESQUIRE
5 BellSouth Telecommunications, Inc.
6 d/b/a Southern Bell Telephone &
7 Telegraph Company
8 c/o Marshall M. Criser, III
9 150 South Monroe Street, Suite 400
10 Tallahassee, Florida 32301

11 REPRESENTING THE CITIZENS OF THE STATE OF FLORIDA:

12 SUE RICHARDSON, ESQUIRE
13 Office of Public Counsel
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18 REPRESENTING THE FLORIDA PUBLIC SERVICE
19 COMMISSION:

20 JEAN WILSON, ESQUIRE and
21 STAN GREER, Class B Practitioner
22 FPSC Division of Legal Services
23 Florida Public Service Commission
24 101 East Gaines Street
25 Tallahassee, Florida 32399-0863

REPRESENTING DENNIS WILLIAM MARSHALL:

THERESE A. PIKE, ESQUIRE
Law Offices of Ted Crespi, P.A.
The 110 Tower, Suite 815
110 S. E. Sixth Street
Fort Lauderdale, Florida 33301

ALSO PRESENT:

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

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I N D E X

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WITNESS:

PAGE NO.

DENNIS WILLIAM MARSHALL

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

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CERTIFICATE OF REPORTER

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

1
2 The following deposition of DENNIS WILLIAM MARSHALL
3 was taken on oral examination, pursuant to notice, for
4 purposes of discovery, for use in evidence, and for such
5 other uses and purposes as may be permitted by the Florida
6 Rules of Civil Procedure and other applicable law. Reading
7 and signing of said deposition by the witness is not waived.
8 All objections, except as to the form of the question, are
9 reserved until final hearing in this cause; and notice of
10 filing is waived.

* * * * *

11
12 MS. PIKE: Theresa Pike, appearing on behalf of
13 Dennis Marshall, as private counsel.

14 MS. RICHARDSON: Okay. And would you like to be
15 sworn in now, please, by the court reporter?

16 Thereupon,

17 DENNIS WILLIAM MARSHALL
18 was called as a witness, being first duly sworn, was
19 examined and testified as follows:

20 MR. ANTHONY: Same stipulations as the previous
21 depositions.

22 MS. RICHARDSON: Fair enough.

23 MR. ANTHONY: Mr. Marshall, just one thing. These
24 depositions are taken as part of the Florida Public
25 Service Commission's investigation into Southern Bell's

1 trouble reporting practices.

2 As you may be aware, Southern Bell has conducted
3 its own investigation into how trouble reports are
4 handled. That was done under the leadership of the
5 Company's Legal Department. As a consequence, that
6 investigation is privileged, which means that no third
7 party is entitled to get the results of it or anything
8 about it. As a result, if you get any questions that
9 calls for you to provide knowledge that you may have
10 about that investigation, which has been told, which
11 you told anybody as part of that, I'm going to ask you
12 not to answer that question at that time. To the
13 extent, though, that you have any knowledge that's
14 responsive to the question that you can answer, that
15 you have gained from some source other than the
16 investigation, you're free to answer it. Of course,
17 you should do so fully and completely, unless there is
18 some other objection interposed with respect to that
19 question. Okay?

20 THE WITNESS: Okay.

21 MR. ANTHONY: Thank you.

22 MS. RICHARDSON: And you understand that you're
23 not to just on your own recognizance withhold
24 information. You need to let me know that you know
25 something, so that Mr. Anthony can object and raise his

1 MS. RICHARDSON: And then if you tell me that you
2 don't know, that means you haven't heard anything and
3 you don't know it personally either, okay? If you tell
4 me that you don't recall or don't remember something,
5 that means an absolute blank, no stray thoughts that,
6 "Something is out there, but I'm not quite sure." If
7 there is, just say, "I don't remember, but there is
8 something." Okay? And maybe I can ask some other
9 questions that will bring us back around. Is that
10 acceptable to you?

11 THE WITNESS: Yes.

12 MS. RICHARDSON: Okay.

13 DIRECT EXAMINATION

14 BY MS. RICHARDSON:

15 Q Mr. Marshall, will you please state your name and
16 spell it for our court reporter?

17 A Dennis William Marshall, D-E-N-N-I-S,
18 W-I-L-L-I-A-M, M-A-R-S-H-A-L-L.

19 Q Okay. And your address, please?

20 A

21

22 Q And what is your present position with the
23 Company?

24 A Assistant manager in the IMC.

25 Q Is this North Broward?

1 A Yes.

2 Q And how long have you held that position?

3 A Since February of '90.

4 Q And what pay grade level is this position?

5 A Pay Grade 3.

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

7 A Dennis Slattery.

8 Q And who is his supervisor?

9 A Robert Sattizahn.

10 Q Okay. And what did you do prior to February '90
11 when you took this position?

12 A I was a service tech supervisor out in the field.

13 Q And what does a service tech supervisor in the
14 field do? What are those responsibilities?

15 A He just basically supervises the work content
16 outside.

17 Q Okay. I know that means something for you, but it
18 doesn't mean a lot for me. Can you elaborate a little bit
19 more?

20 A If a guy runs into a problem, he calls me. I go
21 out and see him. I go out and see the guy. You go out and
22 see the guys and make sure they were on their job, doing
23 their job, that everything was done right. You do quality
24 inspections and things like that.

25 Q Okay. And if they don't know how to fix a

1 problem, would you be called in to explain how to fix a
2 particular problem, as well?

3 A Yes.

4 Q So, you have some technical knowledge, then, that
5 you also apply and supervisory abilities that work into
6 that?

7 A Yes.

8 Q Okay. And is this working with just outside plant
9 type problems or also customer premise problems?

10 A Both.

11 Q Both. And would this also apply to commercial and
12 business type problems that crop up?

13 A Yes.

14 Q Okay. Would it work with cable at all?

15 A As an ST supervisor, occasionally.

16 Q Occasionally. But would that be a separate
17 division, primarily? There are specific cable people that
18 work just on cable and they handle that stuff?

19 A Yes.

20 Q Okay. But occasionally you might be called upon
21 to work with that?

22 A Yes.

23 Q Okay. And about how long did you hold that
24 position?

25 A Since -- let me see, '83.

1 Q And is your present position a promotion from
2 that?

3 A No, it's a lateral.

4 Q It's a lateral.

5 A Yes.

6 Q And why did you move?

7 A I was requested.

8 Q You mean the Company told you you would be moving
9 or somebody requested you specifically because you did good
10 work or --

11 A I was requested to do the position I'm in now.

12 Q By whom?

13 A By Dennis Slattery.

14 Q Dennis Slattery?

15 A Yes.

16 Q I was confusing Dennis with Dennis. I'm sorry.

17 Had you worked with Mr. Slattery before?

18 A Yes, years ago.

19 Q Okay. So, in a sense, then, this is a promotion
20 for you?

21 A No, it's a lateral move.

22 Q Even though -- okay. So it's not even in a sense?

23 A No.

24 Q How long have you been with the Company?

25 A Twenty-two years in September.

1 Q Okay. And what was your entry position?

2 A Service technician.

3 Q You were an ST when you started?

4 A Yes.

5 Q And when?

6 A September 1st, 1970.

7 Q Thank you. Thank you, 1970. I was going to try
8 to count back 22 years, and it would have taken me too long.

9 In that length of time, then, if you could just
10 sort of briefly give me an indication of how much experience
11 over that period of time you have had dealing with customer
12 trouble reports? And that's residential, business or
13 whatever, whatever part of that function that you have dealt
14 with.

15 MS. PIKE: What percentage this 22 years has been
16 devoted to dealing with that?

17 MS. RICHARDSON: We can take it that way, what
18 percentage?

19 THE WITNESS: It's hard to figure.

20 BY MS. RICHARDSON:

21 Q Well, a rough amount of years, then?

22 A Twenty years.

23 Q Twenty years you have been dealing with it. Okay.
24 And working in the IMC now, how do your duties differ from
25 your prior duties that we had discussed with your

1 supervising outside people?

2 A Not a whole lot. I just basically supervise the
3 maintenance administrators now, but I do answer questions
4 from the STs, because of my technical background.

5 Q Okay. And then your supervision of maintenance
6 administrators --

7 A Yes.

8 Q -- in the present time, are you called upon to
9 know the trouble report flow from opening the report and
10 testing it, and actually getting it repaired and then
11 clearing and closing the report?

12 A Yes.

13 Q So, you are familiar with things like disposition
14 codes? I'm not going to ask you to tell me which ones they
15 are.

16 A Most of them, yes.

17 Q I'm not going to quiz you on what code is what
18 number, that's not what I'm interested in, but you know what
19 a disposition code is?

20 A Yes.

21 Q And do you know cause codes?

22 A Yes.

23 Q Okay. Are there disposition and cause codes that
24 would exclude a report from being counted in an
25 out-of-service-over-24-hours base?

- 1 A Yes.
- 2 Q Okay. Can you give me some examples?
- 3 A A weather code, 400 code.
- 4 Q Okay. Flood, hurricane, I'm thinking South
5 Florida, some of those things have to happen around here
6 sometime. Would that exclude a report from being counted?
- 7 A Yes, I believe so.
- 8 Q Okay. Would certain cause codes keep a report
9 from being counted in that out-of-service base?
- 10 A Cause code, yes.
- 11 Q Okay. Do you know any particular one that might?
- 12 A I think I went backwards here on the first
13 question.
- 14 Q Weather would be cause code, rather than a
15 disposition code?
- 16 A Right, right.
- 17 Q Okay. Then can you think of any disposition codes
18 that might --
- 19 A No, because I think they all counted.
- 20 Q What about inside wire, 1200 codes? A customer
21 has trouble in his phone, his telephone set, would that
22 particular out-of-service problem, if it was out-of-service
23 over 24 hours, be counted in the base that counted toward
24 the 95 percent repair within 24 hours?
- 25 A I don't think it is.

1 Q Okay. So, that's an excludable disposition code?

2 A I believe so.

3 Q Okay. When I ask you, or I'm talking about this
4 out-of-service-over-24-hours rule, are you familiar with the
5 rule that requires the Company to repair out-of-service
6 reports within 24 hours and meet that repair by 95 percent?

7 A Yes.

8 Q You are familiar with that?

9 A Yes.

10 Q That's what I'm referring to now.

11 A Okay.

12 Q Other than inside wire disposition codes, do you
13 know of any other codes that might exclude a report from
14 being counted in that?

15 A No.

16 Q Okay. Do you know of anyone who has used
17 disposition codes or cause codes to exclude a report from
18 that out-of-service-over-24-hours base?

19 A No.

20 Q Okay. And let me separate that question so that
21 we're clear on exactly what I'm saying, because I think some
22 of the people I've been talking to have thought that I meant
23 deliberately used those codes or intentionally misused those
24 codes. So, let me ask you again. Do you know of anyone who
25 has used disposition codes that are excludable from that,

1 not knowing that it may have been improper or incorrect,
2 that would remove those reports from that 24-hours base?

3 A I need you to clarify that for me.

4 MS. PIKE: I'm going to object to the form.

5 BY MS. RICHARDSON:

6 Q I'm going to pass that up and come back. Let's
7 start somewhere else.

8

9 A

10 Q

11 A

12 Q

13 A

14 Q

15 A

16 Q

17 A

18 Q

19 A

20 Q

21 A

22 Q

23

24 A

25 Q

1 A

2 Q

3

4 A

5 Q

6 A

7

8 Q That's fine. Take all the time you need.

9 A

10

11 Q

12 MS. PIKE:

13 THE WITNESS:

14 BY MS. RICHARDSON:

15 Q What investigation?

16 MS. PIKE: Why we are here.

17 THE WITNESS: Why we're here.

18 MS. PIKE: This investigation.

19 MS. RICHARDSON: Okay. Ms. Pike, I appreciate the
20 fact that you're his attorney, but I prefer he testify
21 and answer from his own recognizance.

22 MS. PIKE: I just thought it was obvious. Go
23 ahead.

24 BY MS. RICHARDSON:

25 Q

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5 A
6 Q
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8 A
9 Q
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11 A
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MS. PIKE: I'm going to object to the form. Obviously, that's a gross mischaracterization of what he has testified, and it has been asked and answered a few times now.

BY MS. RICHARDSON:

Q Go ahead. Her objection is now on the record, and you may answer the question.

MS. PIKE: You have already answered the question, and it was mischaracterized. If you want her to rephrase it, you can ask her to rephrase the question, whether you walked into the room, sat down --

THE WITNESS: Just rephrase it.

BY MS. RICHARDSON:

Q I guess I'm just not understanding, obviously, Mr. Marshall. You have been with the Company over 20 years.

A

Q

A Yes.

Q

A Yes.

1 Q

2 MS. PIKE: Objection to the form. What does that
3 mean? I don't know what that means.

4 BY MS. RICHARDSON:

5 Q

6

7 MS. PIKE: Objection, asked and answered.

8 BY MS. RICHARDSON:

9 Q That is an accurate restatement of what you have
10 told me?

11 A Restate it again, because you're confusing me
12 terribly.

13 MS. PIKE: Let me object. He has already
14 testified that

15

16

17

18 are you inquiring into that we haven't already rehashed
19 and rehashed?

20 BY MS. RICHARDSON:

21 Q Are you at all concerned that

22

23

24 A No.

25 MS. PIKE: Object to the form, presupposes he had

1 done something wrong. But that is okay, you can
2 answer.

3 BY MS. RICHARDSON:

4 Q Okay. Why not?

5 A Because I didn't do anything wrong to begin with.

6 Q

7

8 A Yes.

9 Q And would you please tell me who those people are?

10 MR. ANTHONY: You're talking about related to the
11 same types of issues?

12 MS. RICHARDSON: Yes.

13 MS. PIKE: As part of this investigation you may
14 have had a co-worker that was disciplined 13 years ago,
15 and that is not what she is interested in. She wants
16 to know if you're aware of any other persons who have
17 been disciplined in connection with this investigation.
18 And you can tell her those folks.

19 THE WITNESS: I can tell her those?

20 MS. PIKE: Yes.

21 THE WITNESS:

22 BY MS. RICHARDSON:

23 Q

24 A

25

1 that are immediately around me.

2 Q Okay. And these are people that you worked with
3 or do work with now?

4 A Some I worked with, and some I do now.

5 Q Have you heard, or do you know, or are you aware
6 of anyone else who has been disciplined, not by name, but do
7 you know if other people have been disciplined?

8 A Rumor only.

9 Q Rumor only. Did you hear about how many other
10 people have been disciplined?

11 A No.

12 Q Just that other people have been?

13 A Yes.

14 Q Okay. Do you have any sense, have you talked to
15 these people that you have just mentioned about the

16

17 A Yes.

18 Q And what was the nature of your conversations?

19 A

20

21 Q

22 A Right.

23 Q Anything else?

24 A No, that's it.

25 Q Have you discussed any specific or possible

1

2

3 A Would you rephrase that or restate that?

4 Q Okay. Have you attempted to figure out

5

6

7 A Not really. I haven't, because, like I said in
8 the past statement,9 Q In the conversations that you have had with these
10 other individuals,

11

12

13 A No.

14 Q You never discussed it?

15 MS. PIKE: Asked and answered.

16 BY MS. RICHARDSON:

17 Q Do you know what, or have you ever heard the term
18 "backing up the time"?

19 A Yes.

20 Q Okay. Do you know in what context you have heard
21 that?

22 A Yes.

23 Q And would you explain?

24 A Say a cableman clears a trouble, gets a person
25 back in service at 2:00, and he has to close his splice, he

1 may not complete the trouble until 4:00 or 5:00. The
2 cleared time, when he has the customer in service, would be
3 2:00. That's the only instance.

4 Q Okay. And as a supervisor for maintenance
5 administrators, how do you direct them to handle clearing
6 times when they are talking with people in the field on
7 clearing?

8 A We don't anymore; they do it all themselves.

9 Q Is that true for cable, also, do you know?

10 A Yes.

11 Q Cable closes out in the field. They don't call in
12 any more?

13 A Yes.

14 Q Okay. In the past, when you were working on
15 handling trouble reports, was that also true?

16 A Not in the beginning, no.

17 Q Okay. In the beginning how was it done?

18 A The maintenance administrator would close them
19 out.

20 Q Okay. And so the ST would call the maintenance
21 administrator and say, "I'm through with this trouble now,
22 and it was," whatever type of problem it was, "I've fixed
23 it, and I am ready to close it out." Is that --

24 A No, a cableman.

25 Q I'm sorry. Just cable only?

1 A Cable.

2 Q The other STs in the field did not call in and
3 close problems out?

4 A No. By the time I got in there, I'm pretty sure
5 they were on -- they all had their laptop computers when I
6 went inside.

7 Q Okay. But the cableman, you said, did call?

8 A Yes.

9 Q And in that process, then, of clearing and closing
10 it with the maintenance administrators, what procedure,
11 forgetting that clear time and the service restore was
12 given, do you know what the procedures were for that at that
13 time?

14 A Basically, yes, just when the guy called in, the
15 maintenance administrator would ask him what time he had the
16 trouble cleared. If he said 2:00, that is the clear time
17 she would put down.

18 Q Okay.

19 A Or he.

20 Q Or he. In your experience with this and being
21 around it, do you know of any maintenance administrators who
22 may have misinterpreted directions on that clearing time --

23 A No.

24 Q -- process?

25 A (Witness indicating no.)

1 Q Okay. Have you ever heard of any maintenance
2 administrator who may have misinterpreted the directions on
3 clearing time thinking it was to be cleared before the 24
4 hours was up, regardless of when the person told her, the
5 service technician told her or him?

6 A No.

7 Q Okay. Have you ever directed, as a supervisor,
8 anyone to back up the time?

9 A Yes.

10 Q And when was that? Just always done?

11 A No. Only, like I explained before, when a
12 cableman -- I will go back to the same example.

13 Q That's fine.

14 A When a cableman cleared his trouble at 2:00, had
15 the customer back in service. I want to stress that, back
16 in service. He may take until 5:00 to close up the splice.
17 His clear time is 2:00. His completion time for the entire
18 job would be 5:00.

19 Q Okay. Do you know of any instance or any
20 procedure where MAs were asked to call a manager to clear,
21 to get clearing and closing codes for troubles?

22 A No.

23 Q Okay. Can you think of any circumstances when
24 that might be appropriate?

25 A No.

1 Q Have you heard of that ever being done?

2 A No.

3 Q Have you ever directed one of your MAs to contact
4 you or another manager to get disposition and cause codes
5 under circumstances --

6 A No.

7 Q Are you familiar with the no access codes?

8 A Vaguely, not real clear with them, no.

9 Q What do you know about them? When you say
10 vaguely, what comes back to your mind?

11 A Just the close code.

12 Q Okay. Presently, in your supervision of
13 maintenance administrators, do your people use a no access
14 code?

15 A Occasionally.

16 Q Okay. And under what circumstances do they use
17 it?

18 A Only when the subscriber is not home.

19 Q Okay. So, that's your understanding?

20 A Yes.

21 Q When the subscriber is not home, and the repairman
22 has gone out and he can't get in, then it's no access?

23 A Right.

24 Q Okay. Does that stop that clock on that
25 particular report if it is no access, if the repairman

1 couldn't get in to fix the problem?

2 A I believe it does, yes.

3 Q Okay. Do you know of anyone who has used that no
4 access code to stop the clock on a trouble report to keep it
5 from going over 24 hours?

6 A No.

7 Q No. Do you know of anyone who has, or supervised
8 anyone who has interpreted the no access code as applying to
9 stopping a clock in order to keep it from going over? In
10 other words, using it, thinking it was proper to use it to
11 go over 24 hours?

12 A No.

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

14 A No.

15 Q Have you ever directed anybody to do that
16 yourself?

17 A No.

18 Q And have you, yourself, used a no access code that
19 way?

20 A No.

21 Q Do you know what a commitment time is on a trouble
22 report?

23 A Yes.

24 Q And what is it?

25 A It's the 24-hour commitment that we make to the

1 customer. It's from the time -- from the time it comes in.
2 I have got to get this phrased.

3 Q That's fine. Just go ahead and take your time.

4 A It comes in the CRSAB, we give them a commitment
5 time when we will have it restored, and it should be within
6 that 24-hour period.

7 Q Okay. Is that true for affecting service troubles
8 as well as out-of-service troubles?

9 A No, the PSC objective is 24 hours for
10 out-of-service. Service affecting, I'm not real sure, to
11 tell you the truth.

12 Q Okay. Are you familiar with the C-O-N, the CON
13 code or the carryover no code?

14 A No, I'm not.

15 Q So, you have never had occasion to use it at any
16 point in time?

17 A No.

18 Q Okay. Are you familiar with what an exclude or
19 what it means to exclude a trouble report?

20 A Yes.

21 Q Okay. Can you tell me how that's done?

22 A Only if a trouble comes in on an information type,
23 is the way I understand it, just information. You know,
24 wanting information about -- maybe about a billing or about
25 something the ST had done to clear their trouble,

1 information trouble only.

2 Q Okay. Are you familiar with a final status screen
3 on closeout of a report?

4 A Yes.

5 Q Okay. So, you have seen one. Have you worked
6 with one, the final status closing of a report?

7 A Yes.

8 Q The FST screen?

9 A Yes.

10 Q Okay. And is there a place on that screen where a
11 report can be statused as out-of-service on closeout?

12 A The report is statused out-of-service up front.

13 Q But if it is not --

14 A No, I don't.

15 Q Let's say it's affecting service and the Company
16 wasn't really sure it was out-of-service up front, and they
17 had to send a repairman out. And the repairman made the
18 decision it's out-of-service. Is there a place on that
19 screen, then, to change it from affecting service to
20 out-of-service so that it's counted as out-of-service?

21 A Not that I can remember, no.

22 Q Okay. Do cable reports usually go out immediately
23 as out-of-service reports?

24 A Could you repeat?

25 Q Okay. I'll pick that up again. That's fine. And

1 please feel free -- if you don't understand, feel free to
2 ask the question, and say, "I don't understand," or ask me
3 to clarify, because whatever we do together here in terms of
4 communication, when we both read this, I want to make sure
5 that both of us are reading it the same way, and we both
6 have the same understanding. If we don't, then problems may
7 arise. Okay.

8 I want to back up and maybe we will get there
9 then.

10 When a reports comes in -- now, you're dealing
11 with MAs?

12 A Right.

13 Q At what point is that report statused affecting
14 service or out-of-service?

15 A Right up front.

16 Q Okay. Is it done manually by the maintenance
17 administrator or is there some kind of test automatically?

18 A There is automatic testing, and it could be done
19 my the maintenance administrator.

20 Q Either way?

21 A Yes.

22 Q And on what basis does the maintenance
23 administrator determine that it's affecting service or an
24 out-of-service?

25 A If it is a no dial tone report, it's statused

1 out-of-service.

2 Q So, if it's a no dial tone report, and it shows a
3 line in use, is that going to be an affecting service or an
4 out-of-service?

5 A If you can't get the customer, it's an
6 out-of-service.

7 Q Okay.

8 A The way I understand it.

9 Q All right. Now, with cable, are you familiar with
10 TRACKER? When you worked with cable was TRACKER in place?

11 A It was, but I'm not real familiar with it.

12 Q You're not real familiar with it. When cable
13 problems were identified, okay, and they come through, the
14 Company already knows that there is a cable problem. And
15 the Customer A doesn't know yet that there is a cable
16 problem or problem with their phone because they are at
17 work. And they get home, say, at 5:00. Well, the Company
18 has been working on this cable problem for five or six
19 hours, and TRACKER has gone through and has pulled all the
20 lines, and it has attached all of them to that particular
21 cable failure. So, the Company knows which phones are
22 out-of-service on this cable. Are you with me on this so
23 far?

24 A Uh-huh.

25 Q You understand that, and that is something in your

1 experience, your personal experience, you know about it.
2 Okay. Then the customer gets home and calls that report in.
3 What happens with that customer report? How does it get
4 handled? How does the MA handle that report? Would it come
5 to the MA if the customer calls in and says, "My phone is
6 out of order"?

7 A If it was in the same hundred pair complement, it
8 would attach directly to the failure.

9 Q Once the customer calls --

10 A You're talking about a failure, right?

11 Q Yes. Once a customer calls in, then, do we have a
12 separate customer report, so that we have a separate
13 customer trouble report hanging out there?

14 A Yes.

15 Q All right. And is that separate customer trouble
16 report an affecting service or an out-of-service report on
17 the front end when it flows through that initial screening
18 process?

19 A (Witness indicating.)

20 Q Do you know what a results code on the DLETH is?

21 A Yes.

22 Q Okay. Do you know what a 900 code is on the
23 result code? What that comes out as?

24 A The 900 code?

25 Q Uh-huh.

1 A Yes.

2 Q And is that an affecting service or an
3 out-of-service?

4 A That's affecting.

5 Q All right. And when the cable reports come in
6 from the customer, do they receive that 900 result code at
7 the beginning?

8 A I don't really know.

9 Q Don't know. Okay. That's fine. If you don't
10 know; you don't know. Let's move on then.

11 Do you know of anyone who has excluded
12 out-of-service reports, based on your knowledge of exclusion
13 that you have expressed here?

14 A No.

15 Q Okay. Why wouldn't somebody want to exclude an
16 out-of-service report?

17 A Why wouldn't it --

18 Q Why wouldn't it be proper?

19 A Because you need to go out and fix it. It's that
20 simple.

21 Q So, in every instance, then, if an out-of-service
22 report has been excluded, it would be improper, is what
23 you're saying, it would be against Company policy?

24 A I think you had better rephrase that, because --

25 Q If I had found -- if I had run an operational

1 review, and I had pulled information off -- do you know
2 MTAS?

3 A Slightly.

4 Q The mechanized trouble analysis system?

5 A Yes.

6 Q Do you see operational reviews? Do you get
7 reports based on that kind of data that flows through the
8 screen?

9 A Yes..

10 Q Okay. If I were to go to MTAS and pull off a
11 bunch of reports for North Broward, and I were to look at
12 that and the report told me that I had ten out-of-service
13 reports that had been excluded, what would your conclusion
14 be?

15 MR. ANTHONY: You're assuming that there's no
16 previous out-of-service report for that same trouble
17 that's open at the time?

18 MS. RICHARDSON: Ten separate individual customer
19 out-of-service reports had been excluded.

20 MR. ANTHONY: Let me try to clarify the question
21 again, because I don't think --

22 MS. RICHARDSON: That's fine.

23 MR. ANTHONY: Are you talking about any time or
24 are you talking -- or are you excluding situations
25 where, for example, it might be an opened

1 out-of-service report on that same number, and a
2 customer calls in again to report it, or what are you
3 talking about?

4 MS. PIKE: You've asked him on every occasion. I
5 think we need to limit it.

6 BY MS. RICHARDSON:

7 Q Let's take those out, then. I think Mr. Anthony
8 is attempting to get to subsequent reports. Are you
9 familiar with subsequent reports?

10 A Yes.

11 Q Let's take those out of the question. Is it
12 proper to exclude a subsequent report?

13 A Not that I know of, no.

14 Q Not that you know of. Okay. And we can leave
15 them in the question.

16 MS. RICHARDSON: Mr. Anthony, is that what you
17 were concerned about?

18 MR. ANTHONY: Whatever he thinks is the right
19 answer.

20 MS. RICHARDSON: Whatever he thinks is the right
21 answer. Okay.

22 THE WITNESS: I'm still not sure of the question.

23 BY MS. RICHARDSON:

24 Q Well, I'm still trying to get there. I'm still
25 trying to get there with the question.

1 In your position, you have just been handed a
2 report. It has ten out-of-services, okay? Customer
3 troubles that have been statused out-of-service, and they
4 have been excluded. What would your conclusion be?

5 A I don't know.

6 Q Would you be concerned? Would you think there was
7 a problem?

8 A Probably, yes.

9 Q Would you think that maybe somebody was improperly
10 excluding out-of-service reports or would you think it was
11 proper and just move on to the next part?

12 A I would refer it back to the systems
13 administrator.

14 Q Okay.

15 A See, I don't -- let me get this straight. I do
16 not analyze, reports, okay?

17 Q Okay. But you --

18 A They are analyzed and given to me.

19 Q You do supervise maintenance administrators?

20 A Yes.

21 Q And would you ever, if you were told that
22 maintenance administrators were excluding out-of-service
23 reports, would you think that it was time to do some
24 retraining or talking to people?

25 A Yes.

1 Q Okay.

2 A Better question.

3 Q Thank you. So you would consider that to be
4 incorrect or improper?

5 A Yes.

6 Q All right. Have you ever heard of anyone
7 excluding out-of-service reports?

8 A No.

9 Q Do you know of anyone who has?

10 A No.

11 Q Okay. And have you ever directed your people to?

12 A No.

13 Q Have you ever done so yourself?

14 A No.

15 Q Okay. Do you know of anyone who has taken
16 affecting service reports and statused them out-of-service
17 in order --

18 A No.

19 Q Just "no," generally? You have never taken an
20 affecting service report and made it out-of-service?

21 A Well, I'll let you finish your question.

22 Q Yes. Okay. All right. Taken an affecting
23 service report and statused it out-of-service in order to
24 build the base and meet that 95 percent index?

25 A No.

- 1 Q Have you ever done that yourself?
- 2 A No.
- 3 Q Have you ever directed anyone to do that?
- 4 A No.
- 5 Q Have you ever heard of that being done by anybody?
- 6 A Yes, as a rumor.
- 7 Q As a rumor. Okay. And the extent of the rumor?
- 8 A It was just a rumor.
- 9 Q Well, I mean, was it here in North Broward or do
10 you know?
- 11 A No.
- 12 Q It was not here in North Broward?
- 13 A No, it was not.
- 14 Q Do you know where it was? Did the rumor include
15 that?
- 16 A Yes.
- 17 Q Where was it?
- 18 A South Dade.
- 19 Q South Dade. Did the rumor include any names of
20 employees?
- 21 A No.
- 22 Q Did it include about a time frame?
- 23 A No.
- 24 Q Do you know of anyone who has taken any methods or
25 any means whatsoever to build the out-of-service base in

1 order to meet that 95 percent index?

2 A No.

3 Q Have you ever heard of that being done by any
4 other means?

5 A Isn't that the same question you just asked me a
6 minute ago?

7 Q By any other means? I did affecting service
8 changed to out-of-service, so any other means of doing it?

9 A No.

10 Q Okay. Do you know of anyone who has violated
11 Company procedures for handling customer records?

12 A No.

13 Q Do you know of anyone who has unintentionally
14 violated the Company procedures for handling customer
15 records?

16 A No.

17 Q Have you ever unintentionally violated a Company
18 procedure in handling a customer record?

19 A No.

20 Q Have you ever had cause to correct or retrain
21 anyone that you supervised or worked with on handling
22 Company procedures and records for customer records?

23 A That is a very broad question.

24 Q That is a very broad question.

25 A Would you care to --

1 Q Make it more narrow. I want to break this
2 question down if we can. Outside of just clerical errors,
3 administrative errors, let's lay those aside. Let's take
4 deliberate falsifications and put them aside. So, no
5 clerical errors in this question, no deliberate errors in
6 this question. Just this whole huge group. It could be
7 misinterpretation, mishandling --

8 MR. ANTHONY: I'm going to object to the form of
9 the question. The assumption that there is this huge
10 group, there is nothing in the record to support that.

11 BY MS. RICHARDSON:

12 Q Within this area, general mishandling, okay,
13 interpretation, maybe a misinterpretation of Company policy
14 or so on, with people that you have supervised, okay? Have
15 you ever had cause, then, to go back and look at what they
16 have done, find that they have not been following the
17 procedures and disciplined them for doing so?

18 A No.

19 Q Do you know of anyone who may have used someone
20 else's employee code to status a trouble report?

21 A No.

22 Q Have you ever done so yourself?

23 A No.

24 Q And have you ever directed anyone to do so?

25 A No.

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

3 A No.

4 Q Have you ever done so yourself?

5 A No.

6 Q Have you ever directed anyone to do so?

7 A No.

8 Q And it seems very repetitious, but each one is a
9 different item, okay? Do you know of anyone who has taken a
10 dummy or a phony employee code and statused a trouble
11 report?

12 A No.

13 Q Have you ever done so yourself?

14 A No.

15 Q And have you ever directed anyone to do so?

16 A No.

17 Q Okay. Do you know of anybody who has falsified a
18 customer record?

19 A No.

20 Q Have you ever heard of someone falsifying customer
21 records?

22 A No.

23 Q And you have never directed anyone to falsify a
24 customer record?

25 A No.

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A No, he -- no. He just felt that --

MS. PIKE: You have answered the question. Do you have anything else to say on it?

THE WITNESS: No.

BY MR. VINSON:

Q

A Say that again.

Q

A No.

Q He did not appear to agree, is that correct?

A Correct.

MR. VINSON: That's all I have.

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

MS. RICHARDSON: Thank you, Mr. Marshall.

THE WITNESS: You're welcome.

(The deposition was concluded at 11:25 a.m.)

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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 # CC295576 EXPIRES
July 16, 1997
BONDED THRU TROY FAIN 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 44 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 Bradford*
4 NOTARY PUBLIC
5 STATE OF FLORIDA

