

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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

In re: Petition on behalf of	:	DOCKET NO.: 910163-TL
CITIZENS OF THE STATE OF FLORIDA	:	
to initiate investigation into	:	FILED: July 21, 1992
integrity of SOUTHERN BELL	:	
TELEPHONE & TELEGRAPH COMPANY'S	:	
repair service activities and	:	
reports.	:	

920260 FL

DEPOSITION OF:	THEODORE C. KELLERMANN, JR.
TAKEN AT THE INSTANCE OF:	The Staff of the Florida Public Service Commission
PLACE:	Southern Bell Tower 361 East Bay Street Jacksonville, Florida 20th Floor Conference Room
TIME:	Commenced at 9:00 a.m. Concluded at 9:30 a.m.
DATE:	July 31, 1992
REPORTED BY:	Patricia H. Vierengel, RPR Court Reporter

---oOo---

COPY

DOCUMENT NUMBER-DATE
11540 OCT 26 82

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

A P P E A R A N C E S

CHARLES J. BECK, ESQUIRE

Office of Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Room 812
Tallahassee, Florida 32306-1406
Phone: (904) 488-9336

TRACY HATCH

Chief, Bureau of Communications
Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0863
Phone (904) 487-2740

TERRILL BOOKER

Engineer
Bureau of Service Evaluation
Division of Communications
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0866
Phone: (904) 486-1280

R. DOUGLAS LACKEY, Esquire

4300 Southern Bell Center
675 West Peachtree
Atlanta, Georgia 30375
Phone: (404) 529-3862

(Continued)

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

A P P E A R A N C E S (Continued)

NANCY B. WHITE, ESQUIRE

General Attorney
BellSouth Telecommunications, Inc.
675 West Peachtree Street
Suite 4300
Atlanta, Georgia 30375-0001
Telephone: (404) 529-5387

---oOo---

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

Page No.

ERRATA SHEET	5
AFFIDAVIT OF DEPONENT	26
CERTIFICATE OF REPORTER	27
CERTIFICATE OF NOTARY	27

WITNESS:

THEODORE C. KELLERMANN, JR.

DIRECT EXAMINATION BY:

MR. BECK.....	7
MR. HATCH.....	24
MR. BECK.....	24

N O E X H I B I T S

---oOo---

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

S T I P U L A T I O N

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

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

---oOo---

1 THEODORE CONRAD KELLERMANN, JR.,
2 having been produced and first duly sworn as a witness
3 herein, testified as follows:

4 MR. LACKEY: Mr. Kellermann, before we start
5 there's a couple of preliminary matters I need to go
6 over. This lady is a court reporter. She is taking
7 down everything I say. She's going to take down the
8 questions that Mr. Beck and Mr. Hatch ask, and she's
9 going to take down your answers. It may be that what
10 she's doing now is subsequently transcribed in written
11 form, and if it is, you have the right to read it, see
12 if there are any errors in it, and sign it before it
13 can be used.

14 You also have the right to waive the reading and
15 signing of the deposition. Most folks have not been
16 waiving that right, and I have been asking them to be
17 able to read it and sign it. What's your desire?

18 MR. KELLERMANN: I would like to be able to read
19 it and sign it in.

20 MR. LACKEY: The seconds thing I have to do is
21 give you an instruction, which is a bit complex. Let
22 me go through it, and if there's any questions, if
23 it's not clear, you just tell me and I'll go back and
24 try to elaborate.

25 During the course of this deposition you may be

1 asked questions by Mr. Beck or Mr. Hatch that would
2 call for you to disclose information that you may have
3 learned during the course of an investigation
4 conducted by Southern Bell at the direction of its
5 Legal Department. If such a question is asked and I
6 detect that that is that sort of question, I will
7 object on the grounds that it calls for privileged
8 information and I will instruct you not to answer the
9 question.

10 Now, with that said, if such a question is asked
11 and you have personal knowledge that would be
12 responsive to the question, that is, knowledge not
13 gained as a result of the privileged investigation,
14 you should answer their question fully and completely
15 about that information.

16 At the same time, there may be questions they ask
17 that I don't object to which you, after hearing the
18 question, realize would require you to disclose
19 privileged information in responding. If that
20 happens, will you please just turn to me and tell me
21 that you have a problem and we will go discuss it and
22 I'll handle it from there?

23 MR. KELLERMANN: Okay.

24 MR. LACKEY: Now, one point I need to make clear,
25 and it may not be germane to you, or it may not be

1 relevant to the depositions here, but I want to make
2 sure it's on the record, is there have been multiple
3 investigations of out-of-service problems, apparently,
4 including one that was specifically done in
5 Gainesville at the end of 1990, and you may or may not
6 know about that. You may or may not have participated
7 in it. I just don't know. The point is this: The
8 only investigation we are asserting a privilege over
9 is the one that was conducted at the direction of the
10 Legal Department, which is the one -- If you were
11 involved in it, there would have been Southern Bell
12 lawyers involved in it, lawyers representing Southern
13 Bell involved in the interviews as opposed to just the
14 Security Department, for instance. I can't
15 distinguish the investigations any better than that
16 for you. But if you have a question about it I will
17 be happy to resolve it.

18 MR. KELLERMANN: If I have a doubt I'll ask.

19 MR. LACKEY: Okay. I think I have explained the
20 differences between the investigations, the one that
21 we are asserting that's privileged versus all others.
22 If you have a question about it, the easiest thing to
23 do is just stop and ask me.

24 But the one other piece of the instruction that I
25 need to make clear is because there's some confusion

1 in Gainesville, if you had a part in any other
2 investigation and that investigation, or whatever you
3 were involved with, came up in the privileged
4 investigation, the fact that someone may have
5 discussed it with you during the second investigation
6 doesn't make that information privileged. If you
7 learned something -- If you learned something -- Let's
8 say if you participated in the Gainesville
9 investigation and learned something, the fact that it
10 was subsequently discussed in the privileged
11 investigation doesn't mean that the information in the
12 first investigation is privileged.

13 MR. KELLERMANN: Okay.

14 MR. LACKEY: I may have stated it awkwardly, but
15 we had some confusion about it in Gainesville.

16 MR. KELLERMAN: If I have a question --

17 MR. LACKEY: It was a concern.

18 MR. KELLERMANN: -- I'll stop and ask you.

19 MR. LACKEY: That will be fine.

20 DIRECT EXAMINATION

21 BY MR. BECK:

22 Q Mr. Kellermann, my name is the Charlie Beck. I'm
23 with the Office of Public Counsel, and I'm going to be
24 starting with the questions, but there may be others after
25 I'm done.

1 Would you state your full name, please?

2 A My full name is Theodore Conrad Kellermann, Jr.

3 Q Are you employed by Southern Bell?

4 A Yes.

5 Q What position do you hold?

6 A Right now my title is Director Administration
7 South Operations.

8 Q Could you briefly describe what that job entails?

9 A I basically provide administrative and staff
10 support for Jerry Sanders, who is the Network Vice-president
11 of Operations for South and, I also have under my -- the
12 Circuit Provisions Center, we call it the CPC Center, the
13 Facility Maintenance and Alarm Center, which is commonly
14 referred to as the FMAC. And I also have the Network
15 Control Office, which we call the NCO.

16 Q How long have you held that position?

17 A I was assigned to that position June the 1st,
18 1991.

19 Q What position did you hold before that?

20 A I was the Operations Manager in Gainesville,
21 Florida in the Network Department.

22 Q And as part of those duties did you have
23 supervision of the Installation and Maintenance Center?

24 A Yes, I did.

25 Q How long did you hold your position in

1 Gainesville?

2 A I was assigned that position on May the 1st of
3 1989.

4 Q Okay. And let me ask you one more before that.
5 What job did you hold before that?

6 A I was the Operations Manager for the Brooksville
7 Division.

8 Q How long did you hold that?

9 A I was assigned that position on August the 1st of
10 1988.

11 Q And in Brooksville did you have management control
12 over the Brooksville Maintenance Center?

13 A The Brooksville Maintenance Center was not in
14 Brooksville. The people that control the Brooksville load,
15 no, I did not. There wasn't a maintenance center in
16 Brooksville.

17 Q

18

19

20 A Yes, I did.

21 Q Who did you meet with?

22 A

23 Q

24

25 A

1

2

3

4

5

Q

6

7

A

8

Q

9

10

11

A

12

13

14

15

Q

16

17

A

18

Q

19

20

A No.

21

Q Did they mention anything about the use of exclude

22

codes in instances where the exclude code would not have

23

applied?

24

A No.

25

Q

1 you of this?

2 A "

3

4

5

6 Q When you say November, is that 1990?

7 A Yes, sir.

8 Q And you did discipline then in January, 1991?

9 A Yes, sir.

10 Q Did you discipline the people involved in it?

11 A We had one entry into a manager's record.

12 Q Is that

13 A Yes, sir.

14 Q Was anybody else disciplined?

15 A No, sir.

16 Q Why not?

17 A There was no evidence or anything to work with

18 that anyone else should receive discipline for it.

19 Q What did you base discipline on?

20 A The fact that the troubles had been created in the

21 test center, and he was responsible for the test center.

22 Q Were there other managers in the test center as

23 well?

24 A There was not another manager who ran the test

25 center. There were other management employees in the test

1 center; they were assistant managers.

2 Q Are there specific things that you feel Mr.
3 should have done?

4 A I never -- Let me think. I didn't cover with him
5 anything specifically that he should have done other than
6 the fact that he was responsible for the test center when it
7 occurred. So I guess I would have to say, no, I don't know
8 specifically what he could have done to avoid the situation.

9 Q Would you agree with me generally that when you
10 discipline someone that it's a good practice to tell them
11 what they did or didn't do so they can avoid having that
12 happen again?

13 A Generally, I would say yes.

14 Q Okay. And you did not do any of that with Mr.
15 or not?

16 A When we covered the entry I discussed the types of
17 things that we needed to be aware of that we needed to look
18 for.

19 Q And what was that?

20 A Generally, I guess people's behavior. If we are
21 concerned about someone that we think may not be doing
22 things properly, we needed to investigate it. Now, I don't
23 -- I'm not saying that we had that suspicion at the time,
24 because we didn't, but we just generally needed to be more
25 aware of people around us. I didn't have a specific

1 incident to be able to draw to.

2 Q

3 not?

4 A Approximately.

5 Q And so that's approximately 14 months after you

6 disciplined

7 A Yes.

8 Q

9

10

11 A

12 Q

13

14

15 A

16

17 Q

18

19

20 A No.

21 Q

22 A No.

23 Q

24 took?

25 A I didn't ask, but I understand now that there was.

1 Q Okay. What procedure was that?

2 A

3 it.

4 Q That would be the same person, would it not? Mr.
5 Sanders?

6 A Um-ha. (Affirmative Response). Yes.

7 Q

8

9 A

10

11

12 Q Do you have any knowledge of persons backing up
13 repair records to times other than the clear time?

14 A No.

15 Q Have you heard of that being done?

16 A I heard rumors of that.

17 Q To the best that you recall, where did you hear
18 rumors of that?

19 A I really can't recall, because I hear rumors all
20 the time.

21 Q Do you recall where such actions were rumored to
22 have occurred?

23 A No. They weren't specifically tied.

24 Q In Gainesville was there a procedure in place in
25 your maintenance center where if there were an

1 out-of-service that went over 24 hours the maintenance
2 administrator was required to contact a manager for the
3 close-out code?

4 A I wasn't aware of one if there was.

5 Q Are you aware of one now?

6 A No.

7 Q Okay. In Gainesville, to your knowledge, was
8 there ever a special number that was given to people with
9 repeat troubles so that the customer could call that special
10 number?

11 A No.

12 Q Back to the -- your disciplining of
13 Do you know or have reason to believe of who might have
14 actually built up the out-of-service base?

15 A I have no direct knowledge of who might have built
16 it up.

17 Q Have you heard of who might have?

18 A I heard circumstantial evidence presented that it
19 might have been a specific employee, but we didn't have any
20 evidence that led directly to it.

21 Q Who was that employee?

22 A

23 Q What was the circumstantial evidence that you
24 heard of?

25 A Someone had seen -- or heard him in a quote make a

1 statement concerning that I have missed a particular item
2 and there's -- "I'm going to catch a lot of grief over it,
3 and I need a phone book."

4 Q

5

6 A Regarding?

7 Q Regarding that incident.

8 A No.

9 Q Did you question about his involvement?

10 A I did not.

11 Q Since you had a reason, or you at least heard that
12 he might have been involved, why did you not plan to
13 administer discipline to him?

14 A I didn't have anything other than a person -- the
15 -- I mean, all I had was somebody saying this is what was
16 said. That didn't lead me to any concrete evidence that he
17 was involved in anything.

18 Q Wasn't there an investigation that would pursue
19 that point?

20 A Oh, yes, there was an investigation.

21 Q

22

23 A Nothing other than that statement, as far as I
24 know. As far as I know.

25 Q And you don't feel that would be sufficient to

1 administer discipline?

2 A No.

3 Q , did he not?

4 A Yes, he did.

5 Q Was the investigation part of his for his
6 resignation, if you know?

7 A No.

8 Q And by "No," is you mean you don't know, or do you
9 think --

10 A The investigation was not, as far as I know, why
11 he resigned.

12 Q Why do you believe

13 A was under, I guess, a lot of personal
14 stress and had not been performing his assignment, and I
15 think that he tendered his resignation rather than receiving
16 additional discipline for not performing his assignment.

17 Q In what way was he not performing his assignments?

18 A He wasn't showing up to work. He was not
19 responding to duty calls when he was having the duty. He
20 wasn't responding to direct requests to show up to work when
21 he would call in and say, "I can't be at work tomorrow."

22 Q What type of personal stress was he under, to your
23 knowledge?

24 A He talked to me in approximately the July 1989
25 time frame and told me that he was going through a lot of

1 personal stress; that his --

2

3

4

5

6

7

8

9 Q Do you have any knowledge about test okay service
10 reports being classified as out-of-services?

11 A No.

12 Q Have you heard of that being done?

13 A I heard rumors of that being done.

14 Q Do you know where --

15 A No.

16 Q Do you have any knowledge of no access codes being
17 used to stop the clock in instances where there was not a
18 problem with no access?

19 A No.

20 Q Have you heard of that being done?

21 A I heard rumors of that, and I don't know where.

22 Q Do you have any knowledge of out-of-service
23 reports that were about to miss the commitment time being
24 excluded and then reopened as employee generated reports?

25 A No.

1 Q Have you heard rumors to that effect?

2 A No, I haven't. That's a new one.

3 Q Do you have knowledge of CON codes being used in
4 instances where the customer did not ask for a later repair
5 date?

6 A No.

7 Q Have you heard of that being done?

8 A Yes, I have heard of that as a rumor.

9 Q What do you know about that from the rumors?

10 A Just that it was -- the CON procedure was used
11 without notifying the customer. Basically what you stated.

12 Q Did you hear where that was being done?

13 A No.

14 Q Do you have any knowledge of affecting service
15 reports being statused as out-of-service reports?

16 A No.

17 Q Have you heard anything about that?

18 A No.

19 Q Do you have any knowledge of fictitious employee
20 codes being used on service reports?

21 A Yes. We had the situation in Gainesville when we
22 investigated. There were fictitious codes on the creation
23 of those trouble codes out of the phone book.

24 Q Other than that incident do you have any knowledge
25 of that being done?

1 A No.

2 Q Have you heard about it being done?

3 A No.

4 Q Do you have any reason to believe that in
5 Gainesville persons were backing up the time on
6 out-of-service reports, the times other than the cleared
7 reports?

8 A No.

9 Q Do you have any reason to believe that in
10 Gainesville certain exclude codes, such as for lightening,
11 were being used to exclude reports that should not have been
12 excluded?

13 A No, I don't.

14 Q Do you have knowledge of any other means, other
15 than what we discussed, of ways to build up the
16 out-of-service base?

17 A No.

18 Q Have you heard of any ways other than what we have
19 discussed?

20 A No.

21 Q Do you have any knowledge of customer pay records
22 being falsified in any manner that we haven't discussed?

23 A No.

24 Q Have you heard of anything like that?

25 A No.

1 MR. BECK: Just a moment.

2 Mr. Kellermann, that's all I have. Thank you.

3 BY MR. HATCH:

4 Q Mr. Kellermann, I'm Tracy Hatch for the
5 Commission. You hear rumors all the time. You made that
6 statement to Mr. Beck; is that correct?

7 A Yes.

8 Q When you hear rumors about things, such as backing
9 up time, or things like that, do you pursue those? Do you
10 investigate those?

11 A If I think that there's any merit to it. And
12 that's a judgment call because I hear rumors all the time.
13 But if I were to hear a rumor that would lead me to believe
14 that there was something specifically going on, yes, I would
15 investigate it.

16 Q Have you investigated any of these kinds of
17 rumors?

18 A No.

19 Q The backing up the times and things like that?

20 A No.

21 MR. HATCH: That's all I have got.

22 BY MR. BECK:

23 Q Mr. Kellermann, maybe I better pursue that. Is
24 the source of these rumors included in the newspapers and
25 media and that sort of thing?

1 A Oh, yeah.

2 Q So when you were talking about rumors, you weren't
3 necessarily talking about somebody coming into your office
4 and telling you about that?

5 A No. Not at all.

6 Q Can you distinguish where you heard about these
7 things from the newspapers and other employees?

8 A I probably have heard more about it from the
9 newspapers than I have from other employees. I would have to
10 that say, yeah.

11 MR. BECK: Okay. That's all I have. Thank you
12 very much.

13 (Witness excused).

14 (Whereupon, the deposition was concluded at 9:30 p.m.).

15

16

17

18

19

---000---

20

21

22

23

24

25

1

2

AFFIDAVIT OF DEPONENT

3

4

5

6

7

8

9

10

11

12

13

14

15

 THEODORE C. KELLERMANN, JR.

16

17

Sworn to and subscribed before me this

18

_____ day of _____, 1993.

19

20

Print name here:

21

Notary Public - State of Florida

22

My Commission Expires:

23

24

25

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

F L O R I D A)

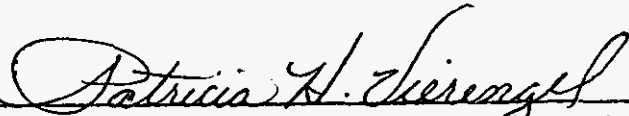
:

CERTIFICATE OF OATH

COUNTY OF DUVAL)

I, the undersigned authority, certify that
THEODORE C. KELLERMANN, JR., personally appeared before me
and was duly sworn.

WITNESS my hand and official seal this 25th day
of September, 1993.


PATRICIA H. VIERENGEL, Court Reporter
Phone: (904) 725-8657
Notary Public - State of Florida
My Commission expires:
My Commission No.:

**PATRICIA H. VIERENGEL
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES 6/21/97
COMM. # CC 296027**

1 STATE OF FLORIDA)
2 COUNTY OF DUVAL)

CERTIFICATE OF REPORTER

3 I, PATRICIA H. VIERENGEL, Court Reporter, DO HEREBY
4 CERTIFY that I was authorized to and did stenographically
5 report the foregoing deposition of THEODORE C. KELLERMAN,
6 JR.;

7 I FURTHER CERTIFY that I am not a relative, employee,
8 attorney or counsel of any of the parties, nor am I a
9 relative or employee of any of the parties' attorney or
10 counsel connected with the action, nor am I financially
11 interested in the action.

DATED THIS 25TH day of September, 1993.

Patricia H. Vierengel
PATRICIA H. VIERENGEL, Court Reporter
Telephone No.: (904) 725-8657

11 STATE OF FLORIDA)
12 COUNTY OF DUVAL)

13
14 The foregoing certificate was acknowledged before
15 me this 25th day of Sept., 1993, by PATRICIA H.
16 VIERENGEL, who is personally known to me.

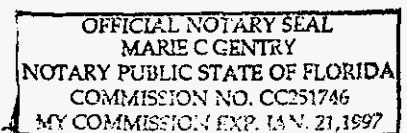
Marie C. Gentry

Print Name:

Notary Public - State of Florida

Commission No.:

My Commission expires:



E R R A T A S H E E T

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

DOCKET NO.: 910163-TL FILED July 21, 1992

NAME: THEODORE C. KELLERMANN, JR.

DATE: September 25, 1993

Page Line

