

REDACTED

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition on behalf of CITIZENS) Docket No. 910163-TD
 OF THE STATE OF FLORIDA to initiate)
 investigation into integrity of SOUTHERN)
 BELL TELEPHONE & TELEGRAPH COMPANY'S)
 repair service activities and reports) Volume II
) Pages 105 - 135

(TRANSCRIPT UNDER SEAL)

DEPOSITION OF: SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

PANEL MEMBERS:
 GARY HALL
 RUDOLPH CHRISTIAN
 APRIL IVY
 GERARD PELLEGRINI
 PHILLIP H. PETERSON

FPSC Hearing Room 122
 Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida

Met pursuant to notice at 9:30 a.m.
 Thursday, June 18, 1992

REPORTED BY: LISA GIROD JONES, RPR, CM

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13 Commission Staff.

14 Also Present: Stan Greer, Engineer IV,
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17 Florida Public Service Commission
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DEPOSITION

1
2 MS. RICHARDSON: We're going to distribute this as
3 an exhibit, and from your comments, we will seal any
4 questions regarding this particular exhibit but not the
5 entire record.

6 MR. ANTHONY: That's fine, as well as the exhibit
7 too.

8 MS. RICHARDSON: Well, yes, we will seal the
9 exhibit as well.

10 MR. ANTHONY: That's agreeable.

11 MS. RICHARDSON: This particular exhibit is a --
12 looks like a short memo from someone to Mr. Charlie is the
13 top unnumbered page, and can I have a number please?

14 MS. WILSON: Be Exhibit No. 53.

15 (Exhibit No. 53 marked for identification.)

16 MR. ANTHONY: Exhibit 53 will be put under seal and
17 any questions relating to it should also be sealed, please.

18 MS. RICHARDSON: Looking at the second page of this
19 particular exhibit, Ms. Ivy, No. 2, we had talked about
20 Auto-Screener rules on the last deposition and we had talked
21 about the flexibility of switching between different sets of
22 Auto-Screener rules. Do you recall that conversation that
23 we had, the discussion?

24 WITNESS IVY: Not exactly how you stated it. I
25 recall you asked me what the definition was of wet rules and

1 dry rules, not of switching back and forth between the
2 rules, not as you just stated.

3 MS. RICHARDSON: We talked about SCR COMP, S-C-R
4 C-O-M-P and the LMOS generic FE, I think it was four
5 exhibits that I had passed out, discussed Auto-Screen
6 rules. Do you remember that?

7 WITNESS IVY: Correct.

8 MS. RICHARDSON: Do you remember that we discussed
9 it was possible to move from one set of rules to another set
10 of rules while the system was up and running, do you
11 remember that?

12 WITNESS IVY: Correct.

13 MS. RICHARDSON: Do you remember that we discussed
14 the procedure for changing rules while the system was up?
15 And that anyone in the maintenance administrator, the person
16 in the maintenance administrator designated to deal with the
17 rules had access to doing so?

18 WITNESS IVY: Correct.

19 MS. RICHARDSON: And then I had asked you at that
20 time if you were aware of anyone ever misusing Auto-Screener
21 rules, and your response was?

22 WITNESS IVY: No, I'm not.

23 MS. RICHARDSON: That you were not personally
24 aware?

25 WITNESS IVY: Correct.

1 MS. RICHARDSON: And then Line 2 on these
2 handwritten notes attached to a memo to Mr. Charlie,
3 handwritten notes, No. 2, would you read that please?

4 WITNESS IVY:

5

6 MS. RICHARDSON: And the wet rules are
7 Auto-Screener rules?

8 WITNESS IVY: Correct.

9 MS. RICHARDSON: And then Line 1, Ms. Ivy, would
10 you please read that for me?

11 WITNESS IVY:

12

13 MS. RICHARDSON: And on the third page, the next
14 page after that.

15 MR. ANTHONY: Are there going to be questions about
16 any of this?

17 MS. RICHARDSON: Yeah.

18 MR. ANTHONY: Because otherwise the document just
19 speaks for itself, it says what it says. It's in the
20 record.

21 MS. RICHARDSON:

22

23

24

25 MR. ANTHONY: I'm going to object to these

1 questions. Ms. Ivy, as we established yesterday, didn't
2 write these notes. You haven't established that she knows
3 anything about the background that gave rise to them. The
4 document speaks for itself. The questions -- it speaks for
5 itself. It says what it says.

6 MS. RICHARDSON: So I'm clear, Hank, you're not
7 objecting on the basis of attorney/client privilege?

8 MR. ANTHONY: No, I've already stated what my
9 objections are and what I'm saying is this is a privileged
10 document you shouldn't have in your possession, you
11 shouldn't have any questions about it at all and I'm
12 objecting on that basis, as I did earlier. And I've asked
13 you to return it. Now I'm objecting on the basis that
14 you're asking her to comment on something that you haven't
15 established she has any knowledge about anyhow and how could
16 she comment on it? And if she has any knowledge about it,
17 on the underlying investigation, I'll object on the basis of
18 privilege.

19 MS. RICHARDSON: Ms. Ivy, are you aware in your
20 terms, either throughout your tenure with Southern Bell, and
21 in your positions with Southern Bell, any employee backing
22 up times on a customer trouble report?

23 MR. ANTHONY: Do you mean properly or improperly?

24 MS. RICHARDSON: Improperly backing up times on a
25 customer trouble report in order to meet a repair service

1 index under Commission rule, 25-4.110, sub 2.

2 WITNESS IVY: I have no knowledge, personal
3 knowledge, me, April Ivy, I have no personal knowledge of
4 that.

5 MS. RICHARDSON: Mr. Pellegrini, do you have any
6 personal knowledge of any employee backing up times on
7 customer trouble reports in order to meet the 95 percent
8 repair index rule from the Commission?

9 WITNESS PELLEGRINI: No, ma'am, I do not.

10 MS. RICHARDSON: Ms. Ivy, are you aware of any
11 individual that has been disciplined as a response to a
12 company's investigation into improper coding of customer
13 trouble reports to meet PSC repair index rules?

14 WITNESS IVY: Yes, I am.

15 MS. RICHARDSON: And who would that be, please?

16 WITNESS IVY:
17
18

19 MS. RICHARDSON: And can you identify them for me
20 please? April?

21 MR. ANTHONY: Before Ms. Ivy does that, we already
22 have this part under seal, but I'm going to, of course, make
23 the same request regarding the confidentiality of the names
24 that I made previously.

25 MS. RICHARDSON: Okay.

1 WITNESS IVY:

2 MS. RICHARDSON: Would you spell that for the
3 reporter please?

4 WITNESS IVY: last name

5 last name

6 last name

7 last name, and last name

8

9 MS. RICHARDSON: Are these individuals that you
10 supervise directly?

11 WITNESS IVY:

12

13 MS. RICHARDSON: Did you supervise them at the time
14 that the actions or omissions that they committed that were
15 the result of the discipline?

16 WITNESS IVY: I don't know.

17 MS. RICHARDSON: So you don't know what the
18 discipline was in response to?

19 WITNESS IVY: No, ma'am.

20 MS. RICHARDSON: What action or omission they
21 committed that the discipline was a result of?

22 WITNESS IVY: No, ma'am, I was not privileged to
23 that information.

24 MS. RICHARDSON: Mr. Christian?

25 WITNESS CHRISTIAN: Yes.

1 MS. RICHARDSON: Do you have any personal knowledge
2 of any individual in the Company backing up times in order
3 to meet the PSC repair rule index?

4 WITNESS CHRISTIAN: No, I do not.

5 MS. RICHARDSON: Do you have any knowledge of any
6 individual employees who have been disciplined as a result
7 of the Company's investigation into improper handling and
8 coding of customer trouble reports?

9 WITNESS CHRISTIAN: Yes.

10 MS. RICHARDSON: Would you please identify those
11 people for me?

12 WITNESS CHRISTIAN: To the best of my ability and
13 memory

14 spelled

15 MS. RICHARDSON: Thank you.

16 WITNESS CHRISTIAN: . There are some
17 others. I can't think of who they might be. Those are all
18 that I can think of at this moment.

19 MS. RICHARDSON: Are these people presently under
20 your supervision at this day and time?

21 WITNESS CHRISTIAN: They are under my supervision
22 as of June 1 of 1991, that's correct.

23 MS. RICHARDSON: Okay. Was the discipline a result
24 of any actions or omissions of these particular individuals
25 on the time, or during the time, that you supervised them?

1 WITNESS CHRISTIAN: Repeat the question.

2 MS. RICHARDSON: As of June 1, 1991, did any of the
3 actions or omissions of these individuals occur after June 1
4 of 1991?

5 WITNESS CHRISTIAN: No, not that I'm aware of.

6 MS. RICHARDSON: So in your personal knowledge,
7 then, the discipline is related to actions or omissions
8 taken by these employees prior to June 1, 1991?

9 WITNESS CHRISTIAN: That's correct.

10 MS. RICHARDSON: Are you aware of any actions or
11 omissions specifically taken by these employees that
12 resulted in discipline?

13 WITNESS CHRISTIAN: I'm not personally aware, no.

14 MS. RICHARDSON: Have you received any written
15 information, documentation or oral conversations within the
16 Company that would make you aware of the particular actions
17 or omissions of these individuals that resulted in
18 discipline?

19 WITNESS CHRISTIAN: I have not received any written
20 information. That that has been sent, I have returned to
21 the sender. I have not received or reviewed any written
22 information. That which was sent to me, I have returned to
23 sender, because I have no knowledge and desire not to have
24 any. As far as corporate grapevine, which I would rather
25 not point out, try to reflect on, aside from that, I have no

1 knowledge.

2 MS. RICHARDSON: In the first day of this
3 deposition -- I ask you to cast your mind back -- I believe
4 we very briefly touched on your present responsibilities,
5 and I believe -- and correct me if I'm incorrect here -- you
6 stated that part of your responsibilities were to talk to
7 and counsel with each one of these individuals, is that
8 correct?

9 WITNESS CHRISTIAN: I don't recall having used the
10 word "counsel." I speak with them, I visit the work
11 centers, I have interaction with those 400 plus employees on
12 a periodic basis by visiting the work centers and
13 interacting with them.

14 MS. RICHARDSON: Is part of your responsibility to
15 discipline these employees?

16 WITNESS CHRISTIAN: That's correct.

17 MS. RICHARDSON: Is your responsibility, beginning
18 with June 1, 1991, with these particular individuals that
19 you have named, were you -- was your responsibility to
20 discipline them for prior acts and omissions that were taken
21 by these employees before you became their supervisor?

22 WITNESS CHRISTIAN: I participated when the
23 discipline was being administered, yes.

24 MS. RICHARDSON: I'm not sure that mike is on.
25 It's on.

1 Would you please explain what you mean by
2 participate?

3 WITNESS CHRISTIAN: I had the privilege of being
4 with the personnel representative and being briefed on
5 specific items to cover with these individuals as they
6 entered my office, when the discipline was to be
7 administered.

8 MS. RICHARDSON: Would you identify the personnel
9 representative?

10 WITNESS CHRISTIAN: Dave Mower.

11 MS. RICHARDSON: That's M-O-W-E-R.

12 WITNESS CHRISTIAN: That's correct.

13 MS. RICHARDSON: And items that you reviewed, would
14 you please explain what they were?

15 MR. ANTHONY: Before we get into that, I want to go
16 off the record and talk to the witness because I don't know
17 what it is either. I want to make sure it's nothing
18 privileged.

19 (Discussion off the record)

20 MS. RICHARDSON: I'm sorry.

21 MR. ANTHONY: Go ahead. Would you mind reading
22 that last question again, please?

23 (Record read.)

24 WITNESS CHRISTIAN: When I addressed the employees
25 to which we were administering the discipline, I used a

1 prepared 1, 2, 3 list from Dave Mower in terms of covering
2 the discipline, whichever -- that was applicable.
3 Basically, the items entail a knowledge that -- an overview
4 that the Company was under thorough investigation or had
5 investigated the improper billing of base or closeout of
6 troubles and that because at least one or more employees had
7 corroborated or had validated that these people had been
8 involved, they were being administered the respective
9 disciplines.

10 MS. RICHARDSON: And what did the discipline
11 involve?

12 WITNESS CHRISTIAN: On several of them a warning, I
13 believe, is the way the entry read, and on two, a warning
14 with financial penalty.

15 MS. RICHARDSON: And is the financial penalty the
16 most serious discipline that you're aware of?

17 WITNESS CHRISTIAN: Of the people that I covered?

18 MS. RICHARDSON: Yes.

19 WITNESS CHRISTIAN: That's correct.

20 MS. RICHARDSON: What did the financial penalty
21 involve?

22 WITNESS CHRISTIAN: Loss of a monetary value. I
23 think it was different for both of them. I'm not sure off
24 the top of my head what that was.

25 MS. RICHARDSON: Does that mean like their pay was

1 docked or they were suspended or --

2 WITNESS CHRISTIAN: They were not suspended. The
3 warnings, as I addressed earlier, were the severest, with
4 financial penalty, which means if they were going to receive
5 or had the potential to receive dollars as raises for this
6 particular salary treatment interval, that they were going
7 to forego all or portions of that money.

8 MS. RICHARDSON: Was any individual employee
9 demoted?

10 WITNESS CHRISTIAN: Not in the universe of
11 employees that I covered.

12 MS. RICHARDSON: Were any of the employees that you
13 covered terminated or fired?

14 WITNESS CHRISTIAN: Not in the universe of
15 employees that I covered.

16 MS. RICHARDSON: What specific acts or omissions
17 were committed by these particular employees that warranted
18 the discipline?

19 WITNESS CHRISTIAN: I had no --

20 MR. ANTHONY: Let me put the objection on there.
21 To the extent that it's based on Mr. Christian's knowledge
22 of the underlying investigation, if he has any, I'd instruct
23 him not to answer. If he has any other knowledge, he can
24 answer as to that. And if he has no knowledge at all, then,
25 of course, he has no knowledge, then I'll let him answer the

1 question, with that instruction.

2 WITNESS CHRISTIAN: I have no specific knowledge.

3 MS. RICHARDSON: You are presently charged with
4 overseeing the operation or the work of these particular
5 employees that were found to have improperly processed
6 customer trouble reports in order to meet a PSC repair
7 index, and you were told to discipline these employees, but
8 you were not given any reasons as to what actions?

9 WITNESS CHRISTIAN: As I said to you before, I
10 covered the discipline with reference to notes provisioned
11 to me by David Mower. I read those 1, 2, 3, and that was
12 the coverage, and administered the discipline in the written
13 form of an entry. Beyond that, I have no knowledge and do
14 not desire any specific knowledge of their accusation.

15 MS. RICHARDSON: In your present duties in
16 overseeing the work of these employees, is there any
17 particular practice or procedure or actions or omissions
18 taken by these employees that you have been put on notice of
19 to make sure that the work is properly carried out? And
20 that may not be clear to you. If it isn't, I'll try to
21 rerephrase it.

22 WITNESS CHRISTIAN: I think I understand the
23 question. The answer to that is no, beyond the guidelines,
24 practices and procedures that are in place to ensure that we
25 have a sound operation.

1 MS. RICHARDSON: Mr. Christian, is there any kind
2 of followup being done with the individual employees that
3 you have named that were disciplined at this time?

4 WITNESS CHRISTIAN: Could you be more specific,
5 please?

6 MS. RICHARDSON: Do your responsibilities, other
7 than what you've just indicated in the last question,
8 involve anymore specific follow-up with these particular
9 employees?

10 WITNESS CHRISTIAN: No, not with the specific
11 employees.

12 MS. RICHARDSON: In terms of the discipline having
13 been administered, is there in place or have you put in
14 place, whether it's something you're doing in part of your
15 responsibilities or whether you have been directed to do
16 this as part of your responsibilities -- I assume you have
17 some discretion of your area, or your level of management --
18 is there anything that has been in place for these employees
19 in terms of reviewing their work performance after the
20 discipline in a way that may be different from all the other
21 employees in the center that were not disciplined?

22 WITNESS CHRISTIAN: No, there are not. We have one
23 set of rules and they're for everyone. So we don't single
24 out any specific employees. We have one set of rules.

25 MS. RICHARDSON: I don't believe I asked you this.

1 You said -- you named certain identified people and you said
2 there were others. Do you know a specific number of
3 employees?

4 WITNESS CHRISTIAN: There were initially ten people
5 in the universe that were covered, and I didn't say I didn't
6 know, I said I couldn't recall.

7 MS. RICHARDSON: I'm sorry, keep me straight.
8 Thank you.

9 Did any of those employees choose, voluntarily, to
10 leave the Company before or after discipline?

11 WITNESS CHRISTIAN: I can't speak for before
12 because I'm not sure of the universe you're talking about,
13 and none of the people that were disciplined, that I
14 participated in the discipline on, have left the Company.

15 MS. RICHARDSON: Have any of them been promoted
16 since they've been disciplined?

17 WITNESS CHRISTIAN: No.

18 MS. RICHARDSON: Were any of them eligible for
19 promotion and did not receive a promotion because of the
20 discipline?

21 WITNESS CHRISTIAN: Not to my knowledge.

22 MS. RICHARDSON: Were any of these employees
23 management level employees?

24 WITNESS CHRISTIAN: Yes.

25 MS. RICHARDSON: Was any of the discipline with

1 these management employees on an on-your-watch type
2 discipline because they were managers rather than craft?

3 MR. ANTHONY: That mischaracterizes the testimony
4 from yesterday.

5 MS. RICHARDSON: Then let me rephrase it. Did any
6 of these employees receive a more serious discipline or were
7 disciplined because they were management and their duties
8 involved managerial-type duties rather than simply craft?

9 WITNESS CHRISTIAN: All of the people that I
10 administered discipline to were managers, and as I mentioned
11 to you before, two of those people suffered financial --

12 MS. RICHARDSON: Penalties.

13 WITNESS CHRISTIAN: -- penalties as well.

14 MS. RICHARDSON: Are you aware of any craft
15 employees in your supervisory responsibility, that come
16 under you, that have been disciplined, will be disciplined
17 or are going to be disciplined?

18 WITNESS CHRISTIAN: I'm not aware.

19 MS. RICHARDSON: Do you have any idea,
20 Mr. Christian -- let me back up a minute. You said that out
21 of the second item that you reviewed that there was improper
22 coding and statusing of out-of-service reports, is that
23 correct?

24 WITNESS CHRISTIAN: I said, and don't quote me in
25 terms of the 1, 2, 3 of Mower's list, it was listed 1, 2, 3,

1 there were two or three items there, and that is one of the
2 items that I referenced, yes. The inference and the
3 accusation had been made, yes.

4 MS. RICHARDSON: Do you have any indication how
5 many specific customer trouble reports were affected?

6 WITNESS CHRISTIAN: No.

7 MS. RICHARDSON: Do you have an estimate?

8 WITNESS CHRISTIAN: No.

9 MS. RICHARDSON: Do you know how long the actions
10 or omissions, from what date to what date?

11 WITNESS CHRISTIAN: No.

12 MS. RICHARDSON: Ms. Ivy, in your area and the
13 people that were disciplined that you identified,

14

15 WITNESS IVY:

16 MS. RICHARDSON: Currently. All right. Were -- or
17 did you participate in the discipline of these individuals?

18 WITNESS IVY: No, I did not.

19 MS. RICHARDSON: Who participated in the discipline
20 of these individuals? Do you know?

21 WITNESS IVY: Hilda Gear, who is the district level
22 in personnel, and Mr. Rubin who is currently the operations
23 manager in South Dade.

24 MS. RICHARDSON: Do you know Mr. Rubin's first
25 name?

1 WITNESS IVY: They call Tad. It's Heyward.

2 H-E-Y-W-A-R-D. His name is Tad. They call him Tad Rubin.

3 MS. RICHARDSON: Was or are you aware of any
4 personnel department employees that participated beyond
5 these two individuals you've mentioned?

6 WITNESS IVY: The first individual I named was the
7 personnel representative.

8 MS. RICHARDSON: And then Mr. Rubin was the direct
9 supervisor that was responsible?

10 WITNESS IVY: He was the supervisions manager, as
11 Mr. Christian, who also participated, those two.

12 MS. RICHARDSON: Are you aware of the kind of
13 discipline that was administered to these individuals?

14 WITNESS IVY: Yes, I am.

15 MS. RICHARDSON: And what kind of discipline was
16 administered?

17 WITNESS IVY: Same type of discipline that
18 Mr. Christian mentioned earlier, there were managers that
19 suffered financial penalty as a result of the investigation.

20 MS. RICHARDSON: Are you aware of any employee that
21 was terminated due to discipline -- the discipline involved
22 termination of the employee?

23 WITNESS IVY: No, I am not.

24 MS. RICHARDSON: Are you aware of any employee who
25 has left the Company's employment because of the

1 discipline?

2 WITNESS IVY: Not to my knowledge.

3 MS. RICHARDSON: Are you aware of any employee who
4 was demoted because of discipline?

5 WITNESS IVY: No, I am not.

6 MS. RICHARDSON: Are you aware of any employee who
7 did not receive a promotion that he should have received or
8 she should have received because of discipline?

9 WITNESS IVY: No, I am not.

10 MS. RICHARDSON: Well, it's noon exactly, Hank, and
11 I think what we'll do is take our lunch break now. And do
12 you want to take -- let's just go off the record.

13 (Discussion off the record)

14 (Lunch recess from 12:00 noon, until 12:50 p.m.)

15 MS. RICHARDSON: Ms. Ivy, I'm going to direct my
16 next couple of questions to you, please, still based upon
17 the information that is confidential. Do we need to pass it
18 back out?

19 MR. ANTHONY: The information that's privileged?

20 MS. RICHARDSON: Well, privileged, Hank, yes. Did
21 you want to reiterate anything at this point?

22 MR. ANTHONY: No, this is still a portion of the
23 transcript that will be under seal.

24 MS. RICHARDSON: Okay. Ms. Ivy, you indicated that
25 you had no part in the discipline of individuals, yet you

1 identified a number of individuals that you were aware of
2 that were disciplined, is that correct?

3 WITNESS IVY: That's correct.

4 MS. RICHARDSON: If you did not participate in the
5 discipline, how did you become to be aware that these
6 individuals were disciplined?

7 WITNESS IVY: My operations manager told me the
8 names of the individuals and that the district level from
9 personnel was coming over and he was checking to see if they
10 were going to be there and he wanted to make arrangements
11 for them to be covered, and he supplied me with the names of
12 the individuals.

13 MS. RICHARDSON: In terms of your managerial
14 responsibilities, with these individuals, do you have any
15 further oversight of these individuals that were disciplined
16 to ensure that whatever it was they had done before would
17 not continue or would not reoccur in the future?

18 WITNESS IVY: The practices and policies that I
19 have in place, along with the standardization reviews that I
20 do, would suffice in bringing to light any inequities in the
21 operating procedures. I don't specifically target these
22 employees, but I do do MTAS analysis and standardization
23 reviews within the center myself as an overall center, not
24 as targeting these particular employees.

25 MS. RICHARDSON: And how many employees were

1 disciplined that are under your supervision?

2 WITNESS IVY:

3 MS. RICHARDSON: Were they all management level?

4 WITNESS IVY: Yes, they were.

5 MS. RICHARDSON: Were any craft employees
6 disciplined in your area?

7 WITNESS IVY: No, ma'am.

8 MS. RICHARDSON: How many management level
9 employees do you have?

10 WITNESS IVY: Nine.

11 MS. RICHARDSON: So of those nine were
12 disciplined?

13 WITNESS IVY: Correct.

14 MS. RICHARDSON: As staff of the network
15 organization, you're responsible for the proper
16 interpretation and application of BellSouth policies and
17 procedures, correct?

18 WITNESS IVY: As a staff? I'm not sure I
19 understand.

20 MS. RICHARDSON: In your position as management
21 level.

22 WITNESS IVY: I am a line IMC manager and it is
23 part of my responsibility to enforce practices, if that's
24 the question.

25 MS. RICHARDSON: And to make sure that the

1 management employees under your direction are properly
2 following practices and procedures then?

3 WITNESS IVY: Correct.

4 MS. RICHARDSON: Are you aware of or do you know
5 how many management level employees there presently are in
6 Southern Bell?

7 WITNESS IVY: No, ma'am, I don't know the exact
8 number.

9 MS. RICHARDSON: In maintenance, you have no idea?
10 Would it be a few or more than 50, or 100, or 200, 500, a
11 thousand? Do you have any relative idea?

12 WITNESS IVY: That are in the network
13 organization? I'd have to simply guess.

14 MS. RICHARDSON: With IMCs.

15 WITNESS IVY: With IMCs? In all nine states?

16 MS. RICHARDSON: No, just Florida, only concerned
17 with Florida.

18 WITNESS IVY: It would purely be a guess on my
19 part. I really don't --

20 WITNESS HALL: You asked for that in an
21 interrogatory, you should have it coming.

22 MS. RICHARDSON: Do you know the answer, Mr. Hall?

23 WITNESS HALL: No, I didn't answer, but I know it
24 was answered.

25 Would you accept 304 subject to check? Citizens'

1 Second Interrogatory, Item No. 3, dated May 8th, 1992
2 submitted by T. C. Taylor in Jacksonville?

3 WITNESS IVY: Yes --

4 MR. ANTHONY: As the current number?

5 MS. RICHARDSON: Current -- I mean year '91, excuse
6 me.

7 WITNESS IVY: I guess so.

8 WITNESS HALL: She would have no way to know.
9 She's down in the position of maintenance and in the overall
10 she doesn't know the force count, so that really is not
11 relevant to her.

12 MS. RICHARDSON: As management level staff, part of
13 your responsibility is to identify improper practices by
14 lower level management employees and craft, is that
15 correct?

16 WITNESS IVY: By practices, you're not talking
17 about the Bell system practices, you're talking about how
18 they handle the day-to-day business, is that --

19 MS. RICHARDSON: Yes.

20 WITNESS IVY: Yes, that would be my responsibility.

21 MS. RICHARDSON: So any violations of BellSouth
22 practices and procedures in the day-to-day handling, then,
23 would come directly under your supervision?

24 WITNESS IVY: Correct.

25 MS. RICHARDSON: Can you identify any practices

1 that you've observed or become aware of in the context of
2 your supervisory job that have violated Company practices
3 and procedures?

4 WITNESS IVY: No, I don't recall any.

5 MS. RICHARDSON: In the -- I believe you called it
6 a program review, we passed out two different sheets. One
7 of them was Jacksonville and one was Dade.

8 WITNESS IVY: Standardization review package.

9 MS. RICHARDSON: In the standardization review
10 packages that you're aware of, has there been identified, to
11 your knowledge, any violations of Company practices and
12 procedures by lower level managers in your area or craft?

13 WITNESS IVY: Let me just clarify something. Are
14 you talking about any job right now or when are you talking
15 about?

16 MS. RICHARDSON: Well, let's take your job right
17 now or in the past at anytime.

18 WITNESS IVY: I was the pay grade 5 that
19 spearheaded the review that brought to light the
20 impropriety (sic) information that came out in the north
21 Dade review that led to the termination of Joe Lesko and
22 Nancy D'Alessio. So if you're asking me if I had knowledge
23 of that, yes, I did. In my current job I have not run
24 across anything in my center.

25 MS. RICHARDSON: For clarification then, what was

1 the problem that you came across in your review of
2 Mr. Lesko? I believe that's L-E-S-K-O?

3 WITNESS IVY: Correct.

4 MS. RICHARDSON: And D'Alessio is D 'A-L --

5 WITNESS IVY: E-S-S-I-O, I believe.

6 MS. RICHARDSON: What were the improprieties in
7 that particular investigation?

8 WITNESS IVY: As I recall from memory, there was a
9 question as to statusing of out-of-service trouble reports
10 that did not meet the criteria based on the reviewer's
11 findings for an out-of-service report.

12 MS. RICHARDSON: Can you be any more specific than
13 that?

14 WITNESS IVY: In the standardization review there
15 is a less than and more than 24-hour MTAS report that they
16 pull, and this particular portion of the review that
17 Mr. Fecht did showed that there was some test OKs that he
18 deemed were stroked out of service in AIRO.

19 MS. RICHARDSON: And the only problem then was the
20 test OK stroking, the misuse of test OK.

21 WITNESS IVY: As far as my involvement in that
22 investigation, yes.

23 MS. RICHARDSON: And from your involvement in that
24 investigation, do you know how many people were involved in
25 that particular problem? Was it just Mr. Lesko and

1 Ms. D'Alessio or were there others involved?

2 WITNESS IVY: There was an MA also involved that
3 had taken instructions from Ms. D'Alessio on closing out
4 these reports. I don't remember the MA's name, but I had
5 knowledge of the MA.

6 MS. RICHARDSON: And the disciplinary action taken
7 by the Company with these three employees was what?

8 WITNESS IVY: Joe Lesko and Nancy D'Alessio were
9 terminated.

10 MS. RICHARDSON: And the third employee?

11 WITNESS IVY: The nonmanagement.

12 MS. RICHARDSON: Do you have a name for that
13 person?

14 WITNESS IVY: No, I don't. I don't know what, if
15 anything, occurred with that employee.

16 MS. RICHARDSON: In your estimation, was the
17 seriousness of the actions and omissions of Ms. D'Alessio
18 and Mr. Lesko -- let me rephrase that. Was the seriousness
19 of the discipline, did it comport with the actions and
20 omissions of Ms. D'Alessio and Mr. Lesko?

21 WITNESS IVY: I can't comment on that. I was not
22 part of the investigation. I was only the deliverer of the
23 results of the standardization review. I did not conduct
24 the subsequent investigation held by the Company.

25 MS. RICHARDSON: Following that particular

1 investigation, were you involved in any updates or changes
2 or corrections to practices and procedures to ensure that
3 the test OK would not be misused in the future by that
4 particular center?

5 WITNESS IVY: The current practice at that time was
6 correct. There was no need to -- as it is today -- there
7 was no need to change any practices. Again, I didn't write
8 practices, I only implemented them as a staff person. So it
9 was adhering to the existing practices that just had to be
10 revisited to make sure that that, you know, it was
11 interpreted correctly.

12 MS. RICHARDSON: The Company found a problem. The
13 Company found two individual employees not following, or
14 violating, its own practices and procedures. It terminated
15 those employees. The potential for the problem still
16 existed, even though it was not part of the practice, but
17 the potential for violating the practice still existed. Was
18 anything else done besides terminating those employees to
19 insure that that would not happen again?

20 WITNESS IVY: Realizing that the incident that
21 occurred in North Dade was not specifically a violation of
22 the practice, you can, even today, determine that a test OK
23 was out of service, okay? It was misused, I'll use that
24 word, in the case of the North Dade review. There was no
25 need to change the practice. The review is built so that if

1 that is an error, it brings it out, but you can still do the
2 same thing today on a test OK. It can be stroked out of
3 service, and rightfully so, if it needs to be.

4 MS. RICHARDSON: Moving forward to the present
5 time, and the present investigation, are you aware,
6 generally, of any actions or omissions outside of the
7 investigation, just on general knowledge, or discussion
8 among you and other employees, of any specific violations of
9 Company practices or procedures?

10 WITNESS IVY: No, I am not.

11 MS. RICHARDSON: Hank, at this point, I think we're
12 through for the moment with this particular document. I am
13 going to come back to it one more time. So do you want to
14 just hold all your people's for themselves or do you want me
15 to collect them at the end of the day?

16 MR. ANTHONY: Unless we need to redistribute them,
17 I'll hold on to them.

18 MS. RICHARDSON: I will have one or two other
19 questions when we get to them.

20 MR. ANTHONY: Then at this point on that
21 representation, from here on out until we otherwise request
22 it, it would not be under seal anymore.

23 (Volume III follows in sequence. Sealed portion
24 concluded.)

25

CERTIFICATE

1
2 State of Florida
3 County of Leon

4 I, LISA GIROD JONES, Registered Professional
5 Reporter, and Notary Public in and for the State of Florida
6 at Large, at Tallahassee, Florida, do hereby certify as follows:

7 THAT I correctly reported in shorthand the
8 foregoing deposition at the time and place stated in the
9 caption thereof;

10 THAT my shorthand notes were reduced to typewriting
11 with the use of computer-aided transcription, and that the
12 foregoing pages, 104 through 134, both inclusive, contain a
13 full, true and correct transcript of the deposition on said
14 occasion;


15 THAT I am not a relative or employee or attorney or
16 counsel of any of the parties or attorneys connected with
17 the action, nor am I financially interested in the action.

18 DATED THIS 7th DAY OF July, 1992.

19

20

21



LISA GIROD JONES, RPR, CM
Notary Public, State of Florida
at Large.

22

23

My commission expires: 5-11-93

24

25