

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the )  
integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY'S repair service )  
activities and reports. )

DOCKET NO. 910727-TL

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In re: Investigation into )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY'S complaine )  
with Rule 25-4.110(2), F.A.C., )  
Rebates. )  
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FILED: 04/28/93

DEPOSITION OF:

JOSEPH THOMAS

TAKEN AT THE INSTANCE OF:

The Staff of the Florida  
Public Service Commission

PLACE:

605 West Garden Street  
Pensacola, Florida 32501

TIME:

Commenced at 2:15 p.m.  
Concluded at 2:50 p.m.

DATE:

Monday, May 10, 1993

REPORTED BY:

Michael J. Wierzbicki, CP, CRMS  
Registered Professional Reporter

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FLORIDA PUBLIC SERVICE COMMISSION

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4 488-9330, appearing on behalf of the Office of Public  
5 Counsel.

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10 Florida Public Service Commission.

11 ROBERT G. BEATTY, Esquire, 150 West Flagler, Suite  
12 1910, Miami, Florida 33130, Telephone No. (305) 530-5564,  
13 appearing on behalf of Southern Bell.

14 ALSO PRESENT:

15 EARL POUCHER  
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21  
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23  
24  
25

PAGE

STIPULATION	4
CERTIFICATE OF OATH	35
CERTIFICATE OF REPORTER	36

W I T N E S S

JOSEPH THOMAS	
Examination by Ms. Richardson	5

1  
2  
3  
4  
5  
6  
7  
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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 reading and signing was not waived.

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

1 WHEREUPON,

2 JOSEPH THOMAS

3 was called as a witness and, after having been first duly  
4 sworn, was deposed and testified as follows:

5 EXAMINATION

6 BY MS. RICHARDSON:

7 Q Would you please state your name, and then spell  
8 it for the court reporter?

9 A Joseph G. Thomas, J-o-s-e-p-h, G, T-h-o-m-a-s.

10 Q And your address, Mr. Thomas?

11 A 6915 Pine Forest Road, Pensacola.

12 Q Zip code?

13 A 32514.

14 Q Is that a home address or business?

15 A Business.

16 Q And your phone number?

17 A 944-0005.

18 Q And what's your position with the company?

19 A Facility technician.

20 Q And how long have been a facility tech?

21 A I don't know. Whenever they changed the titles,  
22 but I've been doing the same job for 20 years.

23 Q Has all of that time been in Pensacola?

24 A Yes.

25 Q Have you talked to anybody other than an

1 attorney for the company about your deposition here today?

2 A No.

3 Q Did anyone advise you that you would not be  
4 disciplined based upon your answers here today?

5 A Yes.

6 Q Has anyone advised you of the possible criminal  
7 penalties that could apply if you perjure your testimony?

8 A Yes.

9 Q Have you given a statement to the company?

10 A Yes, I have.

11 Q Do you know when?

12 A No. Year or two ago.

13 Q Do you know who was in the room with you when  
14 you did that?

15 A No idea.

16 Q Were they from the company?

17 A I suppose they were. I don't remember.

18 Q But you believe that they were?

19 A Yes.

20 Q Was maybe somebody from security there?

21 A We used the security office, boss' office, but  
22 he wasn't in the room. I don't know the names or the  
23 positions of the people that were there.

24 Q Do you know if any of them was an attorney?

25 A Yes, I remember one female being an attorney,

1 but the name I don't remember.

2 Q Was your union person there?

3 A No.

4 Q Was your supervisor there?

5 A No.

6 Q Who is your present supervisor?

7 A Mike Kelly.

8 Q Is he your first level?

9 A First.

10 Q And how long has Mr. Kelly been your supervisor?

11 A About a year-and-a-half.

12 Q Who was it before Mr. Kelly?

13 A Harold Martin.

14 Q And how long was Mr. Martin your supervisor?

15 A Two years, maybe three. Don't go any further  
16 back, please.

17 Q Well, that's what I'm about to do. Can you take  
18 me as far as back as maybe 1980, as many as you can remember?

19 A Not in order.

20 Q Well, then give them to me out of order.

21 A I've worked for Donald L. Spencer.

22 Q Don, L is the middle initial, Spencer?

23 A Yes.

24 Q S-p-e-n-s-e-r or c-e-r?

25 A C.

1 Q Okay.

2 A John H. Lovelace, and Jim Cole, James, I believe  
3 it is, but I don't remember the middle initial, Cole,  
4 C-o-l-e.

5 Q I'm sorry. I didn't quite catch the spelling.

6 A C-o-l-e.

7 Q And is that all the first levels that you can  
8 remember?

9 A Back to around '80, yeah.

10 Q What about second levels, who's your present  
11 second level?

12 A Tony Devito.

13 Q And how long has he been your second-level  
14 supervisor?

15 A Two years, maybe three, two years.

16 Q Who was it before then?

17 A I can see his face. I can't put a name to him.  
18 I don't remember.

19 Q Can you remember any other second levels that  
20 you've had? I know this is tough.

21 A Mr. Poucher was one at one time. Ray Shoup.

22 Q Ray Shoup. Okay.

23 A Why can't I remember the short one's name?  
24 That's about as far back as I can get.

25 Q What about your operation manager, who is that



1 right now?

2 A Mr. St. Amant.

3 Q And who was it before Mr. St. Amant?

4 A The only two I remember is Mr. Cook and Mr. St.  
5 Amant. Now, there may have been somebody in between.

6 Q So there was a Mr. Cook?

7 A Yes. He was here when I hired on.

8 Q And that's '72, '73?

9 A '69.

10 Q And do you know who your union steward is?

11 A My union steward, no. I'm not a union member.  
12 I don't know the union steward's name.

13 Q What do you do as a facility tech?

14 A My basic job is to repair cables. Right now I'm  
15 in the cable rehab, is my main function, and that's bulk  
16 recovery, doing maintenance surveys for engineering, and  
17 cable analysis work to determine the condition of a cable and  
18 if it needs to be repaired or replaced.

19 Q Is that working with A-CORR at all, the A-CORR  
20 program?

21 A I guess not, because I don't know who A-CORR is.

22 Q What about predictor, predictor being able to  
23 predict troubles on cable?

24 A No.

25 Q Has the nature of your work been different prior

1 to what you're doing right now?

2 A Yes. I was a full-time cable repair technician.

3 Q And about when were you a cable repair tech?

4 A From about '71 through about three years ago,  
5 '90, '89, somewhere along in there.

6 Q And as a cable repair tech, did you do residence  
7 and business type work?

8 A On the cable, yes, uh-huh.

9 Q And as a cable repair tech, did you actually  
10 have to go into a residence and business as part of your  
11 work?

12 A No, no, only to notify the customer we was  
13 working on the phone line.

14 Q So most of your work is out in the street then  
15 on the main cables?

16 A From the pole back to the central office, from  
17 the pole in front of the house to the central office.

18 Q When you were doing this, I guess, between '88  
19 and '90, were you using a CAT terminal?

20 A No.

21 Q So to status any of those reports, did you call  
22 in to an MA?

23 A Yes, I did.

24 Q On cable troubles, when you got the report of  
25 the cable trouble, did it come to you already statused either

1 out of service or service affecting?

2 A Yes.

3 Q Did you ever have occasion to change that status  
4 yourself once you got out and looked at what the problem was?

5 A No. As a rule, we didn't.

6 Q Could you have done that?

7 A No, I don't think we were able to change the  
8 status.

9 Q When the cable troubles came to you, did most of  
10 them come through as service affecting?

11 A Yes -- well, yes.

12 Q I guess as opposed to out of service?

13 A Well, that's -- I don't remember.

14 Now, you asked if we changed the status. Now,  
15 in those days, if we got there and the customer had dial  
16 tone, we were allowed to change the status.

17 Q From out of service to service affecting?

18 A Service affecting, and then we continue working  
19 on it.

20 Q What about the opposite direction, if it came in  
21 service affecting, you got out there and you found out they  
22 didn't have any dial tone, could you change it to out of  
23 service?

24 A Could have, yes.

25 Q Did that ever happen?

1           A       I'm sure we could have, I'll put it that way.  
2                    Did it ever happen? I don't remember.

3           Q       Did you ever have an MA ask you, if the status  
4 had changed to out of service, if she should close out of  
5 service for you?

6                   MR. BEATTY: Excuse me. I'm not at all sure  
7 that the witness was finished with his response.

8           Q       (By Ms. Richardson) I'm sorry. I didn't mean  
9 to cut you off.

10          A       No, just that -- no, I never -- I never called  
11 back in to change one from service affecting to out of  
12 service. You was there talking with the customers, so you  
13 just went ahead and worked on it. And seldom did you change  
14 -- you know, seldom did you take time to call in and say,  
15 well, this thing is not out of service, but I'm still going  
16 to work on it. You just went ahead and worked on it, because  
17 you were there.

18          Q       And then when you got through working on it, did  
19 you have to call in to close it out?

20          A       Yes.

21          Q       Do you still have to?

22          A       I do, yes.

23          Q       And I'd like to think back to maybe around '88,  
24 '89, '90, somewhere in that period of time.

25          A       It's hard for me to separate those years when

1 you've been doing something for twenty-some odd years.

2 Q Well, okay. Then let's check back during the  
3 time at least from '90 backwards while you were doing the  
4 cable repair stuff, when you called in a work report that you  
5 finished, did an MA ever ask you should this be out of  
6 service when you told them what the problem was?

7 A No, no, no, I don't recall ever asking them if  
8 it should be statused down.

9 Q Did any of them ever ask you about their  
10 restatusing it as out of service based on your report?

11 A No.

12 Q Have you ever heard the phrase backing up the  
13 time?

14 A Backing up the time, sure.

15 Q And what does that mean to you?

16 A Backing up your restoral time.

17 Q Are you familiar with that requirement for the  
18 company that they clear out-of-service reports within 24  
19 hours?

20 A Yes, ma'am, uh-huh.

21 Q When you say backing up the restoral time, are  
22 you referring to that 24-hour time?

23 A Yes, ma'am, I am.

24 Q And do you know of any instances of that  
25 occurring?

1 A Not with me, no.

2 Q Do you know of anybody else?

3 A No, not firsthand.

4 Q Well, what about hearsay or just general  
5 scuttlebutt?

6 A I don't -- it's hard to say, because I don't  
7 remember anybody saying specifically that they asked me to  
8 back up time on things, but I'm not saying that it didn't  
9 happen either, but I just don't know.

10 Q So to the best of your recollection, it is  
11 possible that some of the reports you personally handled, the  
12 time may have been backed up?

13 MR. BEATTY: Objection to the form of the  
14 question. That is not what this witness has just  
15 testified to, and your characterization of his  
16 testimony is improper, particularly when it's grossly  
17 misstated.

18 Q (By Ms. Richardson) Let me try this again.

19 You've said that it may or may not have  
20 happened. Do you know whether or not it's happened on any of  
21 the reports that you've dealt with?

22 A Time backed up? No, not to my knowledge.

23 Q Not to your knowledge?

24 A No.

25 Q Do you know if any of the MA's may have backed

1 up the time on a report that you've worked on?

2 A If they did, they didn't tell me of it.  
3 Normally, I told them, and they either took it or -- I don't  
4 know what they did with it.

5 Q You told them the time you cleared the report;  
6 is that what you meant?

7 A Yes.

8 Q Did they ever question you about the reports  
9 when you gave them a clearing time saying, "Mr. Thomas, the  
10 24-hour o'clock is already over. Are you sure you didn't  
11 clear it before then?"

12 A No, I don't think I was ever -- I may have been,  
13 but I just -- if I did, so what? It's the time I cleared it.  
14 I didn't back up my time just to suit somebody else. Sorry.

15 Q Do you know of any managers who have told people  
16 to back up those clearing times to meet that 24 hours?

17 A I couldn't say for sure, no.

18 Q But you've heard of that being done?

19 MR. BEATTY: Objection to the form of the  
20 question. It's leading, again, and it assumes facts  
21 not in the record.

22 Q (By Ms. Richardson) Have you heard of that  
23 being done?

24 A Not specifically.

25 Q Have you heard of that being done in Pensacola?

1 A No, no.

2 Q Are you familiar with disposition codes?

3 A Yes.

4 Q What's a disposition code?

5 A Disposition is the place on the cable or  
6 whatever you want to call it where the trouble has cleared,  
7 such as a splice or a straight piece of cable, et cetera.

8 Q And what's a cause code?

9 A It's what caused that problem.

10 Q An example of that might be what?

11 A Well, lightning or rodents gnawing on the cable,  
12 moisture.

13 Q Somebody from another company put a spade to it  
14 maybe, dug it up?

15 A Oh, yes.

16 Q Do you know if there are certain disposition and  
17 cause codes that would take an out-of-service report and not  
18 count it as a miss against the company on that 24-hour clock?

19 A I knew that lightning and moisture problems  
20 would take it out of that category.

21 Q Has anyone ever told you to use lightning or  
22 moisture when you knew it didn't apply?

23 A One instance, I was -- I wasn't told to, but the  
24 MA had to refer to her boss.

25 Q Can you tell me about that?



1           A       I had closed -- tried to close it out to a  
2 squirrel bite, which caused the cable to splice and get wet,  
3 and I wanted to show it out to a squirrel bite. And she put  
4 me on hold, and came back and said she was to told to show it  
5 to a wet cable, moisture. I said, "Do what you got to do."

6           Q       Do you remember the MA's name?

7           A       No, I do not.

8           Q       Do you remember the manager?

9           A       The one she reported -- the one we talked -- I  
10 asked, "Was that

11                   And she said, "Yes," referring to

12           Q       And did you question this with your supervisor  
13 at all?

14           A       No, I did not.

15           Q       Did you question it with anybody?

16           A       No, I did not.

17           Q       In your opinion, based on your experience and  
18 your training, did you feel that that was a proper code to  
19 use?

20           A       It just depends. It was -- it was definitely a  
21 wet splice, but it was caused by a squirrel bite. Now we  
22 show absolutely nothing to moisture unless it's condensation.  
23 Then it wasn't the same. If you had a squirrel bite on an  
24 aerial lead cable and the cable got wet, that was caused by  
25 the rain, where in reality now we're saying no, it was caused

1 by the squirrel, because he caused the problem to start with.

2 But from the time I was in cable repair, started  
3 repair in '69, up to this time, we always showed it to  
4 moisture, and we weren't under any other scrutiny, moisture  
5 did it or lightning caused the problem, and they did 90  
6 percent of your troubles. But this one particular instance,  
7 because we were like we were, I wanted to show it out to a  
8 squirrel bite.

9 Q

10

11

12 MR. BEATTY: Objection, leading.

13 You can respond.

14 A

15

16 Q (By Ms. Richardson) Have you heard of anyone  
17 else in Pensacola, any of the managers in Pensacola, using  
18 these cause codes when the facility tech or ST didn't think  
19 they applied?

20 A No, uh-uh, no. We normally didn't -- you know,  
21 you closed out five or six troubles in a day, you just didn't  
22 talk about them. But this particular one stuck in my mind,  
23 you know. This man has changed my code, and I didn't  
24 appreciate it. But other than that, that's the only specific  
25 knowledge I have.

1 Q Do you have any other instances when an MA said,  
2 "I'm going to have to go check with my manager before I use  
3 the code you gave me"?

4 A No, I don't believe so, uh-uh.

5 Q Do you know of any other instances where a  
6 manager has gotten that actively involved in directing the  
7 clearing and closing of troubles?

8 A No. And that was the only time that I know of  
9 he got involved in this.

10 Q Do you use the no-access code with your cable  
11 work?

12 A No, we do not no access cable troubles.

13 Q Have you ever had an instance where a manager  
14 has told you to take the troubles you're working on, because  
15 they're about to go over 24 hours, close them out, and then  
16 reopen them as employee-originated reports in order to clear  
17 and close them?

18 A Before service was restored?

19 Q Yes.

20 A No, no, never.

21 Q Have you ever heard of that happening?

22 A No, not in Pensacola.

23 Q Are you able to exclude reports?

24 A The only troubles I would ever exclude is if we  
25 were sent out to check a cut cable, and we get there and it's

1 a dead cable, then we would exclude that, but no -- no  
2 customer reports. I don't have the authority to exclude  
3 reports.

4 Q So the instance that you just referred to is not  
5 a customer direct trouble report then?

6 A No, I don't feel it is. It's normally the  
7 utility that cut the cable, ask you to come out and check it  
8 and see if it's working cable. And if it is, they normally  
9 stop and let you put it back together. If it's not, they  
10 continue on and you continue on.

11 Q Do you ever use the test-OK status?

12 A Test-OK status? When I find one okay, yes.

13 Q Have you ever found a test-OK that was an  
14 out-of-service report, made an out of service after you found  
15 a test-OK?

16 A Ask me that again.

17 Q If you don't understand -- and I didn't make it  
18 very clear, I apologize for that -- just ask me to rephrase  
19 it, and I'll try again.

20 A Rephrase it, please.

21 Q Okay. Have you ever heard of anyone taking a  
22 group of test-OK reports or a batch of them and just closing  
23 them out as out of service?

24 A Oh, no.

25 Q Have you heard the phrase building the base?

1 A No.

2 Q Do you know of anybody who has used somebody  
3 else's employee code?

4 A No.

5 Q Do you know if anybody has ever used yours?

6 A Not to my knowledge. I feel sorry for them, if  
7 they have.

8 Q Can you define a multiple cable failure for me?

9 A Multiple cable failure? Well, I would say it's  
10 a wet cable, but I don't know what size we consider as a  
11 multiple cable failure. A wet or a cut cable could be a  
12 multiple cable failure. A lightning shot causes a multiple  
13 cable failure.

14 Q But you have no idea what size?

15 A I don't know if there's a size requirement.

16 Q Do you use that multiple cable failure code very  
17 much?

18 A No, no.

19 Q If you could give me an approximate estimate,  
20 ten percent, 20 percent of troubles you work on or-

21 A (Interposing) Well -- well, I -- the computer,  
22 in my understanding, has already assigned whether it's a  
23 service-affecting trouble from a customer or a multiple cable  
24 trouble, and, therefore, I'm not -- I never know. I don't  
25 ask.

1 Q Has that always been the case, the computer has  
2 always done that?

3 A Yes, as far back as I can recall, yeah, as long  
4 as -- since we've had the computers to do it with, yeah.

5 Q Do you also deal with tracker, where they've got  
6 a lead ticket and a bunch of other troubles attached to it?

7 A Well, that's what we call a multiple.

8 Q That for you is multiple?

9 A Uh-huh (indicating affirmatively).

10 Q Do you know whether or not when you close out  
11 that lead ticket it closes out all the other tickets?

12 A Unless I have that -- I have something excluded,  
13 I think it does.

14 Q Detached maybe?

15 A Or detached, okay.

16 Q Has that always been the case?

17 A As far back as I can recall, yeah, uh-huh, yes,  
18 ma'am.

19 Q Do you know of anyone who has not detached  
20 troubles before closing out in order to help with that  
21 out-of-service 24 index?

22 A No.

23 Q Do you know of anyone who's taken the lead  
24 ticket, if the troubles were repaired within 24 hours, and  
25 closed out that lead ticket as out of service, that all the

1 rest of them would look like they were out of service too?

2 A No. Normally, you know, you -- if it is an  
3 actual multiple, you clear it all at one time, but if it's in  
4 the case of a lightning shot where there's a lot of burnt  
5 carbons in the area, normally those are cleared. I don't go  
6 to the trouble -- if I clear the first one and it's a burnt  
7 carbon on the side of the house, and then I go check the next  
8 one, it's the same thing, well, I'm going to go check them  
9 all before I try to close any of it out, and then I'll show  
10 it all out to lightning, because of the paperwork involved.  
11 You'd be on the phone 30 minutes waiting for an MA to detach  
12 all that stuff from one another. It's much easier to replace  
13 a carbon and to show it all out to a lightning shot, which  
14 that's what causes carbons to operate is lightning.

15 Q And you said you found that it was lightning  
16 with all the ones that were attached to it, you had checked  
17 each one individually?

18 A Yes, uh-huh.

19 Q Do you know of anyone-

20 A (Interposing) That's not unusual with our high  
21 lightning area to have six houses in an area that's out of  
22 service due to -- all of it be due to burnt carbons, because  
23 lightning hit somewhere nearby, burnt carbons. Lightning is  
24 terrible. You ought to see what it can do out there  
25 sometimes.

1 Q Maybe I'll get a chance to one of these days.

2 A You might.

3 Q Do you know of anyone who's created fictitious  
4 trouble reports?

5 A Fictitious, no, never.

6 Q Do you know of anyone who has falsified a  
7 trouble report?

8 A No.

9 Q Do you know of anyone who has deliberately put  
10 the incorrect status codes on a trouble report?

11 A No.

12 Q Do you know of anyone who's been disciplined  
13 because of the company's investigation?

14 A No.

15 Q Have you ever been disciplined for your handling  
16 of a trouble?

17 A No, never.

18 Q Have you ever been threatened with discipline  
19 because you wouldn't follow the instructions a manager gave  
20 you on handling a trouble?

21 A No, no.

22 Q Have you ever had a reason to file a grievance?

23 A No.

24 Q Do you know of anyone else who has filed a  
25 grievance with the company about handling trouble reports?



1 A No.

2 Q Do you know of anyone who has protested  
3 instructions from the manager that they felt were improper on  
4 handling trouble reports?

5 A No.

6 Q Have you ever worked in sales?

7 A No.

8 Q Have you ever been asked to help sell?

9 A We've had sales programs in the past where we  
10 were asked to try to sell customer calling features or  
11 something, but that was just good if you do, it's okay if you  
12 don't.

13 Q But you've never actually sold anything to a  
14 customer?

15 A Well, I always referred them to a service rep.

16 Q In the business office?

17 A Yes, call the business office, they'll be happy  
18 to.

19 Q And that includes wire maintenance plans?

20 A Sure, yeah. I don't -- it's too much paperwork  
21 to do it yourself. Call somebody that knows all about it,  
22 because, you know, they want to know the price. As a cable  
23 repairman, we don't have that much contact with the customer,  
24 so we notify them we're working on it, and when we get  
25 through. It's not like we're working there on their

1 premises. You see them five minutes, and then you go work  
2 six hours maybe, and you come back or call later, so you  
3 don't really -- seldom do you ever get an opportunity to talk  
4 to them about their services, so we just -- I just refer them  
5 -- when they -- I do recommend inside wiring though.

6 MS. RICHARDSON: I'd like to go off the record  
7 for a second.

8 (A discussion was held off the record.)

9 Q (By Mr. Richardson) I think you mentioned a  
10 lead sheath cable at some point?

11 A Yes, when the outer jacket is lead.

12 Q Is that old technology or new technology?

13 A In Pensacola, it's current.

14 Q And how much lead sheath cable is left in  
15 Pensacola?

16 A Too much.

17 Q Can you give me a percentage or an estimate?

18 A No, no idea.

19 Q And do you know what streets it's on?

20 MR. BEATTY: I'm going to object to the  
21 relevancy of this.

22 If you know, you can answer the question.

23 THE WITNESS: I don't mind telling them.

24 A You can drive down the street and see for  
25 yourself whether it's lead or poly sheath, but I can't name

1 every street that it's on.

2 Q (By Ms. Richardson) What kind of service  
3 problems, trouble reports do you get on lead sheath cables?

4 A When I was in the area that had a lot of lead  
5 sheath, most of it was wet cables due to holes or cracks,  
6 ring cuts, whatever, in the lead sheath.

7 Q And what generally caused the holes or the  
8 cracks or the ring cuts?

9 A Well, you had -- you had ring cuts, that's where  
10 the lead sheath cable is laid in rings that are attached to  
11 the strand. Those over a period of years, the lead rubs on  
12 that ring, and the ring cuts all the way through till it gets  
13 to the paper insulation. And you get a rain, it gets wet.  
14 That's what we call a ring cut.

15 Weather cracks, just the stress on the cable.  
16 The lead will crack, and it'll get wet.

17 Then squirrel bites on lead sheath cable.

18 Q So squirrels like that lead sheath cable?

19 A Yes, they do.

20 Q And then when you're closing these out to a  
21 cause code, what cause code do you generally use for these  
22 three types of problems?

23 A Just as I explained, the -- well, I don't  
24 remember the -- if I remember right, some of our tickets had  
25 ring cuts on them, and we showed it to a ring cut. Today's

1 ticket doesn't have that, and I don't -- right now without  
2 looking at one, I don't know what I'd close it out to.  
3 Something to do with hardware, I'm sure.

4 Q But prior to this, maybe it was moisture?

5 A Sure.

6 Q That was the kind of problem you talked about?

7 A From '70 on up, it was moisture -- well, you'd  
8 put in your remarks ring cut, and if there was a code in the  
9 book for ring cut, I'd normally show it ring cut. But if  
10 there wasn't, it went to moisture.

11 Q Can you tell me when the company stopped putting  
12 up new lead sheath cable in Pensacola?

13 A New lead sheath cable?

14 MR. BEATTY: I'm going to object again to  
15 relevance. I mean, this is substantially outside the  
16 scope of the issues about which this deposition is  
17 supposed to be concerned with, and I think that I've  
18 permitted a reasonable inquiry into nonrelevant areas,  
19 and I think you've gone beyond the bounds of  
20 reasonableness, and so, again, I object.

21 MS. RICHARDSON: Well, as Mr. Poucher has  
22 indicated to me, the docket deals with quality of  
23 service issues, and if lead sheath is not a system of  
24 quality of service or contributes to a lesser quality  
25 of service in Pensacola than other areas, then since

1 we deal with quality of service as a specific issue in  
2 a rate case, then I see that there is some relevance  
3 that would allow at least discovery on the issue.

4 MR. BEATTY: I think not. I think that to the  
5 extent that these depositions are taken pursuant to  
6 the matters that we have sent to you via discovery,  
7 and that is specifically with regard to the documents  
8 that you have shown previous witnesses, that becomes  
9 the focus of these depositions, I think, therefore,  
10 this issue is very substantially outside the scope.

11 MS. RICHARDSON: I'm sorry, Mr. Beatty. I won't  
12 allow the company to dictate the scope of a deposition  
13 when I have a consolidated rate case docket with  
14 several investigations going, and I'm permitted to  
15 define what is within the scope of that, at least in  
16 terms of relevance.

17 Now, if you want to direct Mr. Thomas-

18 MR. BEATTY: (Interposing) What you will or  
19 will not allow is not relevant. What I'm suggesting  
20 to you is that I object, and this is outside the scope  
21 of the deposition.

22 Now, to the extent that I have not gone any  
23 further than that, then I haven't gone any further,  
24 but to the extent that you think that you are going to  
25 indicate to me what the company will or will not

1 dictate or define or otherwise is just not relevant to  
2 these proceedings.

3 MS. RICHARDSON: I was just responding to your  
4 statement that you felt that these depositions only  
5 dealt with the documents you gave me.

6 MR. BEATTY: Correct.

7 MS. RICHARDSON: And in terms of my looking at  
8 this, I will not be limited to just those two  
9 documents that the company gave me. I will be limited  
10 by the issues in the case or any of those four  
11 consolidated rate cases, but I won't let the company  
12 determine what the limits of that issue is for me in  
13 asking my questions.

14 MR. BEATTY: Well, again, then we can move on.  
15 What you will or will not permit the company to do is  
16 really not relevant to these proceedings. What I've  
17 indicated to you is I object on the record.

18 MS. RICHARDSON: That's fine.

19 MR. BEATTY: Now, whatever you decide to do from  
20 this point forward is, of course, your decision.

21 Q (By Ms. Richardson) Mr. Thomas, I think you  
22 said that you had worked in rehab; is that right?

23 A Yes.

24 Q And what kind of rehab work did you do?

25 A Replacing terminals that -- well, part of the

1 job is to identify the problem, and then we either -- in the  
2 crew I was in, we either fixed it or sent it back to  
3 engineering for drawings to fix it. It just depended on the  
4 cost factor. If it was a matter of just replacing a few  
5 terminals, then we took that upon ourselves as a crew to  
6 replace the terminals. If it called for more than 300 feet  
7 of cable to be replaced, et cetera, then it had to go back to  
8 engineering.

9 Q And maybe some other crew would be sent out; is  
10 that how that worked?

11 A Normally, yes. An engineer would have to draw  
12 up the job, and the job went to construction forces, cable  
13 splicers.

14 Q Have you been replacing copper cables and lead  
15 sheath cables?

16 MR. BEATTY: I object to the form of the  
17 question as a compound question. I object also on the  
18 grounds of relevancy.

19 Again, I've permitted reasonable latitude into  
20 these areas. I think you've gone beyond the bounds of  
21 reasonableness, and I would request that you cease and  
22 desist this line of inquiry. And short of that, at  
23 least if you do not intend to cease and desist this  
24 line of inquiry, at least make the question a proper  
25 question.

1 MS. RICHARDSON: Now we're going to do about six  
2 more questions on this I think we've got right here,  
3 so let's do one at a time.

4 Q (By Ms. Richardson) Are you replacing copper  
5 cable; have you been?

6 A No. All of our cable is copper.

7 Q Have you been replacing lead sheath cable?

8 A Have I been replacing lead sheath cable?

9 Q As part of your rehab work.

10 A If the lead sheath cable required -- was  
11 necessary to be replaced, yes.

12 Q Is your rehab work getting larger or smaller in  
13 quantity?

14 MR. BEATTY: Objection, relevance.

15 A I couldn't really tell you. I can tell you what  
16 me and my partner do, but overall --

17 Q (By Ms. Richardson) Well, you and your partner.

18 A Well, probably a little bit lighter than what we  
19 were doing a year-and-a-half ago.

20 Q Do you know how many people work in rehab?

21 MR. BEATTY: Objection, relevance.

22 A In the crew I'm in, just two of us -- well, two  
23 of us as far as him and I do it -- we get the packages that  
24 come from Jacksonville to our check-out areas eventually. It  
25 probably originated in engineering. But we have other people



1 that -- our trouble load right now is light, so we have other  
2 people that are working in our turf area that are going  
3 around rehabbing on their own, stuff that needs to be -- you  
4 know, they worked on it for years, and they know a piece of  
5 cable is bad, so they get the boss to order them some cable,  
6 and get it placed, and cut it around. And those terminals on  
7 the street are bad, so they've been out replacing the  
8 terminals.

9 Q (By Ms. Richardson) Do you know within the  
10 district then about how many people are working on rehab?

11 A No.

12 MR. BEATTY: Objection, relevance.

13 Q (By Ms. Richardson) What percent of your time  
14 is spent on working repair?

15 A Repair, percent of my time on repair, normally  
16 only on an overtime basis, so my 40-hour workweek is normally  
17 rehab, something to do with rehab. Bulk recovery, I consider  
18 bulk recovery, any special projects that come along that need  
19 to be looked at, it's all the same, I put that under rehab.

20 Q About how much overtime are you running then on  
21 repair?

22 A Well, we were allowed to work Saturdays up till  
23 now, so most every Saturday I was doing repair work.

24 Q So did that mean you were working six days a  
25 week?

1 A Yes.

2 Q Did you also work overtime at night during the  
3 week?

4 A I used to, but I got too old for it and quit.

5 Q You used to have a large manhole in Warrington  
6 on Navy Boulevard-

7 MR. BEATTY: (Interposing) That's it. I object  
8 on the grounds of relevance. If you insist to ask  
9 that question, then please let me know.

10 MS. RICHARDSON: I'll drop it.

11 Mr. Thomas, I appreciate you being here through  
12 all the legal wrangling and everything, and I  
13 apologize. You don't look like you've been upset  
14 about it, but I apologize for all that wrangling going  
15 on. And I thank you for being here and for answering  
16 our questions. There may be a couple from the other  
17 end of the table before you go. Thank you.

18 MS. WILSON: I have no questions.

19 MR. BEATTY: Thank you.

20 MS. RICHARDSON: That's it.

21 WHEREUPON, the deposition was concluded.  
22  
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