

FPSC DOCKET No. 910163-TL

July 1, 1993

SBT REQUEST FOR CONFIDENTIAL

CLASSIFICATION OF DEPOSITIONS

TAKEN MAY 4, 5, + 6, 1993

ATTACHMENT C

(2 REDACTED COPIES)

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

FPSC DOCKET 910163-TL  
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY  
REQUEST FOR CONFIDENTIAL CLASSIFICATION

TRANSCRIPTS OF MAY 4, 5 & 6, 1993 DEPOSITIONS OF  
PELLEGRINI, JOOST, STOUT, FOUTZ, BOND, WILLIS, KILGORE,  
ROTE, CROSBY, ROBERTS, HALTIWANGER, PHILLIPS, METZ,  
WICHMAN, WILCOX, MONIZ, WILLIAMS, SCOTT, SHEPPARD AND STEPHENS

**JUSTIFICATION FOR CONFIDENTIALITY REQUEST**

1. This information is employee personnel information unrelated to compensation, duties, qualifications and responsibilities. As such, this information is confidential business information pursuant to Section 364.183, Florida Statutes, and is exempt from the requirement of public disclosure of Section 119.07, Florida Statutes.

The following information identified by page and line numbers is considered confidential and proprietary:

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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. 910163-TL

In re: Investigation into SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S compliance with Rule 25-4.110(2), F.A.C. Rebates. ) DOCKET NO. 910727-TL  
FILED: 04/28/93

DEPOSITION OF:

GERARD M. PELLEGRINI

TAKEN AT THE INSTANCE OF:

The Staff of the Florida Public Service Commission

PLACE:

Southern Bell  
3100 Emerson Street  
Jacksonville, Florida 32207

TIME:

Commenced at 8:20 a.m.  
Concluded at 9:35 a.m.

DATE:

Tuesday, May 4, 1993

REPORTED BY:

Marie C. Gentry  
Court Reporter

**ORIGINAL**

MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

## 1 APPEARANCES:

2  
3 J. SUE RICHARDSON, ESQUIRE, Office of Public Counsel,  
4 c/o The Florida Legislature, 111 W. Madison Street, Room 812,  
5 Tallahassee, Florida 32399-1400.

6 JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public  
7 Service Commission, 101 E. Gaines Street, Tallahassee,  
8 Florida 32399-0863, Telephone No. (904) 487-2740, appearing  
9 on behalf of the Florida Public Service Commission.

10 STAN L. GREER, Engineer, Florida Public Service  
11 Commission, 101 E. Gaines Street, Room G-28, Tallahassee,  
12 Florida 32399-0866, Telephone No. (904) 488-1280.

13 WALTER BAER, Analyst, Office of Public Counsel, c/o The  
14 Florida Legislature, 111 W. Madison Street, Room 812,  
15 Tallahassee, Florida 32399-1400.

16 ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications,  
17 Inc., Museum Tower Building, Suite 1910, 150 West Flagler  
18 Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

19 NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications,  
20 Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
21 30375-0001, Telephone No. (404) 529-5387.

22 WAYNE TUBAUGH, Southern Bell Telephone and Telegraph  
23 Company, 150 S. Monroe Street, Suite 400, Tallahassee,  
24 Florida 32301.

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I N D E X

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WITNESS

GERARD M. PELLEGRINI

Examination by Ms. Richardson	6
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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 GERARD M. PELLEGRINI

2 appeared as a witness and, after being duly sworn by the  
3 court reporter, testified as follows:

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q Mr. Pellegrini, would you please state your name  
7 and spell it so that the court reporter will have it right?

8 A My name is Gerard, G-e-r-a-r-d, M. Pellegrini,  
9 P-e-l-l-e-g-r-i-n-i.

10 Q And do you want to give me your position presently?

11 A I'm a staff manager with BellSouth  
12 Telecommunications.

13 Q In an IMC, or where are you located?

14 A I'm on the staff here in Jacksonville.

15 Q In Jacksonville. Okay. And would you please give  
16 us your address?

17 A Room 14HH1, 301 West Bay Street, Jacksonville.

18 Q And that's Southern Bell?

19 A Southern Bell Tower, yes.

20 Q Okay. And phone number?

21 A (904) 350-4864.

22 Q And how long have you been a staff manager?

23 A Here in Jacksonville?

24 Q Yes.

25 A Here in Jacksonville since 1983.

1 Q And what did you do with the company before you  
2 were a staff manager?

3 A I was a manager on the staff down at Fort  
4 Lauderdale from approximately -- let's see -- '77, I guess,  
5 to coming up here in '83. I worked in a budget job down in  
6 Fort Lauderdale.

7 Q A budget --

8 A In a budget job down in Fort Lauderdale.

9 Q But still a staff manager?

10 A Uh-huh.

11 Q Is that the same pay grade?

12 A No. The budget job was really -- at that time it  
13 was a first-level position. Probably supervisor was the  
14 title, I guess.

15 Q All right. And your present staff manager  
16 position, I assume, has been a promotion to what pay grade  
17 level?

18 A Well, actually, I, after about two years on the  
19 budget, was promoted to what you would call, I guess, a staff  
20 manager. It was a different title back then.

21 Q Okay.

22 A But it was down in Fort Lauderdale from about '78,  
23 I guess, to '83, till I moved up here.

24 Q And what is your present pay grade level?

25 A Pay grade 4.

1 Q And have you ever had IMC responsibilities at all?

2 A No.

3 Well, not in the field, if that's what you mean.  
4 Have I ever had an IMC job? No.

5 Q Have you given a statement to a company  
6 investigator in terms of the company's internal investigation  
7 into this docket?

8 A Yes.

9 Q Okay. Who was present when you made that  
10 statement?

11 A Robert Beatty and Hampton Booker, and I believe  
12 that was it. I don't recall.

13 Q Were you disciplined in relation to the company's  
14 investigation into this docket?

15 A No.

16 Q Did you discuss today's deposition with anyone  
17 before you came outside of the company attorney?

18 A I'm sorry. Outside of what?

19 Q Other than the company attorney.

20 A No.

21 Q Are you presently represented by an attorney in  
22 this deposition?

23 A No.

24 Q Has anyone advised you of possible criminal  
25 penalties that may apply if you perjure your testimony here

1 today?

2 A No.

3 Q Are you aware that the penalties for perjury may  
4 be --

5 MR. BEATTY: I object. This process is a process  
6 by which you are advising a client as if you were his  
7 attorney with regard to penalties which may or may not  
8 apply and I would object to that line of questioning.

9 MS. RICHARDSON: Let me just make it a statement  
10 instead of an advising. Okay? I'm not attempting to  
11 advise you, I'm attempting to make a statement and I  
12 have a copy of the statute with me if you would like to  
13 see it, or if you would like to talk to Mr. Beatty and  
14 have Mr. Beatty advise you.

15 Perjury is a third degree felony --

16 MR. BEATTY: I object.

17 MS. RICHARDSON: That's fine.

18 -- for persons who are found guilty of perjury and,  
19 of course, that requires a court trial and so on.

20 There is a possible penalty of up to five years in  
21 jail and there's also a possible penalty of a \$5,000  
22 fine. Okay?

23 MR. BEATTY: Well, at this point then, because  
24 you've gone so far, I think by the action you've taken  
25 to make the comments that you've made with regard to the

1 perjury statute appear to me to either be an effort to  
2 or at least may have the effect of intimidating the  
3 witness with regard to his testimony here today. I  
4 think it's very appropriate for you to read the statute  
5 so that the witness can get the full flavor of what  
6 perjury actually stands for.

7 MS. RICHARDSON: Okay. I tell you what we'll do.  
8 We'll go off the record and I will show it to you and  
9 you can have any questions that you may have either for  
10 me or Mr. Beatty.

11 Is that suitable to let him see it?

12 MR. BEATTY: I don't know why we would go off.  
13 I mean, you've come this far.

14 MS. RICHARDSON: All right.

15 The definition for perjury in an official  
16 proceeding means a proceeding heard or which may be or  
17 is required to be heard before any legislative,  
18 judicial, administrative or other governmental agency  
19 or official authorized to take evidence under oath,  
20 including any referee, master in chancery, hearing  
21 examiner, commissioner, notary or other person taking  
22 testimony or a deposition in connection with any such  
23 proceeding. Okay.

24 And then whoever makes a false statement which  
25 he does not believe to be true under oath in an official

1 proceeding in regard to any material matter shall be  
2 guilty of a felony of the third degree punishable as  
3 provided for a felony of the third degree.

4 MR. BEATTY: Thank you.

5 MS. RICHARDSON: And do you have any questions?

6 THE WITNESS: I want to take a break and talk to  
7 Robert.

8 MS. RICHARDSON: That's fine.

9 (Off the record.)

10 MR. BEATTY: If we can go back on the record for  
11 a second.

12 I just had a conversation with Mr. Pellegrini and  
13 this witness has been thoroughly intimidated in terms of  
14 providing his testimony here today by virtue of the  
15 process that has just been gone through with regard to  
16 the whole issue of perjury and Mr. Pellegrini would  
17 like to make a statement on the record.

18 THE WITNESS: I feel with the way Ms. Richardson  
19 has discussed the perjury and explained it and whatnot,  
20 I do feel intimidated by it.

21 I have worked for Southern Bell for many, many  
22 years, 21 years to be exact, and, as far as this  
23 intimidation, there may be some things that, you know,  
24 from my past that I don't recall or forgot or whatever  
25 that I feel she may try, you know, to use against me.

1           Anyway, I want it on the record that I feel  
2           intimidated by her statements.

3           MS. RICHARDSON: Okay. Mr. Pellegrini, my purpose,  
4           in making the statement regarding the perjury statute  
5           was to make sure that you were on notice and that you  
6           were aware of all the possible consequences that may  
7           result from this particular statement. We are not the  
8           only party involved in this particular docket. And  
9           since you are not represented by an attorney, I wanted  
10          to make you aware of that if you were not aware of it.  
11          I felt like you needed to know that before we went any  
12          further with your deposition today. So I just wanted  
13          to make that statement also on the record.

14          It was not for the purpose of intimidation. Okay.  
15          I want to assure you of that, but I can't help how you  
16          feel and how it affected you. That's not something that  
17          I have any control over.

18          MR. BEATTY: Having already objected to it, I will  
19          be brief. I think that the fact that this witness is  
20          not represented by counsel is not an issue of concern,  
21          at least not of proper concern for the Office of Public  
22          Counsel. I think also that by virtue of the advice  
23          that you have given him, I think you have made yourself,  
24          at least in sum and substance, his counsel.

25          MS. RICHARDSON: No, no.



1 MR. BEATTY: Excuse me. So, again, I think that  
2 this process is so totally inappropriate that it almost,  
3 almost necessitates with this particular witness,  
4 because he is feeling the way that he is, it almost  
5 necessitates withdrawing from this deposition this  
6 witness here today. It is that egregious, I believe,  
7 what has occurred here today.

8 MS. RICHARDSON: Okay. First of all, I have not --

9 MR. BEATTY: With that, we'll proceed.

10 MS. RICHARDSON: No. I disagree with your  
11 characterization, Mr. Beatty. Since we're still on the  
12 record, I would like to make that official statement.  
13 I disagree with your characterization of my position and  
14 my reading of the statement of the perjury, that it was  
15 for simply to get it on the record so that Mr. Pellegrini  
16 was aware that the statute was there and what the statute  
17 said. Okay? I did not attempt to advise him at all as  
18 to his answers to my questions. I will not do so. I'm  
19 not his attorney. I have asked him if he is represented,  
20 he said he was not represented here today. We've made  
21 that clear and we've established it on the record. I  
22 was answering both yours and his statement about  
23 intimidation, that my purpose was not to intimidate him  
24 in any way but just to get the information out on the  
25 table and let him react to it however he reacts to it -

1 like I said, I cannot control his reactions - but to  
2 put it out there just to clear the air, to make sure  
3 that we're all on the same playing field.

4 MR. BEATTY: I'm confident that it was not your  
5 intent to intimidate this witness. I feel very  
6 confident of that and I'll put that on record,  
7 obviously. The focus, though, is the effect of your  
8 going through this process and it is to that effect  
9 that I speak today.

10 MS. RICHARDSON: Okay.

11 Mr. Pellegrini, I guess since the possibility  
12 has been raised, let me ask you: If I proceed with  
13 questions, are you prepared to answer them at this time?

14 THE WITNESS: Yes.

15 MS. RICHARDSON: All right. Then let's go ahead  
16 and go on with the deposition, if we can.

17 BY MS. RICHARDSON:

18 Q You were telling me about your position in  
19 Jacksonville, or at least that's where I would like to start.

20 Can you please describe for me what your functions  
21 and your duties are in your present position?

22 A My main function is the responsibility of the MTAS  
23 data base for the North Florida area. I am the subject  
24 matter expert in that field of the data base as well as  
25 programs and what have you.

1 Q You're the subject matter expert in that particular  
2 area, MTAS. Is there anything else that you are responsible  
3 for?

4 A I currently conduct compliance and standardization  
5 reviews for the North Florida area.

6 Q How long have you been doing that?

7 A We began that -- I believe it was about the  
8 beginning of the summer last year. I don't remember the  
9 exact date.

10 Q Just for Jacksonville you mean?

11 A Well, no, the North Florida area, which is  
12 Pensacola, Jacksonville, Orlando, Cocoa and Gainesville -- I  
13 mean Melbourne and Gainesville.

14 Q Now, standardization reviews have been done much  
15 longer than that, haven't they?

16 A Well, you asked me what I do in Jacksonville.

17 Q Oh, okay. Were you involved in compliance and  
18 standardization reviews prior to this time?

19 A Yes. In the early to mid '80s time frame.

20 Q Okay. And where were you doing the reviews then?

21 A It was here in Jacksonville. There was a lapse in  
22 between the mid '80s and this past year.

23 Q Okay. Were you on -- well, let me ask you: Do you  
24 know when the standardization reviews were first done by the  
25 company? When were they created or invented or first done?

1 A I don't recall.

2 Q Because I was going to ask if you were a part of  
3 that process of developing the reviews to begin with.

4 A Not initially, no.

5 Q And what was your -- or did you have a specialty in  
6 doing the reviews? Was there a particular area in the  
7 compliance and standardization reviews that was sort of your  
8 specialty area?

9 A No. It was just the whole process.

10 Q In terms of the reviews themselves, there is  
11 several different modules or sections, aren't there?

12 A Yes.

13 Q During the process of the time, mid '80s and even  
14 presently, have you worked in reviewing every single module  
15 for any particular IMC?

16 A Yes.

17 Q Okay. I think what I would like to focus on are  
18 right now the modules related to trouble reports and trouble  
19 repairs.

20 In terms of having worked on compliance and  
21 standardization reviews, have you been part of the team that  
22 goes -- I guess visits the IMC and actually works hands-on  
23 with the DLETHs and so on with the standardization reviews?

24 A Yes.

25 Q You have done that?

1 A (Nods head.)

2 Q Okay. Can you tell me which IMCs you have actually  
3 paid visits to? As many as you can remember.

4 A Coastal, Jacksonville, West Florida. There were  
5 others I don't recall in the mid '80s. I can't recall them.

6 Q All right. All these, Coastal, Jacksonville and  
7 West Florida were also mid '80s, in that time frame?

8 A Well, Coastal and Jacksonville even this year.

9 Q Oh, okay. Mid '80s and '92. And then West Florida  
10 would just be mid '80s?

11 A West Florida was in the mid '80s as well. There  
12 were others. I don't remember which ones and when.

13 Q Okay. Do you know about how many reviews you've  
14 done? Is that even possible for you to figure it out?

15 A I don't recall.

16 Q Well, let's think about back in the mid '80s, was  
17 there a set number of reviews that you did every year? I  
18 mean like a goal. You had four to do or maybe five or  
19 whatever?

20 A No.

21 Q How often did you do a review in those days?

22 A Just periodically. There was no schedule.

23 Q Who decided when the reviews would be done?

24 A Usually it was the operations manager for the  
25 staff.

1 Q The operations manager. And who was that?

2 A In what time frame?

3 Q Well, you've got mid '80s, so it's kind of  
4 difficult. I'm working with your mid '80s. The more  
5 specific you can be, that's great. If you can't be specific,  
6 just qualify what you're telling me, you know, as best you  
7 can recall.

8 A In the mid '80s, I believe our operations manager  
9 was Robert Rupe.

10 Q And so it would be up to Mr. Rupe, then, to decide  
11 whether or not we're going to go and do a standardization  
12 review in Jacksonville or Coastal or somewhere else?

13 A Yes.

14 Q All right. And do you know how he made that  
15 decision?

16 A No.

17 Q Do you know if the reviews were ever ordered from  
18 higher up?

19 A I don't know.

20 Q Did Mr. Rupe have staff meetings with -- well, let  
21 me, first of all, ask you before we get to that point, how  
22 many other people were involved besides you in doing these  
23 reviews? Who else were they?

24 A There was Bob Fecht.

25 Q And that's F-e- --

- 1 A c-h-t. Curtis Wright.
- 2 Q And that's --
- 3 A W-r-i-g-h-t, I think.
- 4 Q Okay.
- 5 A Melanie Davis, Hampton Booker.
- 6 Q So there were five of you working for Mr. Rupe?
- 7 A Yes.
- 8 Q All right. Did Mr. Rupe have staff meetings,  
9 periodic staff meetings to discuss standardization reviews  
10 with you and the other four people?
- 11 A Not particularly, no.
- 12 Q What kind of training were you given in order to do  
13 a standardization review?
- 14 A None.
- 15 Q None. It was on the job or just based upon your  
16 experience?
- 17 A Experience.
- 18 Q All right. What kind of experience did you bring  
19 to the standardization and compliance review that made you  
20 capable of doing this job?
- 21 A The practices that we utilize.
- 22 Q Is that BellSouth practices?
- 23 A Yes.
- 24 Q All right. And how are you familiar with those?
- 25 A They were in writing.

1 Q Okay. I assume that most managers in Southern Bell  
2 have access to those but most managers weren't selected for a  
3 staff review position. What made your training or  
4 experience --

5 MR. BEATTY: Objection to the form of the question.

6 It assumes facts not in evidence.

7 You can respond.

8 THE WITNESS: Restate the question, please.

9 MS. RICHARDSON: Okay.

10 BY MS. RICHARDSON:

11 Q What in your background and experience made you  
12 qualified for this without any further training other than  
13 just being familiar with the rules?

14 A Just that and the MTAS data base.

15 Q Okay. Briefly outline your experience then with  
16 the rules. Go back for me.

17 A I don't understand.

18 Q Okay. Did you just read the rules once and then  
19 you were qualified?

20 A No.

21 Q Did you work with the rules?

22 A Uh-huh.

23 Q And that was a yes?

24 A Yes.

25 Q Tell me how you work with the rules.



1           A        You read them, go over them again and again and  
2 again. You reference them as you're doing your review.

3           Q        Okay.

4           A        It's a guide.

5           Q        Did you work with the rules prior to becoming a  
6 standardization and compliance review officer?

7           A        I don't understand the question. What do you mean  
8 "work with them"?

9           Q        Well, I'm trying to figure out. I believe you told  
10 me that you didn't have any special training for this job and  
11 the reason that you were qualified for the job was your  
12 familiarity with the rules and I've asked you for your  
13 experience with the rules and you're relating it to doing the  
14 standardization and compliance reviews. So is the first time  
15 you saw the rules during the compliance review?

16          A        No. The IMCs operate with these rules, guidelines,  
17 whatever you want to call them.

18          Q        And what was your function --

19          A        That's our staff is the IMC staff.

20          Q        All right. What was your function on staff then  
21 before you got to the position of doing standardization  
22 reviews?

23          A        Let me clarify a point. Standardization reviews  
24 are not the only job function that I have.

25          Q        Great. What else do you do?

1 A Well, I just told you, my main responsibility is  
2 the MTAS data base and programming.

3 Q All right. Has that always been the case since the  
4 mid 1980s?

5 A Yes.

6 Q When did you first start with the company?

7 A 1972.

8 Q All right. And what was your first position?

9 A I was an installer/repairman.

10 Q So you have some outside field experience?

11 A Yes, about four and a half years.

12 Q Four and a half years. And was that before the  
13 mechanization, the computerization of that process, the  
14 trouble repair process?

15 A I assume so. I have no knowledge of what went on  
16 inside in the beginning years.

17 Q Okay. In '72 the outside people didn't have a  
18 C-A-T, a CAT, did they?

19 A Oh, absolutely not.

20 Q Okay. Trouble tickets were on paper, weren't they?

21 A I don't know. I was an installer. I was not a  
22 repairman.

23 Q Oh, you didn't do any repair work at all?

24 A No.

25 Q Simply new service orders?

1 A Strictly installation.

2 Q All right. And installation, was that a paper  
3 ticket format?

4 A It was a printed thing, yes.

5 Q A printed thing you got?

6 A (No response.)

7 Q And how did you turn in your work assignments? How  
8 did that happen?

9 A You wrote in different fields on this form and at  
10 the end of the day you handed it in, plus you called it in as  
11 you completed each job to dispatch.

12 Q Okay. And then a maintenance administrator inside  
13 the building would take your call?

14 A No. They were -- I don't know what the title was  
15 but it wasn't maintenance administrator. It had nothing to  
16 do with maintenance at all.

17 Q I'm sorry.

18 A Two separate entities.

19 Q Are they the same now?

20 A Pretty much so, yes.

21 Q Okay. But in '72 they were absolutely separate?

22 A Very definitely, yes.

23 Q Okay. So, in terms of your staff manager position,  
24 how did you use the rules? In what way were you using the  
25 rules other than in the standardization reviews?

1 A Any questions that might come from field personnel  
2 as to how to this or how to that.

3 Q And the questions would be concerning simply  
4 installation or repair or both?

5 A you're jumping back and forth now.

6 Q Yes, I know.

7 A Well, I don't understand.

8 Q I'm trying to get you to clarify questions from  
9 field. What kind of questions?

10 A It would be like a particular type of repair job,  
11 would code such and such apply, different code.

12 Q Okay.

13 A Just general questions.

14 Q All right. And were these outside field techs  
15 calling you or managers or --

16 A No. These would be managers.

17 Q Okay. Were there occasions when the managers would  
18 call and ask to use special codes like a flood code or a  
19 hurricane code and have to get permission from you to do  
20 that?

21 A Not that I recall.

22 Q Were there ever occasions when you would notify  
23 managers -- let's just take for example like Hurricane  
24 Andrew. I know that was South Florida and you don't have  
25 those kind of responsibilities now. But if a hurricane had

1 come up back in those days, would it have been part of your  
2 responsibility to call the managers and say, "Look, we're  
3 going to be using that hurricane code for cause now simply  
4 because this stuff has been working, so let's use that."

5 MR. BEATTY: Objection to the form of the question.

6 It calls for speculation.

7 You can respond.

8 THE WITNESS: Restate the question.

9 MS. RICHARDSON: Okay.

10 BY MS. RICHARDSON:

11 Q Were there ever any times when it would be your  
12 responsibility to call managers and tell them to use specific  
13 codes that might have applied, given certain conditions,  
14 weather conditions, or whatever?

15 A It would not be my responsibility, no.

16 Q Would you ever have done so?

17 A Under direction, yes.

18 Q Direction of whom?

19 A Higher management.

20 Q And who would your higher management have been at  
21 that time?

22 A In my case I would report directly to the  
23 operations manager.

24 Q And who was that?

25 A T. C. Taylor.

1 Q So can you recall any specific occasion when  
2 Mr. Taylor called you or told you to notify everyone that we  
3 need to be using a certain code because of certain weather  
4 conditions or whatever?

5 A Yes.

6 Q Can you tell me about that?

7 A It was in Hurricane Andrew specific. We were sent  
8 down there to work the hurricane and whatnot.

9 Q Okay. Were there any times prior to Hurricane  
10 Andrew back in the -- as far back as you can go in your  
11 memory while you've worked with the company that that has  
12 happened?

13 A Not that I recall.

14 Q Okay. Let's go back. Can you think back to the  
15 mid '80s when you were first doing these reviews and you were  
16 handling Coastal and West Florida and so on, how many times  
17 can you recall doing a standardization review in Coastal?

18 A Two that I can recall.

19 Q Two. And were both of those in the mid '80s or  
20 were they --

21 A No, they were recent. They were recent, within  
22 probably the last year or so.

23 Q Okay. What about Jacksonville?

24 A Jacksonville --

25 MR. BEATTY: Objection to the form of the question.

1 Q How many times can you recall having done a  
2 standardization or compliance review in Jacksonville?

3 MR. BEATTY: Is this ever?

4 MS. RICHARDSON: Yes.

5 A Twice.

6 Q Twice. And are both of those recent or do you  
7 remember something before?

8 A One is recent and one was sometime in the '80s. I  
9 don't remember.

10 Q And let's try West Florida. About how many have  
11 you done there?

12 A I've done one there, and I don't remember when it  
13 was. It was certainly in the '80s sometime.

14 Q Okay. Have you ever had occasion to go back and  
15 re-review, do a follow-up review in one of these areas or any  
16 of the areas, IMCs, that maybe you can't even remember what  
17 the name of it was.

18 A Restate the question. I don't understand it.

19 Q Have you ever had an occasion or a reason to go  
20 back and re-review an IMC that you had done maybe a couple of  
21 months before?

22 A I still don't understand.

23 Q Okay. Let's take -- see if you can think back to  
24 the '80s when you were doing the reviews. Do you recall any  
25 occasions when an IMC was scored by you as unsatisfactory?

1 A Not that I can recall.

2 Q Okay. Can you recall any occasion when an IMC was  
3 scored satisfactory on all of the modules?

4 A I don't remember if we even had a satisfactory or  
5 unsatisfactory. It was a percent error.

6 Q Percent error? Okay. Thinking back then in terms  
7 of percent error, was there some kind of threshold below what  
8 -- is an IMC fell below that percentage that you would  
9 consider retraining or some kind of problem existed?

10 A Not that I recall.

11 Q What was the purpose of standardization reviews in  
12 the mid '80s?

13 A To see that everyone was performing their work and  
14 coding and whatnot to the standards of the BSP.

15 Q And did you always find that everyone was coding  
16 properly and performing according to the standards of the  
17 BSP?

18 A Be more specific. That's too vague.

19 Q Well, did you ever find on one of your reviews  
20 where one of the IMCs was not performing according to the  
21 BellSouth practices on the review that you did?

22 A Define "performing" for me. I don't understand.

23 Q Okay. What would you consider -- part of your  
24 responsibility was to determine whether or not they were  
25 performing according to the BSP; is that correct?



1 A Uh-huh.

2 Q Okay. Then you define "performing" for me.

3 A "Performing" is the work that they're doing that is  
4 in accordance with the BSP.

5 Q Now, was there ever an occasion when you found that  
6 the IMC was not performing according to the BSP?

7 A Let me answer it by saying we found errors, human  
8 errors, if you want to consider an error not performing.

9 Q Well, I'm trying to use your definition,  
10 Mr. Pellegrini. Okay? So give me a definition that you're  
11 comfortable with and then let's go from there.

12 MR. BEATTY: Objection. It's been asked and  
13 answered.

14 You can go ahead.

15 A I just restate that we did have errors, human  
16 errors, mistakes, misunderstandings, and it was scored as  
17 such.

18 Q All right. And once you had finished the review,  
19 what did you do?

20 A You had a feedback.

21 Q And to whom did you feed back?

22 A Usually the manager of the maintenance center.

23 Q First level, second level, operations manager?

24 A Second level.

25 Q Second level?

1 A Quite often operations managers would sit in.

2 Q But not every time?

3 A Not that I recall.

4 Q Okay. And how was this feedback done or given?

5 A It was in writing and it was also verbal.

6 Q And were you responsible for the verbal feedback?

7 A Yes, if you were the reviewer.

8 Q Okay. Would it be just you or would a team of  
9 reviewers? Would you go down with Mr. Fecht or Mr. Wright or  
10 one of the other people and do the review?

11 A We had on occasion.

12 Q Okay. And then in terms of the feedback, if you  
13 and maybe one of the other reviewers were a party to that  
14 particular review, would both of you go down and give  
15 feedback?

16 A Probably. I don't remember. It's too long ago.

17 Q Okay. And do you know what the manager did with  
18 the feedback once you had given it to him or her?

19 A Hopefully they covered their people on the errors.

20 Q Okay. But you don't know?

21 A No.

22 Q Was there ever an occasion when they asked you to  
23 come back and do training?

24 A No.

25 Q Was there ever an occasion where Mr. Rupe or

1 someone above him asked you to go back and re-review a  
2 particular IMC that you had just done?

3 A Not that I recall.

4 Q Was there ever an occasion when an IMC did not meet  
5 the percentage performance that either you or Mr. Rupe felt  
6 was satisfactory and a decision was made to go back and  
7 re-review to see if the feedback had been effective?

8 A You already asked me that question and the answer  
9 is no.

10 Q Okay. Let's take it to '92. All right. Well, let  
11 me first, before that, mid '80s. Were these reviews kept?

12 A I believe most of them, yes.

13 Q Okay. Do you have access to copies of these  
14 reviews?

15 A Yes. We forwarded them to your office.

16 Q Okay. I know that our office doesn't have all of  
17 them, okay, but some of them were evidently not available.  
18 But in terms of you specifically, let's just deal with you  
19 specifically, every review that you have kept has been turned  
20 over?

21 A Yes, ma'am.

22 Q Okay. I have -- I think I've added -- you have  
23 given me five reviews that you can recall having done and  
24 that's between the mid '80s and '92. Is that the sum total  
25 of your reviews or do you think you may have done more than

1 five?

2 A I think I did more.

3 Q Okay. And can we do -- let's play bigger than a  
4 breadbasket for a minute. Did you do maybe ten?

5 A Probably. I would say no more than that though.

6 Q No more than ten? Ten might be the maximum?

7 A (Nods head.)

8 Q Okay. And is there any way on these reviews that  
9 you did back in the mid '80s to identify whether it was your  
10 particular review, one that you personally had done?

11 A Some of them had cover letters on them that would  
12 mention the fact that I was the reviewer.

13 Q And who would have written the cover letter? Whose  
14 signature would have been on that?

15 A Probably the operations manager.

16 Q But there's no other way to identify whether it was  
17 one that you had done personally?

18 A In the earlier years? Not if there's not a cover  
19 letter on it. I don't think the names appear anywhere on  
20 them.

21 Q Okay. Is there some way to do it now, to determine  
22 who did the review?

23 A No.

24 Q I'd like -- in terms of asking about the mid '80  
25 reviews again, was there any kind of retention policy for

1 these reviews, to keep them either on disk format or paper  
2 format?

3 A There wasn't, no, that I know of.

4 Q Is there one now?

5 A Yes.

6 Q And what is the retention policy now?

7 A Five years.

8 Q Five years? And is that in paper format or disk or  
9 both?

10 A I'm not sure. I keep mine in paper format. There  
11 is a policy. I'm not positive what it is. I do keep mine  
12 now in paper format.

13 Q Okay. Is there a central storage? Do you have to  
14 turn over a copy in some format to somebody or some custodian  
15 that keeps these things or --

16 A My operations manager is responsible to keep them.

17 Q And that's Mr. Taylor?

18 A Yes.

19 Q Okay. Is there a policy now in '92 for  
20 re-reviewing particular IMCs that were considered not  
21 performing?

22 A I believe so, but I can't be positive. I would  
23 have to re-read the BellSouth practice on that.

24 Q What BellSouth practice covers reviews?

25 A Well, it's not really a practice. It's a review

1 package that come out of BellSouth.

2 Q And is that the title "Review Package"?

3 A I don't know what its title is. Compliance and  
4 Standardization, I guess.

5 Q About how many pages is that document? Can you  
6 give me an estimate?

7 A 35 or 40.

8 Q Have you developed for your own use any kind of  
9 quick reference guide or tool or sort of a manual that you go  
10 by when you do these reviews?

11 A No.

12 Q Has Mr. Taylor developed anything or passed  
13 anything to you that would be helpful in terms of doing a  
14 review, sort of a reminder sheet, something quick and handy  
15 or pinpointing certain items and so forth?

16 A No. We use the package.

17 Q Does the package have in it a series of reviewer's  
18 hints, things --

19 A Yes.

20 Q Okay. Let me give you a question then: In terms  
21 of one of the modules that you review in the trouble repair  
22 process, the employee-originated reports -- and I guess to  
23 set a foundation, can you define for me what an EO or an  
24 employee-originated report is?

25 A It's a trouble report in the system where the

1 creation of it or the knowledge of it was gained by an  
2 employee exclusive of any conversation with the customer.

3 Q And then how does an EO report get generated?

4 A There's people in the maintenance center that have  
5 that capability through the convergent system to create it.

6 Q Convergent system?

7 A It's a computer. It's a terminal.

8 Q Is that LMOS?

9 A Yes. I'm sorry.

10 Q L-M-O-S. And I'm guilty of using acronyms, too.

11 Would that be called in through A-I-R-O, AIRO?

12 A I don't believe so. I don't think you could do  
13 that through AIRO.

14 Q Now, in terms of reviewing employee-originated  
15 reports, what are some of the reviewer's hints that you are  
16 given to look for?

17 A Well, you want to know who is the employee,  
18 naturally, creating the thing and briefly how did they gain  
19 knowledge of the condition. That's it.

20 Q All right. And would the gaining of knowledge show  
21 up somewhere on the DLETH, D-L-E-T-H?

22 A It should be in the narrative, yes.

23 Q All right. And if it's not in the narrative, is  
24 that an AIRO?

25 A Yes.

1 Q Reported as an AIRO? Is that the only AIRO you  
2 look for in EO reports?

3 A That and who created it. Really who and why is  
4 what you're looking for.

5 Q Okay. Have you ever had experience back in the  
6 '80s and '92s when you were doing, at any point that you were  
7 doing these reviews, had occasion to look at  
8 employee-originated reports that were generated within five  
9 or ten minutes of a closed-out out-of-service report on the  
10 same number?

11 A I don't recall. May have.

12 Q Is that something that you look for at all?

13 A Yes.

14 Q Okay. Is that in the reviewer's hints to look for  
15 that?

16 A I'm not sure.

17 Q Why would you look for that?

18 A To determine that they didn't close out a trouble  
19 report, a customer trouble report, and issue an employee  
20 report to continue repairs.

21 Q All right. For what purpose would they have done  
22 that? Why would they have done that?

23 A I don't know.

24 Q Are you familiar with the requirement that the  
25 company complete out-of-service repairs within 24 hours at



1 least 95 percent of the time?

2 A Yes, I am.

3 Q Okay. Would closing out an out-of-service report  
4 just under 24 hours and then opening up an  
5 employee-originated report raise any questions in your mind?

6 A It could.

7 Q All right. And what kinds of questions as a  
8 reviewer would you be asking yourself?

9 A Was the first report legitimately closed out, and,  
10 as far as the issuance of the employee report, was it within  
11 the guidelines.

12 Q Okay. And when you look at this juxtaposition of  
13 the category direct report and the EO report within five or  
14 ten minutes, what on those two reports do you look at to  
15 determine whether there's been an improper closing of the  
16 out-of-service report and an opening of the employee report  
17 in order to really finish the work on that particular  
18 trouble?

19 A Restate the question.

20 Q Okay. It was a long question.

21 If I'm going to look at the two DLETHs, the  
22 out-of-service DLETH that was closed before 24 hours and  
23 appears to be not fixed because we've got an employee report  
24 immediately following it, where do I look on the DLETH to  
25 determine whether or not the first report was improperly

1 closed?

2 A Well, today you would look to see if the close-out  
3 VER Code, V-E-R Code, still showed that there was possibly  
4 trouble on the line, and the biggest thing, naturally, is why  
5 was the employee report created.

6 Q All right. And would that be only in the narrative  
7 or would there be some other information in the EO report  
8 that I could look at that might determine that it really is a  
9 follow-up on the out-of-service report?

10 A Well, your narratives throughout the whole DLETH  
11 would be what you're looking for to determine the why.

12 Q Would one of the narratives be what the customer  
13 said? Would that be one of the things I'd look at?

14 A It could be, yes.

15 Q Okay. And if the customer is complaining on the  
16 original report that he couldn't call out and then also  
17 complaining on the employee report that they still can't call  
18 out, then there might be a problem?

19 A It could be.

20 Q Have you ever found instances where out-of-service  
21 reports were closed out early in order to meet the index with  
22 an employee report opened?

23 A I can't remember.

24 Q Let me ask you what a C-O-N is. Do you know what  
25 the CON Code is?

1 A Yes, I do.

2 Q Okay. Can you briefly explain that?

3 A It's an acronym and it stands for carry-over no.

4 Q Okay.

5 A And what do you want to know about it?

6 Q Just briefly define it for purposes of my follow-up  
7 questions.

8 A Its intended use in the past, because we don't have  
9 that code anymore, was when a subscriber called in requesting  
10 a date beyond what we're offering for an out-of-service  
11 commitment, which we call future date requested, and we're in  
12 a position to provide their service to be put back in now but  
13 they don't want us there until, say, two or three days from  
14 now, the CON transaction was such that you didn't penalize  
15 yourself on an out-of-service over 24 hours because the  
16 customer didn't want you out there. That's what its intended  
17 use was.

18 Q All right. Have you ever in doing standardization  
19 reviews found a problem in the use of the CON Code?

20 A Define "problem."

21 Q Okay. Well, let me go back and give you some  
22 source information for why I'm asking this question.

23 A Okay.

24 Q Okay. Are you familiar that the Attorney General  
25 has recently released some statements from Southern Bell

1 employees?

2 A Yes, I am.

3 Q Okay. Have you had occasion to read a statement by  
4 Ms. Melanie Davis?

5 A No, I have not.

6 Q Okay. Well, in Ms. Davis' statement, she makes  
7 reference to you as having investigated an allegation of the  
8 creation of false trouble reports and, in doing so, you found  
9 a C-O-N, or CON Code problem, something to do with 88 percent  
10 problem rate or error rate. Okay. Now, that's the preface  
11 for my particular question. If that jogs your memory, fine.  
12 If it doesn't, fine.

13 Now, have you ever found any problems in the use of  
14 the CON Code?

15 MR. BEATTY: Object to the form of the question.  
16 Counsel has testified with regard to matters that are  
17 not before this particular witness, and so, therefore,  
18 I suggest to you that the predicate issue as you've  
19 referred to it is not a predicate for this witness at  
20 all. I object.

21 A Your question was originally did I find anything on  
22 CON standardization reviews.

23 Q Okay.

24 A And the answer to that is no.

25 Q All right.

1           A       Now, what your information is -- I don't remember  
2 any 88 percent. I don't know where that came from. But we  
3 did have a problem in the Miami Metro operation, which is not  
4 under my responsibility, but myself and Bob Fecht looked into  
5 it because one of the numbers appeared to be out of line and  
6 it was because of CON and we turned that over to higher  
7 management. That's all I can tell you about it.

8           Q       Well, can you tell me approximately what year or  
9 what time this occurred?

10          A       I believe it was in the fall of 1990, but I'm not  
11 positive.

12          Q       Did you look at a particular employee code on that  
13 report?

14          A       I don't remember whether it was a particular  
15 employee or not, but it was a significantly high use that was  
16 certainly out of line.

17          Q       Did you form any opinion as to why the CON was  
18 being significantly highly used?

19          A       I did not. Like I say, there was a problem that  
20 needed investigation and we turned it over to higher  
21 management.

22          Q       All right. And who was higher management in that  
23 case?

24          A       We gave it to April Ivy and T. C. Taylor.

25          Q       And do you know what either Mr. Taylor or Ms. Ivy

1 did with it?

2 A No, I do not.

3 Q Do you know if any further investigation was done  
4 by security or anyone else?

5 A That I don't know.

6 Q Do you know if that ended Mr. Fecht's participation  
7 in this particular instance also?

8 A No, I don't know.

9 Q Can you recall what you were investigating, this  
10 allegation of creating false trouble reports, at the time?

11 A Rephrase the question. It's not clear.

12 Q All right. Ms. Davis made some statement about you  
13 were at that point investigating someone creating false  
14 trouble reports.

15 A In the Miami Metro?

16 MR. BEATTY: I object to the form of the question  
17 again. Counsel is testifying regarding matters that are  
18 not in the record in this proceeding, that are not before  
19 this witness, and it is inappropriate, procedurally  
20 inappropriate for counsel to continue to refer to matters  
21 that are not before this witness. I object. And out of  
22 fairness to the witness, you might want to ask the  
23 questions based upon whatever knowledge you may have, but  
24 to attempt to lock him into or to induce him to respond  
25 based upon testimony that again is not his own is

1 inappropriate.

2 With that, if you can answer the question, please  
3 do.

4 THE WITNESS: Rephrase -- restate the question,  
5 please.

6 MS. RICHARDSON: Okay.

7 BY MS. RICHARDSON:

8 Q Do you recall investigating allegations that an  
9 employee or maybe even more than one employee were creating  
10 fictitious trouble reports?

11 A Yes.

12 Q All right. About when did this occur?

13 A I believe it was the winter of 1990.

14 Q Winter of '90. And which IMC did this involve?

15 A Gainesville, Florida.

16 Q In Gainesville. All right. And were you on that  
17 particular investigation with anyone else?

18 A Yes.

19 Q And who else was involved?

20 A Jerry Moore.

21 Q And that's J-e-r-r-y?

22 A Yes.

23 Q And M-o-o-r-e?

24 A Yes.

25 Q And what was his position?

1 A He was my manager at the time on the staff.

2 Q And how did your staff become involved in this  
3 fictitious trouble report problem?

4 A The incident in North Dade where two employees were  
5 dismissed.

6 Q

7 A I believe.

8 THE REPORTER: Spell that, please.

9 THE WITNESS: I don't know.

10 MS. RICHARDSON: and is

11  
12 A The finding and review that Bob Fecht did down  
13 there was the dismissal, and it prompted us to look  
14 throughout the entire state for similar occurrences.

15 Q Okay.

16 A And we did find in Gainesville this situation of  
17 trouble reports that could not be, in our mind, accountable.

18 Q All right. What led you to make that conclusion?

19 A There was a usage of a fictitious employee code  
20 creating a trouble. They were all made Test OK, they were  
21 all made out of service, they all had a very short cradle to  
22 grave time, let's say, received a final status time, and in  
23 subsequent investigation found them to be only small  
24 exchanges and the alphabetizing of the names indicated to us  
25 that it came from the phone book, which we did get a phone



1 book and they were in alphabetical order.

2 Q So someone had just gone down the phone book and  
3 created reports off those phone numbers?

4 A It looked that way.

5 MR. BEATTY: Objection to the form of the question.

6 It calls for speculation.

7 BY MS. RICHARDSON:

8 Q Was any follow-up review done after this report was  
9 finished?

10 A Not a review.

11 Q Okay. Well, let's go back. I'm off track here.  
12 Let me get back.

13 You and Mr. Moore investigated this event in  
14 Gainesville and drew these conclusions and you, I believe  
15 said, this was a statewide review that was triggered by the  
16 North Dade Test OK events. Do you know of any other  
17 information that came out of the statewide review?

18 MR. BEATTY: I object to the form of the question.

19 Counsel again is testifying for this record.

20 Respond if you can.

21 A There were findings, but the seriousness in  
22 Gainesville was the one that stands out in my mind  
23 particularly.

24 Q Okay.

25 A Very serious.

1 Q Do you know about how many customers were affected  
2 by this?

3 A No, not a count, but it was not a large amount. I  
4 can't answer that. I'm not sure. But it was not a large  
5 amount, no.

6 Q Okay. Did you have any findings as to why this  
7 occurred?

8 A It appeared to be, you know, as a kind of --  
9 referenced now as base building.

10 Q Okay. And can you explain what base building is?

11 A I don't know. It didn't come out of Southern Bell.  
12 It came out of one of you people.

13 But base building to raise the level of base, if  
14 you will, of out-of-services to more or less give you a  
15 percentage that was meeting the objective.

16 Q Okay. And that objective being the 95 percent  
17 index for out-of-service under 24?

18 A Yes.

19 Q And you said Gainesville was the most significant.  
20 Do you recall any of the findings from any other parts of the  
21 state?

22 MR. BEATTY: Objection to the form of the question.  
23 Counsel is testifying.

24 THE WITNESS: Restate the question.

25 MS. RICHARDSON: Sure.

1 BY MS. RICHARDSON:

2 Q I'm going back again. I believe you said this was  
3 a statewide investigation triggered by North Dade. Do you  
4 recall any of the other findings from the rest of the state?

5 MR. BEATTY: Objection to the form of the question.

6 Counsel is testifying.

7 A There were errors, but I don't remember anything  
8 outstanding. I would have to look at the document again,  
9 which you have.

10 Q Okay. Was the sole focus of the statewide  
11 investigation just the use of Test OK?

12 A I believe so, yes.

13 Q Do you know of any other statewide investigation  
14 that went beyond just Test OK?

15 A There was an overall entire investigation, but I  
16 don't know, you know, what items they looked at necessarily.

17 Q Is this the internal audit privileged investigation  
18 that you're referring to that the company is claiming  
19 privilege for?

20 A Yes.

21 Q Do you know of any other statewide investigation  
22 other than the privileged one that the company is claiming  
23 privilege for?

24 A Well, from what we found in Gainesville, we turned  
25 over to higher management and security. I don't know if

1 that's privileged or not.

2 Q Okay. I'd like to ask you about some other matters  
3 here. Have you heard the terms "backing up the time"?

4 A Yes.

5 Q And what does that mean to you? What's your  
6 understanding of those terms?

7 A Backing up the time to -- the clear time in  
8 particular to the time that service was actually restored.

9 Q Okay. And is that the only context that you've  
10 heard it in?

11 A I've heard rumors, but I'm not going to testify to  
12 rumors.

13 Q Have you ever heard of anyone backing up a clearing  
14 time in order to meet that 24-hour index?

15 A Only hearsay and rumors.

16 Q Have you ever had occasion in doing your reviews at  
17 any point in time that you were doing compliance and  
18 standardization reviews to check into whether or not times  
19 were being backed up in order to meet an index?

20 A It was something we looked at, yes.

21 Q When you say "something we looked at," is that  
22 every time you did a review or just occasionally or when  
23 someone indicated there might be a problem?

24 A No. It was pretty much every time.

25 Q And during all of those times did you ever find any

1 employee backing up a clearing time?

2 A I don't recall. We may have. But it wasn't  
3 anything widespread.

4 Q Okay. Let me rephrase it a different way. During  
5 that time did you ever find an employee backing up a clearing  
6 time in order to meet the out-of-service 24-hour index?

7 A I can't recall.

8 Q Let me ask you: When you look at -- when you do a  
9 review to check on backing up the clearing time, how can you  
10 tell if the time has been backed up?

11 A The clear date and time would be different from --  
12 in the '80s would have been different from what we call a TH  
13 key time which is when the trouble is passed to the host.  
14 However, you have to kind of temper that from the standpoint  
15 that the host can possibly be delayed, as Mr. Hall gave in  
16 his testimony, that there can be a delay when passing from  
17 the front end to the host. You kind of look at the  
18 difference between the two times in the '80s.

19 Currently we don't use clear time at all. We use a  
20 final status time, which is the machine, so there's no need  
21 to look at all at something like that.

22 Q All right. What about his E and T time, the actual  
23 machine time, versus the manual time? Do you check those  
24 now?

25 A Not really. There's no need to because everything

1 that gets reported is the machine stamped time.

2 Q Going back to prior to '92 when this new timing was  
3 instituted, what would have been a significant amount of time,  
4 between clear and close that would have raised questions in  
5 your mind for further investigation?

6 MR. BEATTY: Objection to the form of the question.

7 It's ambiguous.

8 You may respond.

9 A There was no marker per se or period of time, no.

10 Q What's the -- if you can recall, what's the longest  
11 amount of time that you've seen between clear and close?

12 A I can't recall.

13 Q Can you define a cause code for me?

14 A It's a three-digit numeric value that equates to a  
15 condition that caused the trouble.

16 Q All right. Does that appear on a DLETH?

17 A Yes, it does.

18 Q And is that an entry that's always made on an  
19 out-of-service report?

20 A It's made on all reports.

21 Q On all reports. Even exclude reports?

22 A It used to be.

23 Q Okay. On the cause codes, are there specific cause  
24 codes that would exempt a report from being counted against  
25 the company as a miss on that out-of-service over 24-hour

1 index?

2 A Yes.

3 Q In terms of your position as an MTAS expert, is  
4 there an MTAS program that you can run that would look for  
5 improper use of cause codes or significantly high use?

6 A Yes.

7 Q All right. Is that a standard MTAS run or  
8 something that you would have to create?

9 A It's part of the review package. It's already  
10 created by BellSouth Telecommunications.

11 Q Does it have a name or a number or some  
12 identification?

13 A It's got a number, but I don't know what it is.

14 Q Is there any way you can think of that I can  
15 identify it?

16 A It's got a title of PSC exempt cause codes, I  
17 think.

18 Q Is that a fairly new report or has that been around  
19 awhile?

20 A The BellSouth package is fairly new, but cause  
21 codes have been looked at for a while.

22 Q In terms of your experience either doing reviews,  
23 handling MTAS reports, have you ever found occasion when  
24 cause codes have been misused?

25 A On AIROs, yes.

1 Q All right. Have you ever found occasion when  
2 someone was improperly using cause codes in order to effect  
3 the out-of-service index?

4 A Not that I can recall.

5 Q On doing the reports, the MTAS reports, have you  
6 ever looked historically, let's say taking a statistical  
7 sample historically of cause code use?

8 A Not that I can remember.

9 Q Do you know if anyone else has?

10 A I don't know.

11 Q All right. Do you know of any employee who has  
12 used the AIRO system in order to create fictitious trouble  
13 reports?

14 A No, I do not.

15 Q Have you ever had occasion to look into that?

16 A No, not that I can remember.

17 Q Can you tell me what a task-per-day requirement is?

18 A I didn't know there was a requirement. But a task  
19 per day is each job a field person completes, whether it be a  
20 service order or repair. It's considered a task.  
21 Requirementwise, I don't know if it's a requirement or not.  
22 That's not in my field.

23 Q Okay. When you were an installer did you have so  
24 many installations that you had to do per day?

25 A Not when I was an installer, no.



1 Q Okay. Do you know if that changed at all after  
2 that point?

3 A Again, it's not my field. I'm not sure.

4 Q Okay. Are you aware or do you know of any  
5 complaints by outside forces, pressure, to meet the  
6 out-of-service index?

7 A No, not personally.

8 Q Are you aware of any complaints that may have been  
9 spoken or brought to a manager's attention by outside forces  
10 about not having enough field techs to do all of the work  
11 that was assigned?

12 A Just hearsay, rumor. It was just general, I think,  
13 people in general who's always saying we don't have enough  
14 people. I don't know whether it's true or not.

15 Q Okay. Have you ever done any checking or looking  
16 or reviewing, MTAS or standardization reviews, on the force  
17 to load?

18 A No, no reviews.

19 Q Mr. Pellegrini, I'm going to show you a document  
20 that I think has your name on it, and, once I've introduced  
21 it, we'll go off the record and I'll give you a chance to  
22 look at it and ask Mr. Beatty any questions if you want to.

23 This was filed by Southern Bell on April 1st of  
24 1993 and it's titled Southern Bell's Response to a  
25 Preliminary Order No. PSC-93-0263-PCO-TL entered on February

1 19th. And I really think I only have one question left on  
2 this, but I would like you to identify it first and have a  
3 chance to look at it. We'll make sure this is your name  
4 first. There's 650 and I think you're No. 462.

5 A Yes, that is my name.

6 Q Okay. If you want to look at it and if you want to  
7 read any of the introductory parts, Mr. Beatty can show you  
8 what the numbers apply to.

9 MS. RICHARDSON: Off the record.

10 (Off the record.)

11 MS. RICHARDSON: All right. We're back on the  
12 record.

13 BY MS. RICHARDSON:

14 Q Mr. Pellegrini, is this your name on this document?

15 A Yes, it is.

16 Q Okay. Can you explain to me why the company might  
17 have put down No. 24, special services or special circuits,  
18 by your name?

19 MR. BEATTY: Objection to the form of the  
20 question. It calls for speculation on the part of  
21 this witness.

22 If you have personal knowledge as to why the  
23 company did what it did in this respect, you may answer  
24 the question.

25 A No.

1 Q Okay. Do you know what special services or special  
2 circuits refers to?

3 A Yes.

4 Q Okay. Have you done any investigation regarding  
5 special services and special circuits?

6 A No, no investigation, no.

7 Q And what about standardization reviews?

8 A It's one of the items in the review package.

9 Q Okay. In terms of looking at special services and  
10 special circuits, at any time did you find a significant  
11 problem in how that area was being handled by an IMC?

12 A I didn't find a significant problem, no.

13 Q All right. Did you find any problem that you felt  
14 was more than just a minor error?

15 A I did not, no.

16 Q Okay. Do you know of anyone else that did?

17 A Not that I can recall.

18 Q Between the standardization and compliance reviews,  
19 the lapse I think you referred to between the mid '80s and  
20 '92, was that just a personal lapse for you not doing it or  
21 was that the company did not do them for a certain period of  
22 time?

23 A We didn't do them in North Florida. I don't know  
24 if you could say the company.

25 Q Okay. Did the North Florida group do them in the

1 mid '80s?

2 A Yes.

3 Q When did they stop doing them, what year?

4 A I don't remember.

5 Q Do you know when they started up again?

6 A We started last year, I believe it was. I started  
7 last year. Let me say that. I shouldn't say the company.

8 Q In '92?

9 A Yes.

10 Q And do you know why North Florida started up again  
11 in '92?

12 A To get it back on board and to be sure that the  
13 people are coding properly by the practice.

14 Q Okay. In the most recent reviews, have you found  
15 any problems that are associated with falsification of  
16 trouble repair reports?

17 A No, ma'am, I have not.

18 Q Do you know generally of anyone who has falsified a  
19 customer trouble report?

20 A No, I do not.

21 Q Have you ever been involved in sales for the  
22 company?

23 A No.

24 Q Back in the '80s when you were doing  
25 standardization and compliance reviews, can you list for me

1 the managers that supervised you? And it doesn't have to be  
2 necessarily in chronological order, but just remember the  
3 people that you worked for.

4 A Dennis Bolena.

5 Q Would you spell that?

6 A B-o-l-e-n-a. Jerry Moore. That's it in the '80s.

7 MS. RICHARDSON: Okay. Mr. Pellegrini, I think  
8 I'm through. I thank you for coming today. I thank  
9 you for your testimony.

10 Ms. Wilson or Mr. Beatty or Ms. White or someone  
11 may have some more questions for you.

12 MS. WILSON: I have no questions. Thank you.

13 MR. BEATTY: I do have one.

14 EXAMINATION

15 BY MR. BEATTY:

16 Q You testified on direct examination with regard to  
17 the Gainesville incident and the fact that fictitious trouble  
18 reports were filed in Gainesville; is that correct?

19 A We believe that to be so, yes.

20 Q And you also testified a few moments ago about what  
21 was characterized as customers affected by virtue of the  
22 creation of fictitious trouble reports. Do you recall that?

23 A No. Customers affected?

24 Q Yes.

25 A I think the question was how many trouble reports

1 there were. I think that's what her question was.

2 Q Is there any customer effect by virtue of the  
3 creation of fictitious trouble reports if that is, in fact,  
4 what occurred in Gainesville?

5 A No, sir. There's no effect at all.

6 MR. BEATTY: No further questions. Thank you  
7 very much.

8 (Witness excused.)

9 (Whereupon, the deposition concluded at  
10 9:35 o'clock a.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, GERARD M. PELLEGRINI, have read the foregoing transcription of my testimony Page 6 through 58, given on May 4, 1993, in Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

GERARD M. PELLEGRINI

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

NOTARY PUBLIC

State of \_\_\_\_\_

My Commission expires:

1  
2 STATE OF FLORIDA )  
3 :  
4 COUNTY OF DUVAL )

CERTIFICATE OF OATH

5 I, the undersigned authority, certify that GERARD  
6 M. PELLEGRINI personally appeared before me and was duly  
7 sworn.

8 WITNESS my hand and official seal this 4th day of  
9 June, 1993.

10  
11 *Marie C. Gentry*

12 Marie C. Gentry, Notary Public  
13 State of Florida at Large.  
14 My Commission No. CC 251746  
15 Expires: January 21, 1997

16 OFFICIAL NOTARY SEAL  
17 MARIE C GENTRY  
18 NOTARY PUBLIC STATE OF FLORIDA  
19 COMMISSION NO. CC251746  
20 MY COMMISSION EXP. JAN. 21, 1997



1 STATE OF FLORIDA )  
2 COUNTY OF DUVAL )  
I, Marie C. Gentry, Court Reporter,

3 DO HEREBY CERTIFY that I was authorized to and did'  
4 stenographically report the foregoing deposition of GERARD  
5 M. PELLEGRINI;

6 I FURTHER CERTIFY that this transcript, consisting  
7 of 61 pages, constitutes a true record of the testimony given  
8 by the witness.

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

15 DATED this 4th day of June, 1993.

16 Marie C. Gentry  
17 Marie C. Gentry, Court Reporter  
18 Telephone No. (904) 264-2943

19 STATE OF FLORIDA )  
20 COUNTY OF DUVAL )

The foregoing certificate was acknowledged before  
21 me this 4th day of June, 1993, by Marie C. Gentry, who is  
22 personally known to me.

23 Patricia H. Vierengel  
24 Notary Public - State of Florida  
25 Patricia H. Vierengel  
My Commission expires 6-31-93

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

1  
2 In re: Investigation into the ) DOCKET NO. 910163-TL  
3 integrity of SOUTHERN BELL )  
4 TELEPHONE AND TELEGRAPH )  
5 COMPANY'S repair service )  
6 activities and reports. )

7  
8  
9  
10 In re: Investigation into ) DOCKET NO. 910727-TL  
11 SOUTHERN BELL TELEPHONE AND )  
12 TELEGRAPH COMPANY'S compliance ) FILED: 04/28/93  
13 with Rule 25-4.110(2), F.A.C. )  
14 Rebates. )  
15 )

16 DEPOSITION OF: WILLIAM H. JOOST

17 TAKEN AT THE INSTANCE OF: The Staff of the Florida  
18 Public Service Commission

19 PLACE: Southern Bell  
20 3100 Emerson Street  
21 Jacksonville, Florida 32207

22 TIME: Commenced at 9:42 a.m.  
23 Concluded at 10:33 a.m.

24 DATE: Tuesday, May 4, 1993

25 REPORTED BY: Marie C. Gentry  
Court Reporter

-----  
**ORIGINAL**

MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

State of Florida

Commissioners:  
J. TERRY DEASON, CHAIRMAN  
THOMAS M. BEARD  
SUSAN F. CLARK  
LUIS J. LAUREDO  
JULIA L. JOHNSON



DIVISION OF RECORDS &  
REPORTING  
STEVE TRIBBLE  
DIRECTOR  
(904) 488-8371

**Public Service Commission**

June 4, 1993

**TO WHOM IT MAY CONCERN:**

Attached is the original transcript of your deposition. Enclosed are forms of an Errata Sheet and an Affidavit to be completed by the deponent when reading the deposition.

Please do not mark on the original transcript. Any corrections you may desire to make in your testimony should be **TYPEWRITTEN** or **PRINTED** on the enclosed Errata Sheet, giving transcript page number, line number and desired corrections.

After reading and signing the deposition please return the Errata Sheet to our office, Attention Joy Kelly, Bureau Chief, Room 104.

Thank you,

Joy Kelly, CSR, RPR  
Bureau Chief  
FPSC Bureau of Reporting

1 APPEARANCES:

2  
3 J. SUE RICHARDSON, ESQUIRE, Office of Public Counsel,  
4 c/o The Florida Legislature, 111 W. Madison Street, Room 812,  
5 Tallahassee, Florida 32399-1400.

6 JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public  
7 Service Commission, 101 E. Gaines Street, Tallahassee,  
8 Florida 32399-0863, Telephone No. (904) 487-2740, appearing  
9 on behalf of the Florida Public Service Commission.

10 STAN L. GREER, Engineer, Florida Public Service  
11 Commission, 101 E. Gaines Street, Room G-28, Tallahassee,  
12 Florida 32399-0866, Telephone No. (904) 488-1280.

13 WALTER BAER, Analyst, Office of Public Counsel, c/o The  
14 Florida Legislature, 111 W. Madison Street, Room 812,  
15 Tallahassee, Florida 32399-1400.

16 ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications,  
17 Inc., Museum Tower Building, Suite 1910, 150 West Flagler  
18 Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

19 NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications,  
20 Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
21 30375-0001, Telephone No. (404) 529-5387.

22 WAYNE TUBAUGH, Southern Bell Telephone and Telegraph  
23 Company, 150 S. Monroe Street, Suite 400, Tallahassee,  
24 Florida 32301.

25

I N D E X

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CERTIFICATE OF NOTARY	40

WITNESS

WILLIAM H. JOOST	
Examination by Ms. Richardson	6
Examination by Ms. Wilson	35
Examination by Mr. Beatty	35

EXHIBITS

<u>Number:</u>		<u>Identified</u>
1	Section of '92 Panel deposition	16
2	"Closing Repair Jobs"	24





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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.

WILLIAM H. JOOST

appeared as a witness and, after being duly sworn by the court reporter, testified as follows:

EXAMINATION

BY MS. RICHARDSON:

Q And would you please state your name and spell it so she'll have it correctly?

A My name is William H. Joost. The last name is spelled J-o-o-s-t.

Q Okay. And your address?

A My address is Room 108, 3100 Emerson Street, Jacksonville.

Q And the ZIP?

A 32207.

Q Is that Southern Bell?

A Yes. That's this building.

Q All right. And phone number?

A 348-2512.

Q And what's your present position?

A I'm an engineer with Southern Bell.

Q And what pay grade is that?

A That's a Pay Grade III.

Q Pay Grade III. What do you do as an engineer?

A Specifically I'm an outside plant engineer and I design the facilities or repair -- design the repair for any



1 of the facilities that are outside of the central office to  
2 the customer location.

3 Q Does that deal with laying cable and things like  
4 that?

5 A Yes. I draw up the jobs that place the cables or  
6 the electronic equipment, the manholes, the poles; you name  
7 it. Anything that's outside the central office.

8 Q And do you have any supervisory responsibility for  
9 seeing that done or do you just draw up the plan?

10 A I have no supervisory responsibility per se. I  
11 mean, I have no employees that report to me.

12 Q Who's your present supervisor?

13 A Steve Weeks.

14 Q W-e-e-k-s?

15 A That's correct.

16 Q And I guess he's a Pay Grade IV or V?

17 A V.

18 Q V? And do you have a supervisor above him?

19 A Yes.

20 Q All right. And who is that?

21 A Ed Olsen.

22 Q O-l-s-e-n?

23 A Correct.

24 Q Okay. And who's the operation manager for your  
25 area?

- 1 A Rupe.
- 2 Q Mr. Rupe?
- 3 A Rupe.
- 4 Q R-u-p-e, Rupe?
- 5 A Yes.
- 6 Q And what about --
- 7 A It's either Rupe or Robert. It's not Mister.
- 8 Q Oh, I'm sorry. Robert Rupe. Okay.
- 9 And who is your general manager?
- 10 A Randy Perry.
- 11 Q P-e-r-r-y?
- 12 A Yes.
- 13 Q And how long have you held this position?
- 14 A Since October of '89.
- 15 Q And what did you do before that?
- 16 A I was an installation foreman.
- 17 Q And what does an installation foreman do?
- 18 A An installation foreman supervises installers and
- 19 repairmen in installing new service or repairing existing
- 20 service.
- 21 Q In which IMC were you an installation foreman?
- 22 A At the time it was called Northwest.
- 23 Q And what city is that located in?
- 24 A That's in Jacksonville.
- 25 Q And how many people did you have working for you?

1 A Oh, it varied anywhere from ten to, I think, 18,  
2 21, something like that.

3 Q Outside?

4 A Uh-huh.

5 Q Installer and repair, you did both?

6 A Well, they used to be separate job functions, but  
7 now they're one.

8 Q Okay. I guess what I'm trying to get at is you  
9 have experience in both the installation side and the repair  
10 side?

11 A Yes, I do.

12 Q Okay. At any point -- well, how long did you hold  
13 that job?

14 A I was hired on with the company -- let's see. I  
15 held that job for -- it became official in January of -- I  
16 held that job for about 13 months, I think, 14 months.

17 Q And what did you do before that?

18 A Before that I was in a training position.

19 Q Training?

20 A Yes.

21 Q You doing the training, training other people?

22 A No. I was being trained as an installation  
23 foreman.

24 Q Okay. And when did you start working for the  
25 company?

1 A June of '88.

2 Q Have you talked to anyone today other than company  
3 counsel about the deposition here today?

4 A No.

5 Q Have you given a statement at any time to company  
6 counsel or investigator regarding the company's  
7 investigation?

8 A Yes.

9 Q And can you tell me who was present at the time you  
10 gave that statement?

11 A No.

12 Q You don't recall or you can't?

13 A I don't recall.

14 Q Okay. Do you know when you gave a statement  
15 approximately?

16 A No. There were, I think -- honestly, I just -- I  
17 couldn't tell you.

18 Q Okay. Were you disciplined in any manner in  
19 relation to that?

20 A No.

21 Q Did you discuss that statement with anybody else?

22 A No.

23 Q Has anyone given you any assurances that you would  
24 not be disciplined for your responses here today?

25 A Say that question again.

1 Q Has anyone given you any assurance that you would  
2 not be disciplined based upon the answers that you might give  
3 me today?

4 A No.

5 Q Has anyone advised you of possible criminal  
6 penalties that may apply if you perjure your testimony here  
7 today?

8 MR. BEATTY: Objection.

9 You can respond if you can.

10 THE WITNESS: Repeat the question, please.

11 BY MS. RICHARDSON:

12 Q Has anyone advised you of possible criminal  
13 penalties that could apply if you perjure your testimony here  
14 today?

15 A No.

16 Q Mr. Joost, have you ever heard the terms "backing  
17 up the time"?

18 A Yes.

19 Q In what context?

20 A In the context of how my installers or my repairmen  
21 -- well, I guess that would be mainly my repairmen, how they  
22 closed out their trouble tickets.

23 Q And how would that be? How would they back up the  
24 time on trouble tickets?

25 A Well, when I took over as an installation foreman,

1 I think in December of '88 and the period prior to that I was  
2 in -- again I was in training. Well, part of our policy was  
3 how we were going to handle closing out trouble tickets and  
4 part of the instructions we put out to our employees on how  
5 they were going to handle it.

6 Now, I hesitate, because -- I'm probably going to  
7 have to really back up. You know, we had computers that we  
8 accessed the main computer with and they picked up their  
9 trouble tickets and closed them out. What we were using at  
10 the time was called a CAT. It was a little yellow hand-held  
11 device.

12 Q Okay.

13 A And the computer had a lot of input on the times,  
14 and one of the problems we noticed we were having, or one of  
15 the problems we felt we were having, was that the repairmen  
16 were allowing the computer to automatically close out the  
17 time as opposed to actually them manually entering the time a  
18 customer's service was restored.

19 And so we had talked about this in managers'  
20 meetings and we had set up the computer to track instances  
21 where we thought the installer might have just allowed the  
22 computer to close it out as opposed to showing when the  
23 trouble was cleared.

24 And one of the areas we talked about was at lunch,  
25 and an example we talked about in these meetings with other

1 managers was, suppose the guy picks up a trouble at 10:30 or  
2 so and he restores service at 11:30. Well, he goes straight  
3 to lunch without closing out his trouble ticket and picking  
4 up a new one. He goes to lunch, goes into the computer,  
5 closes it out, doesn't manually punch in the time. The  
6 computer would automatically assign -- say it's 12:30 or a  
7 quarter to 1:00, or whatever, the computer would assign that  
8 time as the time service was restored and if it was an  
9 out-of-service ticket and say it went over 24 hours at noon  
10 or sometime before a quarter of 1:00, then we would, in fact,  
11 show a miss for that out-of-service trouble when, in fact, we  
12 restored the service prior to the 24-hour clock expiring.

13           And so I was informed by my manager to counsel  
14 employees. What we would do is we would get a printout from  
15 the IMC and suppose something went out of service at 1:00  
16 o'clock and suppose the employee showed it being closed out  
17 at 1:15.

18           Another example we talked about, a lot of the  
19 installers, instead of closing the trouble ticket out at the  
20 customer prem right when he had finished it, typically they  
21 would go back to the crossbox -- and, again, if any of these  
22 terms are not familiar to you. Again, that's why I was  
23 hesitating earlier. I'm getting into a lot of jargon, so --

24           Q       When you say "prem," you meant premises?

25           A       Premises, the customer premises, yes.

1           They may go back to the -- typically -- and I don't  
2 know why, but the installers love to go back to the crossbox  
3 to close out trouble tickets. Well, by the time they load  
4 their tools up, transport back there, ten or fifteen minutes  
5 may have expired. And so we talked to them about that.

6           At no time did I inform an employee to illegally or  
7 in any fraudulent way to back up time. The only time I ever  
8 counseled employees was in relation to examples that I've  
9 just mentioned.

10           And, again, the other things I did was just put out  
11 the general policy, stating it to the employees.

12           I have no knowledge specific or otherwise of any  
13 attempt to -- systematic attempt to defraud or illegally back  
14 up time.

15           Q       All right. When you said index and 24 hours, are  
16 you referring to the requirement that the company repair  
17 out-of-service trouble reports within 24 hours at least 95  
18 percent of the time?

19           A       That's correct.

20           Q       And when you say "crossbox," you mean the wiring  
21 terminal box that sits on the side of the road that several  
22 houses run wires off of? Is that a crossbox?

23           A       Yes.

24           Q       Essentially?

25           A       That's essentially.



1 Q In a layman's view might be what that is?

2 A It's a large box and it will hold more than -- the  
3 first point of presence is usually called a pedestal and that  
4 may handle anywhere from, say, 25 to ten lines or something  
5 like that, and then the next phase back is the crossbox,  
6 which will handle several hundred lines.

7 Q Okay.

8 A And the crossbox is usually the large three or  
9 four-foot tall and three or four-foot wide green structure.

10 Q Okay. I'm going to make this an exhibit, I think.  
11 Exhibit 1 will be a section of -- let me see if I can find  
12 it.

13 The exhibit comes from the Panel deposition from  
14 the summer of -- it was '91, wasn't it?

15 Summer of '91. It was a late-filed exhibit  
16 requested by Staff on the craft access terminals, and it is a  
17 section of that.

18 MS. RICHARDSON: Mr. Beatty, I'm going to let you  
19 look at it and if you want to make a statement about  
20 confidentiality or whatever.

21 We'll go off the record and pass it around and  
22 then we'll come back.

23 (Off the record.)

24 MR. BEATTY: To the extent that Exhibit 1 has been  
25 the subject of a confidentiality request and/or order,

1 then I would request that everyone stipulate to the fact  
2 that nothing here that transpires here in this depo be  
3 construed as a violation or a waiving of the  
4 confidentiality request if one has been sought.

5 MS. RICHARDSON: Public Counsel will agree with  
6 that on the proviso that if we have objected to any  
7 confidentiality, then our objection would stand.

8 MR. BEATTY: Of course.

9 (The document last above referred to was marked for  
10 identification as Joost Exhibit No. 1.)

11 BY MS. RICHARDSON:

12 Q Mr. Joost, can you identify this document? Are you  
13 familiar with it?

14 A No, not this document in particular.

15 Q Have you had a chance to look at it?

16 A Oh, yes, I have.

17 Q Okay. And what does it deal with? Can you tell  
18 from looking at it?

19 A Yes. It deals with -- I believe it deals with  
20 procedures that my craft people used in obtaining trouble  
21 tickets and closing them out.

22 Q All right. And does it deal with their use of the  
23 CAT or the craft access terminal?

24 A Yes, it does.

25 Q All right. I'd like to ask you some questions

1 about that.

2 If you could work your way into -- this is on the  
3 section of closing a job and work your way back to 4.8, PDO,  
4 service affecting (CRAS).

5 A Okay. You're on Page 45?

6 Q Oh, I'm sorry, Page 45. I didn't realize they were  
7 numbered. I should have looked.

8 Okay. And you were speaking of counseling  
9 individuals about being sure to use the service restoral  
10 time. And I'm curious as to how a CAT would do that. I'm  
11 looking at this particular section on Page 45. Is there a  
12 place in the CAT script where the ST has an opportunity to  
13 input a particular time?

14 A Yes, I believe so.

15 Q And, let's see, one, two, three, four, five.  
16 That's about the fifth row down?

17 A That's correct.

18 Q Separate column? All right. And I believe it says  
19 finished work on this job at 0301 P. Is that a time 3:01  
20 p.m.?

21 A Yes.

22 Q Okay. And there's an opportunity there for time is  
23 incorrect or time is correct?

24 A Yes.

25 Q Is that how a CAT script looks? Would his terminal

1 be showing that picture of this particular wording?

2 A I believe that's correct.

3 Q Okay. And so if he chose to hit -- what kind of  
4 key would he hit to show that it was the correct time? Do  
5 you just hit a send key or --

6 A If -- he had a little toggle on the CAT and just by  
7 maneuvering his -- yes, I believe you just punched it down  
8 and that accepted the current entry that was on the screen.

9 Q All right. And that would be the 3:01 p.m.?

10 A Yes.

11 Q And how would the 3:01 p.m. show up? Would it  
12 already be on the screen?

13 A Yes. My understanding was that the computer  
14 populated that automatically showing the current time.

15 Q Okay. The time that he's actually working with the  
16 CAT script?

17 A Exactly. In other words, it's real time that he's  
18 actually --

19 Q All right. And so if he wanted to back up the time  
20 to the point when he actually restored service, then he would  
21 choose that first option time as incorrect?

22 A Yes.

23 Q All right. And then what would he do?

24 A Then he would populate it with the correct time  
25 that service was restored. He could punch the numbers in

1 there with a key pad on the CAT terminal. He would populate  
2 it correctly and then, again, depress the switch, the little  
3 toggle, and that would input it.

4 Q Okay. So there's more key strokes involved in  
5 changing it, backing up the time to the restoral time than  
6 just using it?

7 A Oh, yes.

8 Q Okay. Did you find your ST's had any problem  
9 following your instructions to back up to restoral time?

10 A No.

11 Q If you would turn to Page -- and these are out of  
12 order. It's the last two pages and it's really Page 24 and  
13 Page 26.

14 Well, let's go to 26 because that's what we're  
15 really on. It's the very last page on the exhibit.

16 A Okay.

17 Q And there appears to be again a little script  
18 section there, "The time entry is incorrect. Press BACK and  
19 try again." Can you decipher that for me? I don't  
20 understand "press BACK." And these are error messages, if  
21 that helps. The title of it is "Error Messages."

22 A I see.

23 I don't have a clue what that is.

24 Q Okay.

25 A Well, wait a minute. I do have a clue.

1           If a guy punched in -- again, I guess the clock was  
2 on a 12-hour clock and suppose it got punched in at 1400  
3 hours or something, I would think that that would cause an  
4 error message.

5           Q       Okay. So it wasn't that he was entering a time  
6 that was earlier than the real time? He wouldn't get an  
7 error message for that?

8           A       Say that again, please.

9           Q       Okay. If he's backing up the time to restoral  
10 time, there's no error message saying you're not punching in  
11 the real time?

12          A       No, I don't think so.

13          Q       Okay.

14          A       I'm speculating on what that incorrect -- I don't  
15 ever really recall discussing it or having any of my  
16 employees ask me about it.

17          Q       When your outside field technicians received  
18 trouble reports, were they statused out of service, affecting  
19 service, or how did they come to you?

20          A       That information was supposed to be contained in  
21 the script.

22          Q       On the CAT it would show up?

23          A       Right.

24          Q       All right. And when a job is called up on a CAT,  
25 what's the first thing that an outside person would see?

1 A Gosh, you're asking me to speculate.

2 Q Okay. I'm sorry. I don't want to do that. If you  
3 know --

4 A I'm really not sure.

5 Q Okay. Would your people get installation and  
6 repair troubles?

7 A Yes.

8 Q Okay. So they get either one?

9 A Uh-huh.

10 Q Do they know which one they're getting?

11 A Yes, by the body of the information. It's a  
12 conclusion that follows just from the text of the  
13 information.

14 Q Okay. Is it possible for your men to close out an  
15 affecting service report as an out of service?

16 MR. BEATTY: Objection. The question, I believe,  
17 calls for speculation.

18 You can answer it if you can.

19 A I'd have to speculate.

20 Q Well, let's look at Page 45.

21 A All right.

22 Q And let's start with -- what's a service affecting  
23 report? Because that's what's at the top of that.

24 A Okay. Service affecting report is, as an example,  
25 static on the line or one of the phones -- suppose a customer

1 has more than one phone in the home but one of the phones  
2 isn't operable. Those are two examples. And what they mean  
3 is -- what service affecting means by those examples is that  
4 the customer still has service, i.e., he can still talk on  
5 the phone and communicate, but the grade of service, the  
6 quality of service is not up to our standards.

7 Q Okay. So looking at Page 45, then service  
8 affecting reports would be those kind of reports that your  
9 men receive that supposedly the people could use their phone?

10 A Uh-huh.

11 Q All right. Then looking down to the fifth row and  
12 that first column.

13 A Yes.

14 Q It looks as though an ST is given an option when  
15 he's closing out. We're still dealing with close-outs here.

16 A Uh-huh.

17 Q Of changing an affecting service to an out of  
18 service.

19 A Yes, it does look that way.

20 Q Okay. Is part of your function to train the people  
21 you supervised, the foremen that you supervised in the use of  
22 the CAT script or in the use of their CATs?

23 A Yes, that was part of my job function.

24 Q Was part of your job function to train your outside  
25 repair people, the men that worked repair, on the BellSouth



1 practices regarding repair?

2 A That's correct.

3 Q Okay. Did you ever instruct your ST's on the  
4 meaning of an out-of-service?

5 A I don't ever recall specifically -- on the face of  
6 it, I don't think it required any instruction. No, I don't  
7 ever specifically recall discussing it with any employees.

8 Q Okay. Well, you've told me what an affecting  
9 service is. What is an out-of-service?

10 A Where the customer can't talk, can't communicate at  
11 all.

12 Q Then if an ST got an affecting service and went out  
13 to look at the job and found out that the customer couldn't  
14 use the phone, couldn't call out, what would your ST normally  
15 do then in closing that report out?

16 A Normally he would show it as an out-of-service if,  
17 in fact, it was.

18 Q Okay. Is there a possibility for your STs to keep  
19 track of whether a report is about to miss that 24-hour  
20 index, that commitment time?

21 A I'll tell you what I believe.

22 Q Okay.

23 A I believe there was -- in the text of the  
24 information that he picked up, I believe it did show when we  
25 picked the trouble up, but, again, it's been so long, I don't

1 know for certain.

2 Q Do you know if any STs would have been aware of  
3 that 24-hour time and, if they missed it on a service  
4 affecting report that they had determined was actually out of  
5 service, just would not status out of service so that it  
6 wouldn't count as a miss?

7 MR. BEATTY: If you know.

8 A Say that again, please.

9 Q All right. Do you know of any ST who received an  
10 affecting service report knew that he had not repaired it  
11 within 24 hours and left it service affecting instead of  
12 restating out of service --

13 A No, I don't.

14 Q All right. I would like to show you Exhibit 2  
15 which is entitled "Closing Repair Jobs." And in this  
16 particular exhibit is a two-page exhibit that comes from a  
17 CAT script authored by a Mr. Dowdy, D-o-w-d-y, in an earlier  
18 deposition we covered that, and we're going to go off the  
19 record and let you look at it.

20 (The document last above referred to was marked for  
21 identification as Joost Exhibit No. 2.)

22 BY MS. RICHARDSON:

23 Q We're back on the record with Exhibit 2.

24 I'd like to ask if the general script information  
25 is what you recognize as being pretty much the same that your

1 people use.

2 A Generally.

3 Q Okay. What differences do you note?

4 A My recollection isn't clear enough to specifically  
5 point anything out one way or the other.

6 Q Okay. I'd like to ask you some questions about  
7 some of the statements on that first page. Paragraph 1,  
8 No. 1, "When you first receive a trouble report in your CAT,  
9 the date received will appear on Page 6 of the customer menu.  
10 The date received will also appear on your CAT when you close  
11 the job on the closed TTN screen. This is the time you want  
12 to watch for the 24-hour commitment."

13 Is that referring to receipt of the trouble report?  
14 Is that what shows up on the CAT? Because I had asked you  
15 earlier if you knew whether or not your men would be able to  
16 tell whether or not the 24-hour commitment was met or knew  
17 about it.

18 A Uh-huh.

19 MR. BEATTY: I object. The document speaks for  
20 itself, and this gentleman, who is not the author of  
21 the document, is being asked to opine on the intent of  
22 the author. I object to the form of the question.

23 BY MS. RICHARDSON:

24 Q Can you answer it anyway?

25 A Can you ask that question one more time because I

1 think there might be something in there I can help you with?

2 Q Well, I'm trying to get at whether or not an  
3 outside technician either on Exhibit 2 or on Exhibit 1 would  
4 be aware of that 24-hour commitment, would know about it from  
5 the information he receives or she receives on the CAT  
6 terminal.

7 A Uh-huh.

8 Q Is that clear to you from either Exhibit 1 or  
9 Exhibit 2 or from your own experience?

10 A Well, again, my recollection of it was that on the  
11 trouble ticket we did -- we did know when we picked it up,  
12 i.e., when it came into the maintenance center. I believe  
13 that information was in the text of the information that the  
14 repairman received over his CAT terminal.

15 Q Okay. Then keeping track of that, look at No. 3  
16 for me. Mr. Dowdy indicates if you were closing a repair job  
17 and you were at or had exceeded the due date and time or the  
18 24-hour commitment time, you must go to another line, not the  
19 one you will be closing in order to close out the job. If  
20 you close out the job from the line you just repaired, LMOS  
21 will not recognize the time you backed up to meet the 24-hour  
22 commitment.

23 Now, is that an instruction that you have ever  
24 given?

25 A No.

1 Q Okay. Do you know whether any of the STs that you  
2 have ever supervised routinely go to an outside line to close  
3 out?

4 A No, I wasn't aware of any of this.

5 Q Do you have any idea of why someone would be  
6 instructed to close out the job from another line than the  
7 trouble line?

8 MR. BEATTY: Objection. Calls for speculation.

9 A No.

10 Q Do you know why the statement "LMOS will not  
11 recognize the time you backed up"?

12 A No.

13 MR. BEATTY: Objection. It calls for speculation.

14 Q Okay. Reading, "If you are not in jeopardy of  
15 missing the 24-hour commitment, you can close out from your  
16 job."

17 Do you have any idea why he would make a  
18 distinction between meeting the commitment and not meeting  
19 the commitment and which line was closed out?

20 MR. BEATTY: Objection. The question calls for  
21 speculation and I object to the form.

22 BY MS. RICHARDSON:

23 Q And you're shaking your head. Is that a no or a  
24 yes? She can't --

25 A Oh, sorry.

1 Q That's all right.

2 A You're asking me to speculate. I really can't  
3 answer. I can only speculate.

4 Q Okay. Based upon your knowledge and experience and  
5 the training that you have received and the training that you  
6 have given, does this appear to you as though someone is  
7 being instructed, an ST is being instructed to back up the  
8 time just to meet the 24-hour commitment?

9 MR. BEATTY: Objection. I object to the form of  
10 the question. It calls for him to speculate as to the  
11 intent of the author, and to the extent that I assume  
12 he has not talked to the author of this document to  
13 ascertain the author's intent, it is pure speculation  
14 for him to opine as to the question that you have asked.

15 MS. RICHARDSON: That's fine.

16 THE WITNESS: You're asking me again to speculate  
17 and I would prefer not to.

18 BY MS. RICHARDSON:

19 Q But would you please answer my question? We have  
20 an objection on the record and you've stated your own  
21 objection. Now please answer my question.

22 A Okay. Sure. Rephrase the question for me, please.

23 Q Does it look like STs are being instructed to back  
24 up the repair time to meet the 24-hour commitment?

25 A Yes.

1 Q Okay. Is it possible to change the month and day  
2 of the trouble report on a CAT?

3 A I'm not sure.

4 Q Let's look at Exhibit 1.

5 A All right.

6 Q And, again -- let's see if there's not a place.  
7 Again, on Page 45, the very bottom row of the  
8 second column, are those month, day, year that's populated,  
9 is that the current month, day, year, or is that a blank? Do  
10 you know?

11 A I'm not sure. You're on Line 5?

12 Q The very bottom, "The date is."

13 Is it possible to change the month and day? Do you  
14 know?

15 A I don't think so. I don't know for sure.

16 Q Okay. Do you know if a customer is due a rebate if  
17 he goes out of service over 24 hours?

18 A I do now.

19 Q As of when did you get this information?

20 A Shortly after reading an article in the  
21 Times-Union.

22 Q Is that a craft newsletter or --

23 A The Florida Times-Union.

24 Q Oh, the Florida Times-Union. A regular newspaper?

25 A Yes.

1 Q All right. Do you know of any customer who was  
2 denied a rebate because of falsification of a customer  
3 trouble repair report?

4 A No.

5 Q Do you know of any customer who was denied a rebate  
6 because of mishandling of repair reports?

7 A No.

8 Q Do you know about anyone who has improperly  
9 prepared trouble reports?

10 A No.

11 Q Have you heard of anyone improperly preparing  
12 trouble reports in order to manipulate the out-of-service  
13 index?

14 A Yes.

15 Q And what have you heard?

16 A In discussion with an out-of-service problem with  
17 one of my employees, he had told me that the second-level  
18 manager had asked him to back up the time.

19 Q And when you say "back up the time," do you mean  
20 back up the time to meet the 24-hour clock?

21 A Yes.

22 Q Back it up beyond the service restoral time is what  
23 you mean?

24 A That's correct.

25 Q And did you investigate?



1 A No.

2 Q Why didn't you?

3 A I only knew of one instance, and since it was in my  
4 judgment hearsay, I chose to ignore it.

5 Q Was the individual that reported to you one of the  
6 men or women that you supervised?

7 A That's correct.

8 Q All right. And the second-level manager, was that  
9 an individual that you supervised?

10 A No. The second level is someone who supervises me.

11 Q Who was the second-level manager?

12 A His name is

13 Q And would you spell that, please?

14 A

15 Q Are you familiar with the company's hotline that  
16 has been recently installed for anonymous reporting?

17 A I'm vaguely familiar with it.

18 Q Was that in place at the time you received this  
19 report?

20 A I don't think so.

21 Q Were any company procedures in place for  
22 individuals reporting this kind of activity?

23 A Well, it wasn't -- when you say "company  
24 procedures," elaborate on that.

25 Q If somebody reported, for example, a falsification,

1 somebody was falsifying reports --

2 A Uh-huh.

3 Q -- and you heard about it, did the company have any  
4 policy or practice that would have indicated to you what you  
5 should have done had you heard this?

6 A Nothing out of the ordinary of just, say, standard  
7 operating procedures.

8 Q Okay. Did you hear anyone else make this  
9 complaint?

10 A No.

11 Q Did anyone else?

12 A (Shakes head.)

13 Q How many people did this second level,  
14 manage?

15 A Good question. I'm going to guess 150.

16 Q Would it have been usual, a usual occurrence for  
17 him to direct a particular ST to back up time?

18 MR. BEATTY: Objection to the form of the question.

19 It's ambiguous.

20 BY MS. RICHARDSON:

21 Q Would it have been a usual occurrence for  
22 to direct an ST in any specific area of their  
23 duties?

24 A No.

25 Q Did you report this to

1 A No.

2 Q And why did you choose not to do that?

3 MR. BEATTY: Objection.

4 I'll withdraw the objection. You may respond.

5 A In my judgment it was hearsay and I only knew of  
6 one instance. I speculated that maybe -- my feelings were  
7 that if I heard other reports about this or if there was  
8 anything that I could determine might be systematic or more  
9 than just an atypical occurrence, then I thought I would  
10 investigate it further and perhaps see if there was something  
11 to it. But one instance over the course of 13 months really  
12 didn't pique my curiosity to the extent where I thought it  
13 needed investigation.

14 Q And who was the individual that reported this to  
15 you?

16 A His name was

17 Q

18 A Correct.

19 Q Is he still presently employed with the company?

20 A As far as I know.

21 Q Is he still working in Jacksonville?

22 A As far as I know.

23 Q Is he still in his position?

24 A Yes.

25 Q Has made any other complaints to you of

1 this nature or was that the only statement?

2 A It wasn't really a complaint per se.

3 Q Any other reports of this nature to you?

4 A No.

5 Q Has any other individual that you supervise  
6 reported to you that they had been asked to do something  
7 improper?

8 A No.

9 Q Can you tell me when this occurred?

10 A Only in the most general. I can tell you it was  
11 somewhere -- let's see. I had Baldwin at the time. I took  
12 over that area in March of '89. Somewhere after February of  
13 '89 and before October of -- wait a minute. Yes, I guess  
14 that would be right. Yes, before October of '89.

15 Q Are you aware or have you heard of any other  
16 instances of intentional mishandling of customer trouble  
17 reports?

18 A No.

19 Q Do you know of anyone who has falsified a customer  
20 trouble report?

21 A No.

22 MS. RICHARDSON: Okay. Mr. Joost, I want to thank  
23 you for your presence here today. The Commission Staff  
24 may have some questions for you or Mr. Beatty may have  
25 some redirect.

## EXAMINATION

1  
2 BY MS. WILSON:

3 Q Mr. Joost, do you know if anyone else was aware of  
4 instruction to .

5 A No.

6 Q Does anyone else have knowledge about this incident  
7 other than

8 A No.

9 MS. WILSON: I have no other questions.

10 MR. BEATTY: I have one.

## EXAMINATION

11  
12 BY MR. BEATTY:

13 Q Have you concluded that there was, in fact,  
14 improper activity that had occurred there?

15 A No, I had not concluded that.

16 Q If you had -- and I'm asking you to speculate, if  
17 you would. If you had concluded that there was improper  
18 activity, is there action that you would have taken to  
19 address the issue?

20 MS. RICHARDSON: Objection; speculation.

21 Go ahead.

22 A Well, now, when you say conclude, let's focus in on  
23 that. We're talking about a conversation I had with  
24 on a car phone, on a staticky car phone, driving on a bumpy  
25 road and the conversation lasted 15 seconds.

1 Q Let's then -- allow me to pose a hypothetical to  
2 you: If you had been made aware of a continuous and  
3 systematic effort to intentionally manipulate and alter or  
4 falsify trouble reports, is there action that you could take  
5 to address that issue?

6 A Yes.

7 Q Would one such act be to report the matter to  
8 security?

9 A That's correct. Another might be to go to -- at  
10 the time Rudy Christian was the operations manager and that's  
11 probably what I would have done.

12 Q And do you perceive that either of those two  
13 actions are required by the company?

14 A Again, that goes back to standard operating  
15 procedure. As a manager, I would have just -- yes -- I don't  
16 know if that's inscribed somewhere in the manual somewhere or  
17 the practices, but that's just good management in my  
18 judgment.

19 Q Would it ever be acceptable from a company's  
20 perspective for you to tell no one of that systematic effort  
21 to falsify trouble reports?

22 A Again, the entire time I was in installation, I  
23 came across no instance of anything that remotely resembled  
24 any attempt to systematically improperly close out trouble  
25 tickets or defraud customers or anything along those lines.

1 Q My question to you is, if you had been made aware  
2 of something like that, would it ever be proper from the  
3 company's perspective for you to do nothing?

4 A Certainly not.

5 MR. BEATTY: I have no further questions.

6 MS. RICHARDSON: Thank you, Mr. Joost.

7 (Witness excused)

8 (Deposition concluded at 10:33 a.m.)

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This is to certify that I, WILLIAM H. JOOST, have read the foregoing transcription of my testimony, Page 6 through 37, given on May 4, 1993, in Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_  
WILLIAM H. JOOST

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
NOTARY PUBLIC, State of Florida

My Commission Expires: \_\_\_\_\_



1  
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4 STATE OF FLORIDA )  
5 COUNTY OF DUVAL )

CERTIFICATE OF OATH

6  
7 I, the undersigned authority, certify that William  
8 H. Joost personally appeared before me and was duly sworn.

9 WITNESS my hand and official seal this 4<sup>th</sup> day of  
10 June, 1993.

11  
12 *Marie C. Gentry*

13 Marie C. Gentry, Notary Public,  
14 State of Florida  
15 My Commission No. CC 251746  
16 Expires: January 21, 1997

17 OFFICIAL NOTARY SEAL  
18 MARIE C GENTRY  
19 NOTARY PUBLIC STATE OF FLORIDA  
20 COMMISSION NO. CC251746  
21 MY COMMISSION EXP. JAN 21, 1997

1 STATE OF FLORIDA)  
2 :  
3 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

4 I, Marie C. Gentry, Court Reporter,  
5 DO HEREBY CERTIFY that I was authorized to and  
6 did stenographically report the foregoing deposition  
7 of WILLIAM H. JOOST;

8 I FURTHER CERTIFY that this transcript,  
9 consisting of 40 pages, constitutes a true record of the  
10 testimony given by the witness.

11 I FURTHER CERTIFY that I am not a relative,  
12 employee, attorney or counsel of any of the parties,  
13 nor am I a relative or employee of any of the parties'  
14 attorney or counsel connected with the action, nor am I  
15 financially interested in the action.

16 DATED this 4th day of June, 1993.

17 Marie C. Gentry  
18 Marie C. Gentry, Court Reporter  
19 Telephone No. (904)264-2943

20 STATE OF FLORIDA)  
21 :  
22 COUNTY OF DUVAL )

23 The foregoing certificate was acknowledged  
24 before me this 4th day of June, 1993,  
25 by Marie C. Gentry, who is personally known to me.

26 Patricia H. Vierengel  
27 Notary Public, State of Florida  
28 Patricia H. Vierengel  
29 My Commission expires 6-31-93

## close

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*Just E. 1*  
*5/4/93 mca*

## close

## 4. CRAFT - 'close job'

## 4.1 'close job'

Selecting this option first leads to a choice between the following two options:

- stay on duty
- go off duty (takes the craftsperson out of the LMOS force pool)

## 4.2 'stay on duty'

Selecting the 'stay on duty' option from the menu leads to a choice among the following four options:

- close or return job
- test ok
- return to cable
- return to CO

## 4.3 'close or return job'

After 'stay on duty' or 'go off duty' processing has completed, selecting the 'close or return job' option begins the job closeout.

There are more requests to the front end and the user is required to enter more information.

4.3.1 *Initial Request.* The initial request to close or return a job results in an attempt to get a DISP return mask from the FE for the craft. Several things may happen:

1. If mail is present, it is downloaded to the CAT.
2. If successful in getting the return mask, the TTN (Trouble Ticket Number) is displayed for verification (or the CTTN - cable TTN - if there is one).
3. If unsuccessful, the user is informed there is no job to close out.
4. If the job has a DFJ or DDO status, the craft is asked to enter a start time and date. An EST transaction is run on LMOS to update the job to a DPO (dispatched out, IST code of 062, WP=4) status.

close

5. If the job does not have DFJ or DDO status, normal closeout continues.

The actions taken at this point depend on whether the job is a trouble or a service order.

#### 4.3.2 Trouble Close.

1. After the craft is displayed the trouble ticket number and the customer report time, the craft selects 'close job'.
2. This trouble was: - the craft selects 'cleared'. This sets the work performance code (WP) to 6.
3. Cleared: - if 'customer advised' was selected, a 092 code (stated as CCA) is put in the IST field. If 'customer was not advised' was selected, a 091 code (stated as CNA) is put in the IST field. Either selection continues to the next item.
4. Customer was: - if 'not out of service' was selected, nothing is put in the OOS field. If 'out of service' was selected, a Y is put in the OOS field. Either selection continues to the next item.
5. The close out test is now run. This is a TV request for a FULLX test. Two test modes are supported:
  - If calling in on the line just repaired, the craft will drop off and call back in to get the test summary. When the user logs back in, the user can continue the closeout by reviewing the test results, or returning to the main menu.
  - If not on the line being tested, the craft remains logged in and test results are displayed.

To avoid delaying the craft in the event of a problem with MLT, the displayed result indicates no summary information is available. Any remaining long term MLT access will be dropped automatically before displaying the test summary.

NOTE: The MLT test can be controlled by turning on or turning off the 'TEST ON RETURN?' flag when executing an LMOS ADW (assign dispatch weights) transaction from an MC terminal. If this flag is turned on, an MLT test will be automatically initiated every time the DISP return mask for a craftperson is obtained. However, CAS scripts override the testing options when access is made from the CAT and always performs a dispatch test.

6. Ready for disposition information: 'input disp code' - craft enters a 4-character numeric disposition code.

close

7. Ready to enter cause information: 'input cause code' - craft enters a 3-character numeric cause code.
8. Finished work on this job at: - craft is asked to verify the finished time and date.
9. Do you need special studies codes? - allows up to three entries of a 3-character numeric entry.
10. Do you want to enter narrative? - allows a 50-character alphanumeric entry for the narr field.
11. All the information is then sent to the FE and usually results in an EST and FST (Final Status) for the job. However, LMOS may find some errors in either the clearing time entry or the code combinations. If so, the craft is informed of this and asked to make corrections. (See the Error Messages section of this manual). The routine trouble job is closed out.

4.3.3 *Trouble Close (CRAS)*. This is the first of a series of screens for the CRAS mask information. The interface applies to CTEI and CFST. LMOS allows for each site to determine if certain data should be collected for CRAS closeouts. The script can be adapted to only prompt the user for the data that the site wishes to collect. (See the Application Generator User Guide for directions, or contact your site manager.) Optional screens will be denoted by \*\*\*. They will be displayed based on script settings (which in turn are based on the customer's LMOS gdf settings; see LMOS document nfe\_pa.hcfe\_lmogdf)

For completeness, the cases involving CRAS closeouts will show the flow as if all possible data should be collected. In the description of the screens below, it will be noted if the screen is optional.

If a CRAS mask is to be brought up, the FST information will be carried over to CRAS. This occurs right after the 'Do you want to enter narrative?' screen.

1. Select circuit type -- puts an EX for 'exchange', TL for 'toll', or TK for 'trunk'. \*\*\*
2. More than one location for repairs? - 'Yes' puts Y in DASH field, 'No' makes no entry. Either selection continues to the next item.
3. NEXT to enter a 2 digit general and 2 digit detail code for repair category - allows a 2-character alphanumeric entry for the general code and a 2-character alphanumeric entry for the detail code. \*\*\*
4. The craft is asked to select the cable description from the following screens. \*\*\*
5. Select core cond. - enters a P, V, F, R, O, or U in the core field. \*\*\*

close

CASE 4-1. 'close job'.

### Synopsis

The 'close job' request permits the user to close or return a job, return a job as 'test ok', return a job to cable or to CO.

When a close has been completed, a message will be displayed on the CAT directing the craft to press NEXT to get back to the main menu.

If there are no jobs available to close, a message to that effect will appear on the CAT.

Case 4-1 is divided into two parts. This first (4-1a) shows selections associated with staying on duty when closing a job. The second (4-1b) shows selections associated with going off duty when closing a job.

close

CASE 4-1a. 'close job - stay on duty'.

```
-----  
receive new job  
work on current job  
>close job  
other  
-----  
|  
-----  
|Select duty status:  
>stay on duty  
go off duty  
|  
-----  
|  
-----  
>close or return job  
test ok  
return to cable  
return to CO  
-----
```



close

## CASE 4-8. Service Affecting (CRAS).

## Synopsis

A CTEI mask is invoked when closing out pending dispatch jobs with valid CRAS disposition codes. A repair category, corresponding to the disposition code, must be entered for service-affecting jobs. The remainder of CTEI information will be collected. PDM jobs have identical screen flows, but run the CFST transaction in place of CTEI, and display the CTTN in place of the TTN on the first closeout screen.

(\*\* indicates any character match, e.g. 0111 or 0341).

NOTE: if the craft selected 'off duty', the last screen displayed is as follows:

```
-----+
|Close complete
|CTTN: AP123
|Statused OFF DUTY
|NEXT for main menu.
-----+
```

NOTE: if the craft has a preassigned job, the last screen displayed is as follows:

```
-----+
|Close complete.
|CTTN: AP123 Job
|PREASSIGNED to you.
|NEXT for main menu.
-----+
```

close

## CASE 4-8. PDO, Service Affecting (CRAS).

- Selected: 1. close job  
2. stay on duty  
3. close or return job

	v	v	v(optional)
Close ttn is:  0193640  Customer rept time:  03-12-89 0930A	Request in Progress	Do you need special  studies codes?  Yes  >No	NEXT to enter a 2  digit general and  2 digit detail code  for repair category
>close job  return but don't  close the job	2015552353  TEST OK  END OF SUMMARIES	Do you want to  enter narrative?  Yes  >No	ABCDEFGHIJ_KLMNOPQRS  5000
			(optional)
This trouble was:  >cleared  not cleared	Enter the dis-  position code:  0421	Request in Progress	Select cable  description from  following screens.  NEXT to begin.
Cleared:  >customer advised  customer not  advised	Enter cause code:  300	More information  needed about cable  related trouble.  NEXT to begin.	Select core cond.  pressurized  vented  >other options
		(optional)	
Customer was:  not out of service  >out of service	Finished work on  this job at:0301P  time is incorrect  >time is correct	Select circuit type  exchange  >toll  trunk	filled  >reclaimed  other core cond.  unknown
Ready to test: make  line normal. Drop  off after NEXT if  you are on the line	The date is:  Month: 03  Day: 15  Year: 89	More than one loca-  tion for repairs?  >Yes  No	Select sheath type  >plastic  lead  armored
			v

close

**CASE 4-9. PDO Non-Service Affecting (CRAS).**

**Synopsis**

The closeout sequence for non-service affecting (NSA) CRAS jobs requires the entry of a report source information and a repair category. The screen flows are identical for PDM jobs.

## CASE 4-9. PDO, Non-Service Affecting (CRAS).

- Selected: 1. close job  
2. stay on duty  
3. close or return job

Close tln is: 0193640 Customer rept time: 03-12-89 0930A	Request in Progress	Do you need special studies codes? Yes >No	NEXT to enter a 2 digit general and 2 digit detail code for repair category
>close job return but don't close job	2015552353 TEST OK END OF SUMMARIES	Do you want to enter narrative? Yes >No	ABCDEFGHIJ_KLMNOPQRS 5000
This trouble was: >cleared not cleared	Enter the dis- position code: 0421	Request in Progress	Select cable description from following screens. NEXT to begin.
Cleared: >customer advised customer not advised	Enter cause code: 300	More information needed about cable related trouble. NEXT to begin.	Select core cond. pressurized vented >other options
Customer was: not out of service >out of service	Finished work on this job at:0301P time is incorrect >time is correct	Select circuit type exchange >toll trunk	filled >reclaimed other core cond. unknown
Ready to test: make line normal. Drop off after NEXT if you are on the line	The date is: Month: 03 Day: 13 Year: 89	More than one loca- tion for repairs? >Yes No	Select sheath type >plastic lead armored

## Error Messages

+-----+	MC Terminal Message(s):
Error in closing	N/A
service ord. Call	
MC. Don't press	
BACK	Transaction: service order closeout
+-----+	Error Type: LC

Cause: The IPST mask was not returned by LMOS on a PDS job after the FST.

+-----+	MC Terminal Message(s):
Error in finish	REQUIRED FIELD, INVALID DATE
time or date.	
Press NEXT to	Transaction: close job
re-enter.	Error Type: I
+-----+	

Cause: Occurs when craft overwrites the finish time or date field and entered a blank entry or special character entry.

+-----+	MC Terminal Message(s):
Error occurred in	N/A
obtaining test	
results. NEXT to	
try again.	Transaction: test options
+-----+	Error Type: O

Cause: An error occurred in downloading test results to the terminal.

+-----+	MC Terminal Message(s):
GO BACK to test	N/A
selection screen	
and choose a test	
+-----+	Transaction: test options
	Error Type: I

Cause: A quick, loop, or loop and CO test must be selected from the test selection screen.

Error Messages

MC Terminal Message(s):  
N/A

```

+-----+
|The day entry is
|incorrect. Press
|BACK and try
|again.
+-----+

```

Transaction: close job  
Error type: I

Cause: An incorrect day was entered.

MC Terminal Message(s):  
NOT ASSIGNED TO GROUP, Unknown employee

```

+-----+
|The employee code
|was not correct.
|NEXT to try again.
+-----+

```

Transaction: supervisor  
Error Type: I

Cause: Occurs when a supervisor enters an invalid employee code for the group specified.

MC Terminal Message(s):  
N/A

```

+-----+
|The 1st digit of
|the fl1 code must
|be between 0-8.
|Press BACK.
+-----+

```

Transaction: close job  
Error type: I

Cause: The first digit of the fl1 code must be 0-8.

MC Terminal Message(s):  
N/A

```

+-----+
|The month entry is
|incorrect. Press
|BACK and try
|again.
+-----+

```

Transaction: close job  
Error type: I

Cause: An incorrect month was entered.

MC Terminal Message(s):  
N/A

```

+-----+
|The time entry is
|incorrect. Press
|BACK and try
|again.
+-----+

```

Transaction: close job  
Error type: I

Cause: The time entry must be 4 digits.

MC Terminal Message(s):  
N/A

```

+-----+
|The year entry is
|incorrect. Press
|BACK and try
|again.
+-----+

```

Transaction: close job  
Error type: I

Cause: An incorrect year was entered.

MC Terminal Message(s):  
N/A

```

+-----+
|There is an error
|in your sequence.
|try again
|return to main menu
+-----+

```

Transaction: reorder bulk jobs  
Error type: I

Cause: An invalid, out of range or duplicate entry when reordering a bulk job.

MC Terminal Message(s):  
INVALID ENTRY, FIELD IN ERROR

```

+-----+
|There is an error.
|Press NEXT to re-
|enter disp and
|cause codes.
+-----+

```

Transaction: close job  
Error type: I

Cause: The disp code has less than 4 digits, the cause code less than 3 digits or either code contains an invalid character.

Joost Ex. 2  
5/4/93 MCA

CLOSING REPAIR JOBS

CORRECT FORMAT FOR BACKING UP YOUR TIME ON REPAIR JOBS

1. WHEN YOU FIRST RECEIVE A TROUBLE REPORT IN YOUR CAT, THE DATE RECEIVED WILL APPEAR ON PAGE 6 OF THE CUSTOMER MENU. THE DATE RECEIVED WILL ALSO APPEAR ON YOUR CAT WHEN YOU CLOSE THE JOB ON THE CLOSED TTN SCREEN. THIS IS THE TIME YOU WANT TO WATCH FOR THE 24 HOUR COMMITMENT.
2. THE DUE DATE AND TIME WILL ONLY APPEAR WHEN YOU FIRST RECEIVE THE TROUBLE IN YOUR CAT ON PAGE 7 OF THE TROUBLE MENU. IT DOES NOT APPEAR WHEN YOU CLOSEOUT THE TROUBLE. YOU WILL NEED TO KEEP A MENTAL NOTE OF THE DUE DATE AND TIME SO THAT WHEN YOU CLOSEOUT YOUR TROUBLE YOU CAN BACKUP YOUR TIME TO MEET THE COMMITMENT.
3. IF YOU ARE CLOSING A REPAIR JOB AND YOU ARE AT OR HAVE EXCEEDED THE DUE DATE AND TIME OR THE 24 HOUR COMMITMENT TIME YOU MUST GO TO ANOTHER LINE, NOT THE ONE YOU WILL BE CLOSING IN ORDER TO CLOSEOUT THE JOB. IF YOU CLOSEOUT THE JOB FROM THE LINE YOU JUST REPAIRED, LMOS WILL NOT RECOGNIZE THE TIME YOU BACKED UP TO MEET THE 24 HOUR COMMITMENT. IN ORDER TO MEET THE 24 HOUR COMMITMENT, YOU WILL NEED TO CLOSEOUT FROM A DIFFERENT WORKING LINE. IF YOU ARE NOT IN JEOPARDY OF MISSING THE 24 HOUR COMMITMENT, YOU CAN CLOSEOUT FROM YOUR JOB.

receive new job  
 work on current job  
 \* CLOSE JOB  
 other

---

\* CLOSE JOB  
 close job-off duty  
 return but don't  
 close the job

---

\* CLOSE OR RETURN JOB  
 test ok  
 return to cable  
 return to co

---

this trouble was:  
 \* CLEARED  
 not cleared

---

request in progress

---

cleared:  
 \* CUSTOMER ADVISED  
 customer not  
 advised

---

close ttn is:  
 0328076  
 CUSTOMER REPT TIME:  
 06-07-88 1100A

---

READY TO TEST: MAKE  
 LINE NORMAL. DROP  
 OFF AFTER NEXT IF  
 YOU ARE ON THE LINE.

---

REMEMBER TO GO TO ANOTHER LINE IF YOU ARE NEAR, AT, OR HAVE EXCEEDED THE 24 HOUR COMMITMENT.



request in progress

THE TIME SHOULD

BE: 1045

\* AM

PM

4078443444 tested:  
test ok

the date is:

month: 06

day: 08

year: 88

enter the dis-  
position code:  
0380

YOU CAN CHANGE THE MONTH  
OR DAY TO MEET A COMMIT-  
MENT IF YOU WERE INCOM-  
PLETE AND CLEARED THE  
TROUBLE THE DAY BEFORE.

ready to enter  
cause information:  
use menus

\* INPUT CAUSE CODE

do you need special  
studies codes?

yes

\* NO

enter cause code:  
210

do you want to  
enter narrative?

\* YES

no

FINISHED WORK ON  
THIS JOB AT: 1120A  
• TIME IS INCORRECT  
time is correct

ABCDEFGHIJKLMNOPQRSTUVWXYZ

THIS IS WHERE YOU BACKUP YOUR  
TIME TO MEET THE COMMITMENT  
TIME AND THE 24 HOUR OUT OF  
SERVICE COMMITMENT.

JOB CLOSED OUT.

NEXT for main menu

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

1  
2 In re: Investigation into the ) DOCKET NO. 910163-TL  
3 integrity of SOUTHERN BELL )  
4 TELEPHONE AND TELEGRAPH )  
5 COMPANY'S repair service )  
6 activities and reports. )

7 In re: Investigation into ) DOCKET NO. 910727-TL  
8 SOUTHERN BELL TELEPHONE AND )  
9 TELEGRAPH COMPANY'S compliance ) FILED: 04/28/93  
10 with Rule 25-4.110(2), F.A.C. )  
11 Rebates. )

12 DEPOSITION OF: CHARLES R. STOUT

13 TAKEN AT THE INSTANCE OF: The Staff of the Florida  
14 Public Service Commission

15 PLACE: Southern Bell  
16 3100 Emerson Street  
17 Jacksonville, Florida 32207

18 TIME: Commenced at 10:40 a.m.  
19 Concluded at 11:20 a.m.

20 DATE: Tuesday, May 4, 1993

21 REPORTED BY: Marie C. Gentry  
22 Court Reporter

23  
24 **ORIGINAL**

25  
MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

**State of Florida**

**Commissioners:**

**J. TERRY DEASON, CHAIRMAN  
THOMAS M. BEARD  
SUSAN F. CLARK  
LUIS J. LAUREDO  
JULIA L. JOHNSON**



**DIVISION OF RECORDS &  
REPORTING  
STEVE TRIBBLE  
DIRECTOR  
(904) 488-8371**

**Public Service Commission**

June 4, 1993

**TO WHOM IT MAY CONCERN:**

Attached is the original transcript of your deposition. Enclosed are forms of an Errata Sheet and an Affidavit to be completed by the deponent when reading the deposition.

Please do not mark on the original transcript. Any corrections you may desire to make in your testimony should be **TYPEWRITTEN** or **PRINTED** on the enclosed Errata Sheet, giving transcript page number, line number and desired corrections.

After reading and signing the deposition please return the Errata Sheet to our office, Attention Joy Kelly, Bureau Chief, Room 104.

Thank you,

Joy Kelly, CSR, RPR  
Bureau Chief  
FPSC Bureau of Reporting

APPEARANCES:

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

JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0863, Telephone No. (904) 487-2740.

STAN L. GREER, Engineer, Florida Public Service Commission, 101 E. Gaines Street, Room G-28, Tallahassee, Florida 32399-0866, Telephone No. (904) 488-1280.

WALTER BAER, Analyst, Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison Street, Room 812, Tallahassee, Florida 32399-1400.

ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications, Inc., Museum Tower Building, Suite 1910, 150 West Flagler Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications, Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia 30375-0001, Telephone No. (404) 529-5387.

WAYNE TUBAUGH, Southern Bell Telephone and Telegraph Company, 150 S. Monroe Street, Suite 400, Tallahassee, Florida 32301.

I N D E X

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Page No.

ERRATA SHEET	4
STIPULATION	5
AFFIDAVIT OF DEPONENT	35
CERTIFICATE OF REPORTER	37
CERTIFICATE OF NOTARY	37

WITNESS

CHARLES R. STOUT

Examination by Ms. Richardson	6
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EXHIBITS

<u>Number:</u>		<u>Identified</u>
1	Excerpts from AT&T instructions	17
2	Excerpt from Dowdy, CAT manual	24



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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 CHARLES R. STOUT

2 appeared as a witness and, after being duly sworn by the  
3 court reporter, testified as follows:.

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q Mr. Stout, would you please state your name and  
7 spell it to make sure that she has it correctly.

8 A Charles, C-h-a-r-l-e-s, Stout, S-t-o-u-t.

9 Q And your address?

10 A 1710 Talbot Street.

11 Q I'm sorry. Spell that.

12 A T-a-l-b-o-t Street, Jacksonville.

13 Q And the ZIP code?

14 A 32205.

15 Q And your phone number?

16 A 384-8137.

17 Q Okay. And what is your present position with the  
18 company?

19 A I'm a technical support manager.

20 Q And how long have you held that position?

21 A Since January.

22 Q Of '93?

23 A Yes, January 1st, '93.

24 Q And what did you do prior to becoming a technical  
25 support manager?



1 A I was a field control manager.

2 Q And how long did you hold that position?

3 A Since about -- since 1987 or '88, somewhere in that  
4 range.

5 Q When did you start with the company?

6 A 1971.

7 Q What position did you have when you started?

8 A When I started with the company I was a mail clerk.

9 Q Let me digress here for a minute. Have you talked  
10 to anyone about your deposition here today other than company  
11 counsel?

12 A No.

13 Q Did you give a statement to the company during the  
14 company's internal investigation?

15 A Yes.

16 Q Do you remember when you made that statement?

17 A It's probably been two or three years ago. I don't  
18 remember exactly.

19 Q Do you know who was in the room with you when you  
20 made that statement?

21 A Someone from the company security, I believe, and  
22 one or two other attorneys. I believe one from the company  
23 and one independent, if I remember right.

24 Q Was there a union representative present?

25 A No.

1 Q Have you in any way been disciplined in relation to  
2 the company's investigation?

3 A No.

4 Q Did you discuss that statement with anybody else?

5 A No.

6 Q Have you been advised whether or not you might be  
7 disciplined based upon any answers you may give here today?

8 A No.

9 Q Has anyone advised you of possible criminal  
10 penalties that could apply if you perjure your testimony here  
11 today?

12 A They mentioned perjury, but I don't really know  
13 what the penalties are.

14 Q If you need to, I have a copy of the statute or, if  
15 you would like to speak with counsel before we go any further  
16 and have questions that you want to ask of him, we can go off  
17 the record and you can do that. That's your option,  
18 Mr. Stout.

19 A I don't feel I need to.

20 Q Have you in any of the time span that you've worked  
21 for the company worked in installation and repair maintenance  
22 of customer trouble records?

23 A I just worked installation.

24 Q You just worked installation?

25 A (Nods head.)

1 Q Have you ever dealt at all, in any of your  
2 capacities, with the repair side?

3 A Very limited as a repairman and while I had a crew,

4 Q All right. When was this?

5 A When did I deal with it?

6 Q Yes.

7 A Since I've had a crew in '87 or '88, my technicians  
8 work repair.

9 Q Okay.

10 A And prior to that I worked mainly installation.

11 Q All right. When you say your technicians, are you  
12 implying that you supervise a group of outside field forces?

13 A Yes.

14 Q Okay. And is part of your supervisory duties to  
15 make sure that they follow the company practices for repair?

16 A Yes.

17 Q Is this in Jacksonville?

18 A Yes.

19 Q This entire time in Jacksonville?

20 A Yes.

21 Q Have you ever heard the terms "backing up the  
22 time"?

23 A Yes.

24 Q And what have you heard or what's your  
25 understanding of that term?

1           A       Well, in the past you had a trouble clear time and  
2 a trouble close time. That's basically it. Now you just  
3 have the one time.

4           Q       And what is it now? Which one is it?

5           A       It's just when you finish the trouble, the final  
6 time.

7           Q       Is that the actual, the real time?

8           A       Yes.

9           Q       And in the past then, if we could go back to '87-88  
10 -- or let me ask you this: When did this new process or new  
11 time procedure go into effect?

12          A       I'm going to say a couple of years ago.

13          Q       '92, somewhere in there?

14          A       I don't remember exactly.

15          Q       Was it before or after you made a statement to the  
16 company?

17          A       Exactly, I'm not sure.

18          Q       Okay.

19          A       I didn't really pay that much attention to the  
20 time.

21          Q       All right. Well, let's go back before that  
22 point --

23          A       Okay.

24          Q       -- when only the real time was being used, before  
25 then, at least '87 and '88. Do you know of anyone who -- I

1 need to preface this. Are you aware of a requirement of the  
2 company that out-of-service trouble reports should be cleared  
3 within 24 hours at least 95 percent of the time?

4 A I know that there was a benchmark for a percentage  
5 to be cleared.

6 Q So you're familiar with the out of services?

7 A Yes.

8 Q Did you ever have occasion to instruct your outside  
9 people about that out-of-service requirement?

10 A We really didn't deal with it. That was not a  
11 topic of discussion per se.

12 Q At no time then did you discuss getting reports  
13 cleared within 24 hours with your people?

14 MR. BEATTY: Objection to the form of the question.  
15 It's been asked and answered. You may respond.

16 THE WITNESS: I didn't hear what you said.

17 MR. BEATTY: I just made a legal objection. I  
18 said that I object to the form of the question that  
19 was posed to you because the question has been asked  
20 and you've already answered it. That's just a legal  
21 objection. You can still respond.

22 THE WITNESS: Ask the question again. I'm sorry.

23 BY MS. RICHARDSON:

24 Q At any time then did you ever discuss getting  
25 trouble reports cleared within 24 hours with your people that

1 you worked with?

2 A We just told them to be aware of the commitment  
3 time.

4 Q What did you understand the commitment time to  
5 mean?

6 A Well, you had a commitment time when the trouble  
7 was committed for and then there was a time that it was  
8 actually over 24 hours.

9 Q Okay. Is that one and the same time or were they  
10 different?

11 A They would be different. The only time that we  
12 knew of was when the actual commitment was.

13 Q Okay. So the emphasis then was on meeting the  
14 commitment time given to the customer that the repair would  
15 be fixed by?

16 A Right.

17 Q At any time did you discuss then this other time  
18 besides the commitment time, the 24-hour time with your  
19 people?

20 MR. BEATTY: Objection. It's been asked and  
21 answered. You may respond.

22 A I didn't emphasize -- we only emphasized the  
23 commitment time itself, that we had a commitment to the  
24 customer, and we were not -- it wasn't on the technician's  
25 terminal that I'm aware of the actual time that it went over

1 24.

2 Q Okay. On the terminal would the ST be aware of the  
3 receipt time of the report?

4 A I'm not sure if the receipt time comes up on his  
5 terminal or not, to be honest.

6 Q Have you worked with the CAT script yourself or the  
7 CAT terminal?

8 A Not really, just watched them work with it.

9 Q Okay.

10 A I mean, I don't remember ever -- I know they get  
11 the trouble, but I don't know the exact information that's on  
12 it.

13 Q Do you know if they have an opportunity or if they  
14 did back in the '87-88 time period, did they have an  
15 opportunity for inputting a clear time other than the actual  
16 real time?

17 A Yes. There was a trouble clear time and then a  
18 finish time.

19 Q Okay. And so when you emphasized or talked to them  
20 about meeting the commitment time, did you also discuss with  
21 them the input of that clear time?

22 A No, not really. We mainly emphasized, like I said  
23 before, the time when the trouble was actually cleared.

24 Q Did your people -- did you ever instruct your  
25 people to input a clear time other than the actual real time

1 that they were closing out the report?

2 A There may be circumstances where the actual finish  
3 time and the clear time would be different.

4 Q Okay. And what circumstances would those be?

5 A If they had other routine work other than actual  
6 fixing of the problem, there may be a difference in the clear  
7 and the close time at that point if it was other routine.

8 Q And what's routine?

9 A Trim trees, maybe you would have to replace  
10 something else that had nothing to do with the actual trouble  
11 report itself.

12 Q Could you give me an example of replacing something  
13 else?

14 A You might have to replace a jack. They do a --  
15 they run tests when they do a trouble and they try to clear  
16 all the troubles while they're there. In other words, there  
17 may be a minor trouble on the line that they try to take care  
18 of while they're on the premise.

19 Q Service affecting trouble in addition to an  
20 out-of-service trouble?

21 A It may or may not be service affecting.

22 Q On an out-of-service report, if you are repairing a  
23 jack, would repairing the jack be included in restoral of  
24 service time?

25 A Well, it all depends on what was wrong with the



1 service while it was out of service.

2 Q Okay.

3 A In other words, if the drop was laying on the  
4 ground, that would make it be out of service, but the jack  
5 may just be corroded but that wouldn't have anything to do  
6 with it being out of service.

7 Q I'm trying to put whether or not the jack fits into  
8 routine work or it's going to fit into the out-of-service  
9 part that you consider the actual repair work. If the jack  
10 is out -- and I'm not a technical expert. But I assumed that  
11 if you had jack problems or a jack had to be replaced, it was  
12 out of service, but that's obviously not correct.

13 A No.

14 Q Okay.

15 A It could have minor trouble on it that has  
16 absolutely no effect on the service but it could at a later  
17 time.

18 Q Okay. What's the maximum amount of time that  
19 you're aware of between a clearing and a closing for routine  
20 work?

21 A A maximum out?

22 Q Yes.

23 A I really don't have an answer for that.

24 Q What's an approximate? Estimate for me the  
25 approximate amount of time routine work should take.

1 A No more than 30 minutes.

2 Q Okay. Have you seen any reports where that routine  
3 time greatly exceeded 30 minutes?

4 A No.

5 MR. BEATTY: Objection to the form of the question.  
6 It's ambiguous. You may respond.

7 BY MS. RICHARDSON:

8 Q Are you familiar with -- let me ask you this: You  
9 said something about routine work. Is that something that's  
10 done every single time an ST goes on a problem?

11 A If necessary, yes.

12 Q All right. What about days when you are just  
13 inundated with out-of-service reports and your field people  
14 are just running to try to meet them, do they still stop and  
15 do routine work?

16 A Yes.

17 Q Has there ever been a time when you've been  
18 director where you've instructed your people don't do routine  
19 work today, we've just got to get these troubles fixed?

20 A Only something like trimming a tree we wouldn't do,  
21 but we try to do all the routine work while we're there.

22 Q When your STs get the trouble, are they already  
23 stasured as out of service or affecting service?

24 A Yes.

25 Q All right. Have your STs ever had occasion to

1 change that status?

2 A They can't change it.

3 Q On the CAT script they can't change it?

4 A No.

5 MS. RICHARDSON: At this point I'd like to  
6 introduce -- I'd like to introduce Exhibit 1, and  
7 Exhibit 1 is excerpts from an AT&T document on  
8 instructions for closing repair jobs on the CAT terminal,  
9 and then I'm going to give Mr. Stout an opportunity to  
10 look at it off the record and then we'll come back on  
11 with some questions.

12 (The document last above referred to was marked for  
13 identification as Exhibit No. 1.)

14 (Off the record.)

15 BY MS. RICHARDSON:

16 Q Mr. Stout, have you ever seen this document before?

17 A I've seen CAT scripts, but I haven't seen this  
18 particular document.

19 Q Okay. And if we look at -- let's start with Page  
20 2. It starts Section 4.3.2, Trouble Close, and Item No. 4 --  
21 well, let's go to No. 1: "After the craft is displayed the  
22 trouble ticket number and the customer report time, the craft  
23 selects 'close job'."

24 Is that familiar to you? Is that how it works or  
25 worked in '87-88 when you were dealing with your people?

1 A To be honest, I don't remember exactly for sure  
2 because, like I said, I really didn't deal with the CAT.

3 Q Okay. Would your people close out trouble reports  
4 using a CAT?

5 A Yes.

6 Q Okay. And just generally would there be a section  
7 for closing out reports that would appear on the CAT terminal  
8 that they would follow?

9 MR. BEATTY: Objection; asked and answered. He's  
10 indicated he doesn't really know.

11 A I don't understand the question.

12 Q Okay. Would they clear trouble reports on the CAT?

13 A You mean close them out?

14 Q Well, clearing time. Would they enter a clearing  
15 time on the CAT?

16 A Back in the past, yes.

17 Q I'm still dealing with around '87-88.

18 A Right.

19 Q Okay. Then on Page 2, No. 4, this indicates that  
20 the customer was, and then it says, "If 'not out of service'  
21 was selected, nothing is put in the OOS field. If 'out of  
22 service' was selected, a Y is put in the OOS field."

23 In your experience, were your STs permitted through  
24 the use of their CATs to status out of service?

25 A If it appeared on the CAT, it would have been, but,

1 like I say, I don't ever remember seeing that particular --  
2 that screen come up.

3 Q Okay. Look at Page 45 then. Is this a series of  
4 CAT screens?

5 A Uh-huh.

6 Q Is this what they look like?

7 A Uh-huh.

8 Q Okay. Then in that first row down, No. 5, customer  
9 was not out of service, and then there's a little caret there  
10 "out of service." Do you ever recall seeing that on a CAT  
11 screen?

12 A Like I say, I don't remember seeing that particular  
13 screen and I didn't think that screen came up.

14 Q Okay. Looking at the one next to that, "Finished  
15 work on this job at :0301P, time is incorrect, time is  
16 correct."

17 Do you recall that ever appearing on a CAT screen?

18 A If it was exactly that way, I don't know. I know  
19 that they had an option for time cleared and then the  
20 computer final time, when they sent the close-out, was the  
21 final status time. Whether it was exactly like that, I  
22 couldn't tell you.

23 Q Did any of your people ever back up the time to  
24 meet their commitment in order to meet that over 24-hour  
25 commitment?

1 MR. BEATTY: Objection to the form of the question.

2 It's ambiguous.

3 BY MS. RICHARDSON:

4 Q Did any of your people ever back up the clearing  
5 time in order to meet the 24-hour commitment?

6 A No.

7 Q Did you ever instruct your people to do that?

8 A No.

9 Q Do you know if anyone else ever instructed your  
10 people to do that?

11 A I don't know.

12 Q Did any of your people ever come to you and tell  
13 you that another manager had told them to back up clearing  
14 times in order to meet the 24-hour commitment?

15 A No.

16 Q Have you ever heard of that being done?

17 A No.

18 Q Okay.

19 A Could I say something here?

20 Q Yes.

21 A That last question that you asked --

22 Q Yes.

23 A I had had rumors about everything that happened of  
24 that being done, but as far as me personally being involved  
25 with someone coming to me, no, I haven't. I had had the

1 rumors of it, but I don't have knowledge of any particular  
2 person that did that.

3 Q And what were the rumors that you heard?

4 MR. BEATTY: Objection; hearsay.

5 You may respond.

6 A Just basically what I read in the paper and what  
7 I've heard through the company.

8 Q And what have you heard through the company?

9 A Just said apparently there were some troubles that  
10 the times were backed up that weren't supposed to be.

11 Q Okay. When you heard this rumor, did you hear  
12 where this occurred?

13 A I heard South Florida or Orlando, one or the other.

14 Q Okay. Did you hear any names in association with  
15 this rumor of people who had done that?

16 A No.

17 Q Did you hear whether or not any other people  
18 involved had been disciplined?

19 A There, again, I heard rumors, but as far as actual  
20 knowledge, I don't. I opted not to be involved.

21 Q Did any of your STs ever have a problem with using  
22 the CAT to clear and close?

23 A Not normally.

24 Q Did any of your STs ever indicate to you that they  
25 were having troubles with clearing and closing times on their

1 CATs?

2 A How do you mean?

3 Q Not being able to show a proper -- for them the  
4 actual restoral time, for instance.

5 A I don't believe so.

6 Q Did any of them ever question you about using a  
7 time other than the actual time on the CAT; in other words,  
8 backing it up to a restoral time rather than putting in the  
9 actual time?

10 A No. My folks were instructed to close it with the  
11 time that it was actually done.

12 Q Okay. And you don't know of anyone who ever  
13 instructed them otherwise?

14 MR. BEATTY: Objection; asked and answered.

15 A No.

16 Q What about when your STs actually do the CAT  
17 close-out procedure, do they use the line number that's in  
18 trouble to close it out?

19 A The reported number?

20 Q Yes, the reported number.

21 A Yes. That comes up automatically.

22 Q All right. Did you ever have an instance or a  
23 reason to use another line number to close out the trouble  
24 number, the reported number?

25 A I don't understand what you're saying. They could



1 only close out what was on the CAT. In other words, they  
2 could not put in another number and close out that number.

3 Q Okay. I'm going to show you Exhibit 2, and we'll  
4 go off the record while you have a chance to look at it.

5 (Off the record.)

6 THE WITNESS: Ask that last question again. Maybe  
7 I didn't understand exactly.

8 MS. RICHARDSON: Okay.

9 BY MS. RICHARDSON:

10 Q Have any of your STs ever had occasion to close out  
11 a trouble from another line rather than the reported line?

12 A You mean go to another phone number and clip on?

13 Q Yes.

14 A Oh, yes.

15 Q Okay. When is that done?

16 A If the customer gets on the line once restored, you  
17 have to go to another line to close it, particularly a  
18 business.

19 Q All right. So if there's an incoming call, in  
20 other words, that ties up the line --

21 A Right.

22 Q -- your CAT won't pull up that particular number?

23 A It will pull up that number, but you can't  
24 physically close it from that location.

25 Q As long as it's in use?

1 A Right. You would have to get on another line and  
2 close out the line you were working on.

3 Q Okay. In your experience does that happen  
4 frequently?

5 A Exactly how often, I really couldn't say. I know  
6 it does happen.

7 Q Okay. And this exhibit is closing repair jobs  
8 which is a two-page excerpt from Mr. Dowdy, D-o-w-d-y, a CAT  
9 manual or script. That's just identifying it for the record.

10 MR. BEATTY: Objection to the form of the question.  
11 Counsel is testifying and I believe she's testifying  
12 actually inaccurately.

13 MS. RICHARDSON: I'm just trying to get a title for  
14 the exhibit itself. Okay?

15 (The document last above referred to was marked for  
16 identification as Exhibit No. 2.)

17 BY MS. RICHARDSON:

18 Q On No. 3, Page 1, it says, "If you close out the  
19 job from the line you just repaired, LMOS will not recognize  
20 the time you backed up to meet the 24-hour commitment."

21 Do you know if that's a true statement?

22 A If you're closing from the line?

23 Q Yes, from the reported line.

24 A I've never heard of that.

25 Q Okay. That next sentence, "In order to meet the

1 24-hour commitment, you will need to closeout from a  
2 different working line. If you are not in jeopardy of  
3 missing the 24-hour commitment, you can closeout from your  
4 job."

5 A I have never heard of that.

6 Q Okay.

7 A And they're not aware of that.

8 Q You mean your STs are not aware of that?

9 A Not to my knowledge. I don't know of anybody  
10 that's ever heard of this.

11 Q Okay. Do you know why this instruction might have  
12 been given?

13 MR. BEATTY: Objection. It calls for speculation.

14 A I have no idea. I never knew it mattered if you  
15 were on your line or another to close it out.

16 Q Do you know of anyone who has instructed an ST to  
17 back up the time to meet the commitment time? Not the  
18 24-hour time, but the commitment time when service is due to  
19 be restored.

20 A No. There would be no reason to.

21 Q You've never done that?

22 A No.

23 Q Do you know what a task-per-day requirement is?

24 A Uh-huh.

25 Q Can you explain that to me?

1           A       It was an objective that the service technicians  
2 had for their appraisal.

3           Q       And what was the objective?

4           A       It varied from year to year anywhere from the mid  
5 fours to low fives, I believe, like around -- it seemed like  
6 it was 4.5 to 5.2. I don't remember exactly, but like in  
7 that range.

8           Q       Okay. And what would a task be considered? What  
9 would a task be?

10          A       A completed job.

11          Q       Okay. Would that be installation and repair or --

12          A       Yes.

13          Q       Okay. And would that include the routine work --

14          A       Yes.

15          Q       -- that would be done?

16          A       Yes.

17          Q       And is that in an eight-hour time period?

18          A       Yes.

19          Q       During the period of time that you have supervised  
20 outside forces, have you ever had difficulty in meeting the  
21 forced-to-load requirement, the task-per-day requirement,  
22 excuse me, with the number of individuals that you had?

23          A       Some had a problem; some didn't.

24          Q       Did you ever find -- well, let me stop and ask this  
25 first: During the time that you were supervising outside

1 forces, did the company cut back the number of STs that you  
2 had?

3 A The size of the crew varied from time to time.  
4 They would move people, you know, at times, but when you say  
5 -- I don't know what you mean by cutback. You mean like lay  
6 off or --

7 Q Well, decrease the number of employees. In '87 how  
8 many STs did you have in order to do the installation and  
9 repair that you were required to do?

10 A Well, there's really not a pat answer for that  
11 because at that time each foreman had one specific small  
12 area, so you only had X number of people. As time  
13 progressed, our stand of control increased because our  
14 territory increased, so then the number of people you had --  
15 you had a different number of people. In other words, they  
16 combined two crews into one.

17 Q Okay.

18 A But in answer to your question, I had about nine  
19 technicians initially when I first got promoted.

20 Q Did you have any trouble meeting the requirements,  
21 the task-per-day requirements with your nine technicians?

22 A Some of them did.

23 Q Okay. What about you in terms of getting your  
24 particular amount of work done? If you got so many troubles  
25 in one day, did you have any trouble matching the forced to

1 load, I guess, is what I'm really asking?

2 A I really didn't deal with it. That was dealt  
3 through load balance.

4 Q Okay. So that wasn't your area?

5 A No. I had nothing to do with the amount of  
6 troubles.

7 Q Mr. Stout, have you ever been involved in sales for  
8 the company?

9 A As a service rep.

10 Q Oh. When were you a service rep?

11 A From about -- probably about 1975 to about 1980.

12 Q And were these contact sales where you contacted  
13 the customer?

14 A You mean did I call the customers?

15 Q Yes.

16 A No. Strictly incoming.

17 Q So customers would call in?

18 A Uh-huh.

19 Q And then what kind of services or products would  
20 you sell for the company?

21 A Touchtone. At that time we had telephones  
22 themselves.

23 Q And what year or years did you do that?

24 A Like I said, somewhere from about -- I'm going to  
25 say about '75 to '79 or '80. It's somewhere in that time

1 frame.

2 Q Was the company actually selling phones, hardware  
3 at that time?

4 A Yes. But my entire time in the business office was  
5 -- I was not always an incoming rep. I was only an incoming  
6 rep for about two years, I guess, and the rest of the time I  
7 was collections.

8 Q Did you have any training in sales when you took  
9 that job over?

10 A Basically, yes.

11 Q Was part of your salary based upon the amount of  
12 sales?

13 A No.

14 Q Were there bonuses or awards or prizes or anything  
15 given at that time?

16 A They gave prizes away.

17 Q Okay. As an outside foreman, did any of your  
18 people ever participate in sales to customers?

19 A They participated in a referral program.

20 Q All right. And when was this?

21 A Probably -- I think it ended a year and a half ago  
22 or two years ago, up till that point.

23 Q Are you aware of any individuals who recorded sales  
24 to customers that customers did not order?

25 A No. We only sent a little referral slip on. We

1 didn't have anything to do with adding it to the record.

2 Q Okay. Were any of your people given points or  
3 awards or eligible for prizes based upon their referrals?

4 A Yes, if a sale was made.

5 Q Okay. And the sale was referred to an actual  
6 service representative to sell?

7 A Uh-huh.

8 Q Someone in the service area?

9 A Uh-huh.

10 Q Okay. Let me ask you in terms of reporting -- you  
11 said you had a task-per-day requirement of, I think you said,  
12 4.5 to 5.2, somewhere in that neighborhood. When your men  
13 are reporting their time, is there a time sheet where they  
14 keep track and they log the amount of time spent doing repair  
15 or installation or something of that nature?

16 A There's a time sheet, yes.

17 Q Okay. And are there certain work codes that they  
18 have to put in there for the type of work that they do?

19 A Yes.

20 Q All right. And is there a code for the regulated,  
21 the repair side of the work?

22 A Tariff B tariff?

23 Q Yes.

24 A Yes.

25 Q Okay. And when your men were involved in the sales



1 part of this, did they use any particular code for the amount  
2 of time that they spent doing sales?

3 A I believe there was a code they used for it, but I  
4 don't remember what it was.

5 Q Okay.

6 A Most of it was -- mostly it was a customer would  
7 say, "I would like this," and we just wrote a slip and sent  
8 it to the business office.

9 Q Okay. So there wouldn't be a need then for  
10 something like --

11 A I think -- it seems like there was some type of  
12 code for it, but I don't remember what it was. Most of my  
13 people didn't sell anyway, so ...

14 Q Do you know of any of your individuals who had won  
15 prizes based on their sales?

16 A Uh-huh.

17 Q What kind of prizes did they win?

18 A Clock radios, fishing poles, minor things.

19 Q Did any of your people complain to you about having  
20 to do sales?

21 A They didn't really complain because I really didn't  
22 pursue the matter.

23 Q Okay. So there was no emphasis from you about  
24 their selling?

25 A No.

1 Q Did you receive any emphasis about their  
2 participating in sales?

3 A Did I? Meaning from who?

4 Q From whomever in the company.

5 A There was always emphasis to offer the services to  
6 a customer, but there was no pressure or anything.

7 Q This is not an exhibit, Mr. Stout, but I'm going to  
8 show you a document that is the company's response to our  
9 third set of interrogatories. An interrogatory is a written  
10 question that we mail to the company and the company sends us  
11 a written response or an answer back.

12 A Okay.

13 Q Which generally we ask for the names of employees  
14 with information about certain matters.

15 A Right.

16 Q And so what I'm going to do is go -- and this is  
17 dated June 6th, 1991. I'm going to go off the record and  
18 give you a chance to look at this and identify whether or not

19  
20 A Okay.

21 Q And then if you have anything further to add to  
22 your testimony here today based upon having seen this. Okay.  
23 And then if you have any questions for Mr. Beatty or any  
24 questions that I have to follow up.

25 MS. RICHARDSON: Did you want to say something

1 before we go off the record?

2 MR. BEATTY: Yes. I do object to the format of  
3 this. You have laid an improper foundation to undertake  
4 this kind of activity of, I assume, refreshing  
5 recollection. But with that, I will await your first  
6 question.

7 MS. RICHARDSON: Let's go off the record a minute.  
8 (Off the record.)

9 MS. RICHARDSON: We're back on the record.

10 BY MS. RICHARDSON:

11 Q

12 document?

13 A Yes.

14 Q

15 A

16 Q

17 A

18 Q

19 A Yes.

20 Q Okay.

21 A Yes.

22 Q So that would be addressed to Southern Bell then?

23 A Yes.

24 Q All right. I have asked you a couple questions  
25

1 already about backing up clearing times, and I'd like to ask  
2 you one final question. Do you know of anyone who has backed  
3 up a time on a trouble report improperly?

4 A Improperly? No.

5 Q

6  
7 MR. BEATTY: I object to the form of the question.  
8 It calls for speculation.

9 You can answer that if you know the answer.

10 THE WITNESS: Say the question again.

11 BY MS. RICHARDSON:

12 Q

13  
14 A

15  
16 Q Yes.

17 A No.

18 MS. RICHARDSON: All right. I think that's all  
19 the questions I have. I thank you for being here,  
20 Mr. Stout. Ms. Wilson may have one or two and  
21 Mr. Beatty may have one or two.

22 MS. WILSON: I have no questions.

23 MR. BEATTY: That's it.

24 (Witness excused)

25 (Whereupon, the deposition concluded at 11:20 a.m.)

AFFIDAVIT OF DEPONENT

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This is to certify that I, CHARLES R. STOUT, have read the foregoing transcription of my testimony, Page 6 through 34, given on May 4, 1993, in Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_  
CHARLES R. STOUT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
NOTARY PUBLIC

State of Florida

My Commission Expires:

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STATE OF FLORIDA)

:

CERTIFICATE OF OATH

COUNTY OF DUVAL )

I, the undersigned authority, certify that Charles R. Stout personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 4<sup>th</sup> day of June, 1993.

*Marie C. Gentry*  
Marie C. Gentry  
Notary Public - State of Florida  
My Commission No. CC251746  
Expires: 1/21/97

OFFICIAL NOTARY SEAL  
MARIE C GENTRY  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC251746  
MY COMMISSION EXP. JAN. 21, 1997

1 STATE OF FLORIDA)

CERTIFICATE OF REPORTER

2 COUNTY OF DUVAL )

I, Marie C. Gentry, Court Reporter,

3 DO HEREBY CERTIFY that I was authorized to and did  
4 stenographically report the foregoing deposition of  
5 CHARLES R. STOUT;

6 I FURTHER CERTIFY that this transcript, consisting  
7 of 37 pages, constitutes a true record of the testimony given  
8 by the witness.

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

14 DATED this 4th day of June, 1993.

15 Marie C. Gentry  
16 Marie C. Gentry, Court Reporter  
Telephone No. (904) 264-2943

17 STATE OF FLORIDA)

18 COUNTY OF DUVAL )

19 The foregoing certificate was acknowledged before  
20 me this 4th day of June, 1993, by Marie C. Gentry, who is  
21 personally known to me.

22 Patricia H. Vierengel  
Notary Public - State of Florida  
23 Patricia H. Vierengel  
24 My Commission expires 6-31-93

*Blout Ex. 1  
5/4/93 mca*

close

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## close

## 4. CRAFT - 'close job'

## 4.1 'close job'

Selecting this option first leads to a choice between the following two options:

- stay on duty
- go off duty (takes the craftsman out of the LMOS force pool)

## 4.2 'stay on duty'

Selecting the 'stay on duty' option from the menu leads to a choice among the following four options:

- close or return job
- test ok
- return to cable
- return to CO

## 4.3 'close or return job'

After 'stay on duty' or 'go off duty' processing has completed, selecting the 'close or return job' option begins the job closeout.

There are more requests to the front end and the user is required to enter more information.

4.3.1 *Initial Request.* The initial request to close or return a job results in an attempt to get a DISP return mask from the FE for the craft. Several things may happen:

1. If mail is present, it is downloaded to the CAT.
2. If successful in getting the return mask, the TTN (Trouble Ticket Number) is displayed for verification (or the CTIN - cable TTN - if there is one).
3. If unsuccessful, the user is informed there is no job to close out.
4. If the job has a DFJ or DDO status, the craft is asked to enter a start time and date. An EST transaction is run on LMOS to update the job to a DPO (dispatched out, IST code of 062, WP=4) status.

close

5. If the job does not have DFJ or DDO status, normal closeout continues.

The actions taken at this point depend on whether the job is a trouble or a service order.

#### 4.3.2 Trouble Close.

1. After the craft is displayed the trouble ticket number and the customer report time, the craft selects 'close job'.
2. This trouble was: - the craft selects 'cleared'. This sets the work performance code (WP) to 6.
3. Cleared: - if 'customer advised' was selected, a 092 code (stated as CCA) is put in the IST field. If 'customer was not advised' was selected, a 091 code (stated as CNA) is put in the IST field. Either selection continues to the next item.
4. Customer was: - if 'not out of service' was selected, nothing is put in the OOS field. If 'out of service' was selected, a Y is put in the OOS field. Either selection continues to the next item.
5. The close out test is now run. This is a TV request for a FULLX test. Two test modes are supported:
  - If calling in on the line just repaired, the craft will drop off and call back in to get the test summary. When the user logs back in, the user can continue the closeout by reviewing the test results, or returning to the main menu.
  - If not on the line being tested, the craft remains logged in and test results are displayed.

To avoid delaying the craft in the event of a problem with MLT, the displayed result indicates no summary information is available. Any remaining long term MLT access will be dropped automatically before displaying the test summary.

NOTE: The MLT test can be controlled by turning on or turning off the 'TEST ON RETURN?' flag when executing an LMOS ADW (assign dispatch weights) transaction from an MC terminal. If this flag is turned on, an MLT test will be automatically initiated every time the DISP return mask for a craftperson is obtained. However, CAS scripts override the testing options when access is made from the CAT and always performs a dispatch test.

6. Ready for disposition information: 'input disp code' - craft enters a 4-character numeric disposition code.

close

7. Ready to enter cause information: 'input cause code' - craft enters a 3-character numeric cause code.
8. Finished work on this job at: - craft is asked to verify the finished time and date.
9. Do you need special studies codes? - allows up to three entries of a 3-character numeric entry.
10. Do you want to enter narrative? - allows a 50-character alphanumeric entry for the narr field.
11. All the information is then sent to the FE and usually results in an EST and FST (Final Status) for the job. However, LMOS may find some errors in either the clearing time entry or the code combinations. If so, the craft is informed of this and asked to make corrections. (See the Error Messages section of this manual). The routine trouble job is closed out.

4.3.3 *Trouble Close (CRAS)*. This is the first of a series of screens for the CRAS mask information. The interface applies to CTEI and CFST. LMOS allows for each site to determine if certain data should be collected for CRAS closeouts. The script can be adapted to only prompt the user for the data that the site wishes to collect. (See the Application Generator User Guide for directions, or contact your site manager.) Optional screens will be denoted by \*\*\*. They will be displayed based on script settings (which in turn are based on the customer's LMOS gdf settings; see LMOS document nfe\_pa.hcfe\_lmogdf)

For completeness, the cases involving CRAS closeouts will show the flow as if all possible data should be collected. In the description of the screens below, it will be noted if the screen is optional.

If a CRAS mask is to be brought up, the FST information will be carried over to CRAS. This occurs right after the 'Do you want to enter narrative?' screen.

1. Select circuit type - puts an EX for 'exchange', TL for 'toll', or TK for 'trunk'. \*\*\*
2. More than one location for repairs? - 'Yes' puts Y in DASH field, 'No' makes no entry. Either selection continues to the next item.
3. NEXT to enter a 2 digit general and 2 digit detail code for repair category - allows a 2-character alphanumeric entry for the general code and a 2-character alphanumeric entry for the detail code. \*\*\*
4. The craft is asked to select the cable description from the following screens. \*\*\*
5. Select core cond. - enters a P, V, F, R, O, or U in the core field. \*\*\*

close

CASE 4-1. 'close job'.

### Synopsis

The 'close job' request permits the user to close or return a job, return a job as 'test ok', return a job to cable or to CO.

When a close has been completed, a message will be displayed on the CAT directing the craft to press NEXT to get back to the main menu.

If there are no jobs available to close, a message to that effect will appear on the CAT.

Case 4-1 is divided into two parts. This first (4-1a) shows selections associated with staying on duty when closing a job. The second (4-1b) shows selections associated with going off duty when closing a job.

CASE 4-1a. 'close job - stay on duty'.

```
-----+
receive new job
work on current job
>close job
other
-----+
      |
-----+
|Select duty status:
>stay on duty
go off duty
|
-----+
      |
-----+
>close or return job
test ok
return to cable
return to CO
-----+
```

close

## CASE 4-8. Service Affecting (CRAS).

## Synopsis

A CTEI mask is invoked when closing out pending dispatch jobs with valid CRAS disposition codes. A repair category, corresponding to the disposition code, must be entered for service-affecting jobs. The remainder of CTEI information will be collected. PDM jobs have identical screen flows, but run the CFST transaction in place of CTEI, and display the CTTN in place of the TTN on the first closeout screen.

(\*\* indicates any character match, e.g. 0111 or 0341).

NOTE: if the craft selected 'off duty', the last screen displayed is as follows:

```
-----  
|Close complete  
|CTTN: AP123  
|Statused OFF DUTY  
|NEXT for main menu.  
-----
```

NOTE: if the craft has a preassigned job, the last screen displayed is as follows:

```
-----  
|Close complete.  
|CTTN: AP123 Job  
|PREASSIGNED to you.  
|NEXT for main menu.  
-----
```

close

## CASE 4-8. PDO, Service Affecting (CRAS).

- Selected: 1. close job  
2. stay on duty  
3. close or return job

	v	v	v(optional)
Close ttn is:  0193640  Customer rept time:  03-12-89 0930A	Request in Progress	Do you need special  studies codes? Yes >No	NEXT to enter a 2  digit general and  2 digit detail code  for repair category
>close job    return but don't  close the job	2015552353  TEST OK  END OF SUMMARIES	Do you want to  enter narrative? Yes >No	ABCDEFGHIJKLMNOPS  5000
This trouble was: >cleared  not cleared	Enter the dis-  position code:  0421	Request in Progress	Select cable  description from  following screens.  NEXT to begin.
Cleared: >customer advised  customer not  advised	Enter cause code:  300	More information  needed about cable  related trouble.  NEXT to begin.	Select core cond.  pressurized  vented >other options
Customer was:  not out of service >out of service	Finished work on  this job at:0301P  time is incorrect >time is correct	Select circuit type  exchange >toll  trunk	filled >reclaimed  other core cond.  unknown
Ready to test: make  line normal. Drop  off after NEXT if  you are on the line	The date is:  Month: 03  Day: 15  Year: 89	More than one loca-  tion for repairs? >Yes  No	Select sheath type >plastic  lead  armored

close

**CASE 4-9. PDO Non-Service Affecting (CRAS).**

**Synopsis**

The closeout sequence for non-service affecting (NSA) CRAS jobs requires the entry of a report source information and a repair category. The screen flows are identical for PDM jobs.



## CASE 4-9. PDO, Non-Service Affecting (CRAS).

- Selected: 1. close job  
2. stay on duty  
3. close or return job

Close ttn is:  0193640  Customer rept time:  03-12-89 0930A	Request in Progress	Do you need special  studies codes?  Yes  >No	NEXT to enter a 2  digit general and  2 digit detail code  for repair category
>close job  return but don't  close job	2015552353  TEST OK  END OF SUMMARIES	Do you want to  enter narrative?  Yes  >No	ABCDEFGHIJ_KLMNOPQRS  5000
This trouble was:  >cleared  not cleared	Enter the dis-  position code:  0421	Request in Progress	Select cable  description from  following screens.  NEXT to begin.
Cleared:  >customer advised  customer not  advised	Enter cause code:  300	More information  needed about cable  related trouble.  NEXT to begin.	Select core cond.  pressurized  vented  >other options
Customer was:  not out of service  >out of service	Finished work on  this job at:0301P  time is incorrect  >time is correct	Select circuit type  exchange  >toll  trunk	filled  >reclaimed  other core cond.  unknown
Ready to test: make  line normal. Drop  off after NEXT if  you are on the line	The date is:  Month: 03  Day: 13  Year: 89	More than one loca-  tion for repairs?  >Yes  No	Select sheath type  >plastic  lead  armored

## Error Messages

<pre> +-----+  Error in closing  service ord. Call  MC. Don't press  BACK +-----+ </pre>	<pre> MC Terminal Message(s): N/A  Transaction: service order closeout Error Type: LC </pre>
--	--

Cause: The IFST mask was not returned by LMOS on a PDS job after the FST.

<pre> +-----+  Error in finish  time or date.  Press NEXT to  re-enter. +-----+ </pre>	<pre> MC Terminal Message(s): REQUIRED FIELD, INVALID DATE  Transaction: close job Error Type: I </pre>
--	---

Cause: Occurs when craft overwrites the finish time or date field and entered a blank entry or special character entry.

<pre> +-----+  Error occurred in  obtaining test  results. NEXT to  try again. +-----+ </pre>	<pre> MC Terminal Message(s): N/A  Transaction: test options Error Type: O </pre>
---	---

Cause: An error occurred in downloading test results to the terminal.

<pre> +-----+  GO BACK to test  selection screen  and choose a test +-----+ </pre>	<pre> MC Terminal Message(s): N/A  Transaction: test options Error Type: I </pre>
--	---

Cause: A quick, loop, or loop and CO test must be selected from the test selection screen.

## Error Messages

MC Terminal Message(s):  
N/A

```

+-----+
|The day entry is
|incorrect. Press
|BACK and try
|again.
+-----+

```

Transaction: close job  
Error type: I

Cause: An incorrect day was entered.

MC Terminal Message(s):  
NOT ASSIGNED TO GROUP, Unknown employee

```

+-----+
|The employee code
|was not correct.
|NEXT to try again.
+-----+

```

Transaction: supervisor  
Error Type: I

Cause: Occurs when a supervisor enters an invalid employee code for the group specified.

MC Terminal Message(s):  
N/A

```

+-----+
|The 1st digit of
|the fl1 code must
|be between 0-8.
|Press BACK.
+-----+

```

Transaction: close job  
Error type: I

Cause: The first digit of the fl1 code must be 0-8.

MC Terminal Message(s):  
N/A

```

+-----+
|The month entry is
|incorrect. Press
|BACK and try
|again.
+-----+

```

Transaction: close job  
Error type: I

Cause: An incorrect month was entered.

Error Messages

MC Terminal Message(s):  
N/A

```

+-----+
|The time entry is
|incorrect. Press
|BACK and try
|again.
+-----+

```

Transaction: close job  
Error type: I

Cause: The time entry must be 4 digits.

MC Terminal Message(s):  
N/A

```

+-----+
|The year entry is
|incorrect. Press
|BACK and try
|again.
+-----+

```

Transaction: close job  
Error type: I

Cause: An incorrect year was entered.

MC Terminal Message(s):  
N/A

```

+-----+
|There is an error
|in your sequence.
|try again
|return to main menu
+-----+

```

Transaction: reorder bulk jobs  
Error type: I

Cause: An invalid, out of range or duplicate entry when reordering a bulk job.

MC Terminal Message(s):  
INVALID ENTRY, FIELD IN ERROR

```

+-----+
|There is an error.
|Press NEXT to re-
|enter disp and
|cause codes.
+-----+

```

Transaction: close job  
Error type: I

Cause: The disp code has less than 4 digits, the cause code less than 3 digits or either code contains an invalid character.

Start Ex. 2  
5/4/93 mch

CLOSING REPAIR JOBS

CORRECT FORMAT FOR BACKING UP YOUR TIME ON REPAIR JOBS

1. WHEN YOU FIRST RECEIVE A TROUBLE REPORT IN YOUR CAT, THE DATE RECEIVED WILL APPEAR ON PAGE 6 OF THE CUSTOMER MENU. THE DATE RECEIVED WILL ALSO APPEAR ON YOUR CAT WHEN YOU CLOSE THE JOB ON THE CLOSED TTN SCREEN. THIS IS THE TIME YOU WANT TO WATCH FOR THE 24 HOUR COMMITMENT.
2. THE DUE DATE AND TIME WILL ONLY APPEAR WHEN YOU FIRST RECEIVE THE TROUBLE IN YOUR CAT ON PAGE 7 OF THE TROUBLE MENU. IT DOES NOT APPEAR WHEN YOU CLOSEOUT THE TROUBLE. YOU WILL NEED TO KEEP A MENTAL NOTE OF THE DUE DATE AND TIME SO THAT WHEN YOU CLOSEOUT YOUR TROUBLE YOU CAN BACKUP YOUR TIME TO MEET THE COMMITMENT.
3. IF YOU ARE CLOSING A REPAIR JOB AND YOU ARE AT OR HAVE EXCEEDED THE DUE DATE AND TIME OR THE 24 HOUR COMMITMENT TIME YOU MUST GO TO ANOTHER LINE, NOT THE ONE YOU WILL BE CLOSING IN ORDER TO CLOSEOUT THE JOB. IF YOU CLOSEOUT THE JOB FROM THE LINE YOU JUST REPAIRED, LMOS WILL NOT RECOGNIZE THE TIME YOU BACKED UP TO MEET THE 24 HOUR COMMITMENT. IN ORDER TO MEET THE 24 HOUR COMMITMENT, YOU WILL NEED TO CLOSEOUT FROM A DIFFERENT WORKING LINE. IF YOU ARE NOT IN JEOPARDY OF MISSING THE 24 HOUR COMMITMENT, YOU CAN CLOSEOUT FROM YOUR JOB.

receive new job  
work on current job  
\* CLOSE JOB  
other

---

\* CLOSE JOB  
close job-off duty  
return but don't  
close the job

---

\* CLOSE OR RETURN JOB  
test ok  
return to cable  
return to co

---

this trouble was:  
\* CLEARED  
not cleared

---

request in progress

---

cleared:  
\* CUSTOMER ADVISED  
customer not  
advised

---

close ttn is:  
0328076  
CUSTOMER REPT TIME:  
06-07-88 1100A

---

READY TO TEST: MAKE  
LINE NORMAL. DROP  
OFF AFTER NEXT IF  
YOU ARE ON THE LINE.

---

REMEMBER TO GO TO ANOTHER  
LINE IF YOU ARE NEAR, AT,  
OR HAVE EXCEEDED THE 24  
HOUR COMMITMENT.

request in progress

THE TIME SHOULD

BE: 1045

\* AM

PM

4078443444 tested:  
test ok

the date is:

month: 06

day: 08

year: 88

enter the dis-  
position code:  
0380

YOU CAN CHANGE THE MONTH  
OR DAY TO MEET A COMMIT-  
MENT IF YOU WERE INCOM-  
PLETE AND CLEARED THE  
TROUBLE THE DAY BEFORE.

ready to enter  
cause information:  
use menus

\* INPUT CAUSE CODE

do you need special  
studies codes?

yes

\* NO

enter cause code:  
210

do you want to  
enter narrative?

• YES

no

FINISHED WORK ON  
THIS JOB AT: 1120A  
• TIME IS INCORRECT  
time is correct

ABCDEFGHIJKLMNOPS

THIS IS WHERE YOU BACKUP YOUR  
TIME TO MEET THE COMMITMENT  
TIME AND THE 24 HOUR OUT OF  
SERVICE COMMITMENT.

JOB CLOSED OUT.

NEXT for main menu

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

1  
2 In re: Investigation into the ) DOCKET NO. 910163-TL  
3 integrity of SOUTHERN BELL )  
4 TELEPHONE AND TELEGRAPH )  
5 COMPANY'S repair service )  
6 activities and reports. )

7  
8 In re: Investigation into ) DOCKET NO. 910727-TL  
9 SOUTHERN BELL TELEPHONE AND )  
10 TELEGRAPH COMPANY'S compliance ) FILED: 04/28/93  
11 with Rule 25-4.110(2), F.A.C. )  
12 Rebates. )  
13

14 DEPOSITION OF: LORNA FOUTZ

15 TAKEN AT THE INSTANCE OF: The Staff of the Florida  
16 Public Service Commission

17 PLACE: Southern Bell  
18 3100 Emerson Street  
19 Jacksonville, Florida 32207

20 TIME: Commenced at 1:00 p.m.  
21 Concluded at 2:00 p.m.

22 DATE: Tuesday, May 4, 1993

23 REPORTED BY: Marie C. Gentry  
24 Court Reporter  
25

**ORIGINAL**

MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

## APPEARANCES:

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

JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public  
Service Commission, 101 E. Gaines Street, Tallahassee,  
Florida 32399-0863, Telephone No. (904) 487-2740.

STAN L. GREER, Engineer, Florida Public Service  
Commission, 101 E. Gaines Street, Room G-28, Tallahassee,  
Florida 32399-0866, Telephone No. (904) 488-1280.

WALTER BAER, Analyst, Office of Public Counsel, c/o The  
Florida Legislature, 111 W. Madison Street, Room 812,  
Tallahassee, Florida 32399-1400.

ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications,  
Inc., Museum Tower Building, Suite 1910, 150 West Flagler  
Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications,  
Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
30375-0001, Telephone No. (404) 529-5387.

WAYNE TUBAUGH, Southern Bell Telephone and Telegraph  
Company, 150 S. Monroe Street, Suite 400, Tallahassee,  
Florida 32301.



1  
2 APPEARANCES (CONT'D)

3  
4 MICHAEL R. YOKAN, ESQUIRE, Kattman & Eshelman, P.A., 1920  
5 San Marco Boulevard, Jacksonville, Florida 32207, attorney  
6 for Lorna Foutz, Telephone No. (904) 398-1229.

7 SHELBA HARTLEY, 2nd Executive Vice President of  
8 Communications Workers of America, Local 3106, 4076 Union  
9 Hall Place, Jacksonville, Florida 32205, Union representative  
10 for Lorna Foutz, Telephone No. (904) 384-2222.

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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.

LORNA FOUTZ

1  
2 appeared as a witness and, after being duly sworn by the  
3 court reporter, testified as follows:

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q Ms. Foutz, would you please state your name for the  
7 court reporter and spell it so that she will be sure to have  
8 it correct.

9 A Lorna Foutz, L-o-r-n-a F-o-u-t-z.

10 Q And an address, please?

11 A 3100 Emerson Street, Room 138A, Jacksonville,  
12 Florida 32256.

13 Q And a phone number?

14 A (904) 393-9529.

15 Q Okay. And are you represented by an attorney here  
16 today?

17 A Yes.

18 Q Would you please have your attorney put his  
19 appearance on the record?

20 MR. YOKAN: My name is Michael Yokan. I'm with  
21 the law firm of Kattman & Eshelman, P.A., that's  
22 K-a-t-t-m-a-n and E-s-h-e-l-m-a-n, 1920 San Marco  
23 Boulevard, Jacksonville, Florida 32207.

24 MS. RICHARDSON: And a phone number, Mr. Yokan?

25 MR. YOKAN: (904) 398-1229.

1 BY MS. RICHARDSON:

2 Q And do you have a union representative here with  
3 you today?

4 A Yes, I do.

5 MS. HARTLEY: Shelba Hartley.

6 MS. RICHARDSON: Okay. And, Ms. Hartley, would  
7 you please put your appearance on the record?

8 MS. HARTLEY: It's Shelba, S-h-e-l-b-a, Hartley,  
9 H-a-r-t-l-e-y, address 4076 Union Hall Place,  
10 Jacksonville, Florida 32205, telephone number  
11 (904) 384-2222.

12 BY MS. RICHARDSON:

13 Q Ms. Foutz, have you discussed your deposition here  
14 today with anyone other than your attorney or counsel for the  
15 company?

16 A No.

17 Q Have you at any time given a statement to company  
18 investigators regarding the investigation into the trouble  
19 report handling process?

20 A Yes.

21 Q And do you recall when you gave that statement?

22 A No, I don't.

23 Q Do you have an approximate year when you gave that  
24 statement?

25 A I'm not sure. I think it was in 1991.

1 Q Okay. And do you know who was in the room with you  
2 when you gave that statement?

3 A I don't remember their names.

4 Q Do you know what positions they held? Was your  
5 supervisor in the room?

6 A No.

7 Q Was anyone from the union in the room?

8 A No.

9 Q Okay. Was there an attorney in the room?

10 A Yes, I believe so.

11 Q Okay. And you may need to speak up a little  
12 because the people at the end are trying to hear you as well  
13 as me. You're doing fine for me, but I'm afraid your voice  
14 may not be carrying.

15 Was there someone from security in the room with  
16 you at the time you gave your statement?

17 A Yes.

18 Q And did you discuss the statement with anybody  
19 after you gave it?

20 A No.

21 Q Has anybody given you any assurances that you would  
22 not be disciplined for whatever you tell us here today?

23 MR. YOKAN: If you don't recall something, state  
24 that.

25 A I don't remember. It's not clear to me.

1 Q Okay. Has anyone advised you of possible criminal  
2 penalties that could apply if you perjure your testimony here  
3 today?

4 A Yes.

5 Q What is your present position with the company?

6 A I'm a maintenance administrator.

7 Q In Jacksonville?

8 A IMC, Jacksonville, yes.

9 Q Is that just one IMC for Jacksonville all together?

10 A Yes.

11 Q Okay. And is that where we're presently taking  
12 this deposition?

13 A Yes.

14 Q And how long have you held this position?

15 A Approximately ten years, but not at this one  
16 location.

17 Q And where else were you?

18 A I was a maintenance administrator in Atlanta,  
19 Georgia also.

20 Q Okay.

21 A And several different locations in the city before  
22 we had a merger.

23 Q Is this with Southern Bell?

24 A Yes.

25 Q But you've been in Florida, I guess Southern Bell



1 Florida for the last ten years then?

2 A No.

3 Q No?

4 A The last five years.

5 Q The last five years. Okay.

6 And who is your present supervisor?

7 A Basil E. Vann, V-a-n-n.

8 Q And is he a first-level manager, second level?

9 A First level.

10 Q All right. And who is your second-level manager?

11 A We just got a new manager Monday. Bruce Higgins.

12 Q And that's just been since April of '93? May?

13 A 26th of April.

14 Q Okay.

15 A Last month.

16 Q And who was it before Mr. Higgins?

17 A Jim Keels.

18 Q And could you spell his last name?

19 A K-e-e-l-s.

20 Q And how long was Mr. Keels your second-level  
21 manager?

22 A I think it's approximately two years.

23 Q Can you go back beyond Mr. Keels?

24 A Bob Wells.

25 Q And approximately how long was he your manager?

1 A I guess Bob Wells would have been two to three  
2 years.

3 Q Okay. Can you give me approximately -- would that  
4 be like '88 to '90?

5 A Probably.

6 Q And then Mr. Vann, how long has he been your  
7 first-level manager?

8 A If I'm not mistaken, two years.

9 Q So that's since '91?

10 A Yes.

11 Q And who was it before Mr. Vann?

12 A I don't remember. I've had a lot of supervisors.

13 Q Okay. Can you remember the names of any other  
14 first-level managers that you did have?

15 A John Melton.

16 Q And that's M-e-l-t-o-n?

17 A Yes. Mike Harris -- Michael Harris. Those are the  
18 only two that I can remember.

19 Q Okay. And both Mr. Melton and Mr. Harris were at  
20 Jacksonville?

21 A Yes.

22 Q Okay. And that applies for Mr. Higgins, Mr. Keels  
23 and Mr. Wells were all Jacksonville?

24 A Yes.

25 Q Okay. And who is your operations manager at this

1 time?

2 A Rupe.

3 Q Mr. Rupe?

4 A Yes.

5 Q That's Robert Rupe?

6 A Yes.

7 Q And has he always been your operations manager or  
8 did he come later?

9 A Well, since I've been in Jacksonville.

10 Q Okay.

11 A Wait. I must have had another one. Well, he's  
12 been it for the last two years, three years, I think -- two  
13 years.

14 Q Okay. And do you know who --

15 A Okay. We had Rudy Christian.

16 Q Rudy Christian.

17 A And then Robert Rupe.

18 Q So Mr. Christian was your operations manager from  
19 at least maybe '88 to the time Mr. Rupe took over?

20 A Yes.

21 Q All right. Who is your general manager?

22 A I don't know.

23 Q Can you tell me who your present union president  
24 is?

25 A John Edenfield.

1 Q And can you spell his last name?

2 A E-d-e-n-f-i-e-l-d.

3 Q All right. And who is your present union steward?

4 A (Pause.)

5 Q Who is your representative today?

6 A Today?

7 Q Yes.

8 A Shelba Hartley.

9 Q Okay. Ms. Foutz, do you know of any grievances  
10 filed by you or other maintenance administrators with whom  
11 you've worked regarding the handling of trouble repair  
12 reports?

13 A No, I do not.

14 Q Are you familiar with the terms "backing up the  
15 time"?

16 A Yes.

17 Q Okay. And what is your understanding of that  
18 phrase?

19 A My understanding is -- well, the experience I've  
20 had is when I'm talking to a repairman and he's in the field  
21 and he goes to a customer's premise and when he gives a  
22 customer a dial tone, when he calls back in, that's the time  
23 that he gives me, which is not the time that the computer has  
24 but the time that he actually restored the customer's  
25 service. That's my understanding.

1 Q All right. And when he calls in with the time, is  
2 it the same time as the actual time that he's calling in or  
3 is it earlier?

4 A Generally it's earlier. .

5 Q Okay. And why would it be earlier than the time he  
6 would call in?

7 A Because my instructions were given that when the  
8 repairman gets out there and he gives the customer a dial  
9 tone that the customer service is restored and that's the  
10 time that he has cleared the trouble.

11 Q Why wouldn't that be the time that he calls in?  
12 When he's giving a dial tone, doesn't he have to dial up and  
13 get a test on the line before he tells you it's clear?

14 A Well, he will already have done that.

15 Q Okay. And then at that same point wouldn't he also  
16 be calling you right at that time to clear it?

17 A No, not necessarily.

18 Q Well, then, why would there be a difference?

19 A Well, if he hasn't completed the job, he doesn't  
20 always stop to call, but he will have given the customer a  
21 dial tone or the customer would have already had dial tone  
22 prior to him calling in.

23 Q Okay. Well, why wouldn't the job be completed? I  
24 mean, I thought giving dial tone a service was -- was  
25 completing the job?

1           A       Well, we didn't say clearing the job. We're  
2 speaking of giving the customer a dial tone. He may have  
3 routining or some cleaning up to do, something to that  
4 effect, but the customer could have service.

5           Q       Okay. How long does this routining take?

6           A       It could take any -- if he's trimming trees,  
7 cleaning out a protector or whatever, it could take an  
8 unlimited amount of time.

9           Q       Four hours, six hours?

10          A       I have no idea.

11          Q       In your experience as an MA and dealing with the  
12 STs who call in, give me an estimate for about the amount of  
13 time that you have seen between a clearing and a close?

14          A       There is no specific time. It varies, and I  
15 couldn't -- I don't know.

16          Q       Have there been any days when the trouble reports  
17 were so heavy that these individuals, these outside people  
18 were told not to do routine tasks because there are too many  
19 troubles to repair?

20          A       Yes.

21          Q       And how do they get that information? Is that  
22 through you or through someone else?

23          A       A supervisor.

24          Q       Their supervisor or your supervisor?

25          A       My supervisor.

1 Q Your supervisor. Would that be a first-level  
2 manager like Mr. Vann or a second-level manager like  
3 Mr. Higgins?

4 A First level.

5 Q Okay. And can you tell me the circumstances of  
6 when a decision would be made to tell an ST not to do any  
7 routines?

8 A When we have major weather problems, disastrous  
9 conditions, a lot of people out of service; weather,  
10 whatever.

11 Q Presently do your duties involve clearing and  
12 closing reports that STs are sent out to repair?

13 A Yes.

14 Q Do STs have a computer access terminal that they  
15 can use to close out their own reports without contacting  
16 you?

17 A Now they do, yes.

18 Q On what occasion would an ST call you to close a  
19 report instead of just closing it out himself on his computer  
20 terminal?

21 A When his terminal has failed him, the batteries are  
22 dead or the system is completely down or just can't get into  
23 a system, period.

24 Q Okay.

25 A Or he doesn't have a computer.

1 Q Are there any STs that don't have computers?

2 A There are some.

3 Q Is it just because the computer is being fixed or  
4 because they just haven't been issued one?

5 A It could be out for repairs.

6 Q Okay.

7 A I'm not -- you know, I'm not familiar with the  
8 reasoning that they don't have them other than the batteries  
9 might die out on them or something. I don't know who has  
10 them and who doesn't.

11 Q In terms then of them finding out about routining  
12 and no-routine days, if they've got a CAT, would your  
13 supervisor be the one to tell them, I guess through their  
14 immediate foreman?

15 A Their immediate supervisor would tell them.

16 Q How do you find out if it's a no-routine day or a  
17 routine day so that you can help them when they call in?

18 A The only way I would find out is that they call in  
19 to me and I have to call the load control foreman to pick up  
20 a trouble for them and he would, in turn -- you know, if the  
21 question came up, but I don't have any way of knowing, not  
22 really.

23 Q Okay. When they call in to close a report, do you  
24 question them about the time they actually restored service  
25 or gave dial tone?



1           A       I ask them what time did they give the customer  
2 service.

3           Q       Okay. And do you also ask them are they aware of  
4 the 24-hour commitment time?

5           A       They have their CAT, so they are totally aware of  
6 that. They have their terminal, so they know this.

7           Q       Okay. And has that always been the case the whole  
8 time that you've been an MA?

9           A       Since they've been on the computer system.

10          Q       Other than backing up a clear time to the time  
11 service was actually restored, do you know of anyone who has  
12 backed up a clear time in order to meet the out-of-service  
13 index?

14          A       No, I don't.

15          Q       All right. Are you aware of the requirement that  
16 out-of-service reports be cleared within 24 hours at least 95  
17 percent of the time?

18          A       Am I aware of it now?

19          Q       Yes.

20          A       I am now, yes.

21          Q       Okay. When you say "now," do you mean like just  
22 today or this past year or this past two years?

23          A       This past week.

24          Q       This past week?

25          A       Uh-huh.

1 Q Okay. Has anyone ever discussed with you a 24-hour  
2 time frame or commitment for trouble reports?

3 A I don't remember. I'm not sure.

4 Q When the ST calls in to close out a report, does he  
5 call in on the trouble number or different line number?

6 A What do you mean trouble number?

7 Q The reporting trouble, the line that supposedly  
8 he's working on to restore service. Does he call in on that  
9 particular line to clear it or does he call in from another  
10 number to clear that one?

11 A He calls in from that number.

12 Q That number. Okay.

13 Have you ever heard of anyone telling a service  
14 technician to back up the clearing time to meet a 24-hour  
15 commitment?

16 MR. BEATTY: Objection; asked and answered.

17 You can respond.

18 MS. RICHARDSON: I believe I asked her if she knew  
19 the first time and this time I've asked her if she's  
20 heard. So there may be a slight difference in the  
21 question, but you could be right.

22 A No.

23 Q All right. Have you ever heard of a supervisor  
24 telling a maintenance administrator to back up a clearing  
25 time?

1 MR. BEATTY: Objection; hearsay.

2 You can respond. You can go ahead.

3 A I don't remember.

4 Q Okay. Has a supervisor ever given you directions  
5 to make sure that the clearing time was shown as being within  
6 the 24-hour commitment time?

7 MR. BEATTY: Object to the form of the question.

8 It's ambiguous.

9 A I don't understand the question.

10 Q Okay. Has a supervisor ever told you that we can  
11 not miss any out-of-services so be sure that that clearing  
12 time is definitely within the 24-hour clock time?

13 A No.

14 Q Okay. Has any supervisor ever directed you to back  
15 up a clearing time to meet the 24-hour commitment time?

16 A Not that I remember.

17 Q Have you ever had occasion to work with new MAs  
18 that come in to kind of help train them, sort of on-the-job  
19 experience type work?

20 A Not recently that I can remember.

21 Q Okay. Since, say, '88, '87, the last five or six  
22 years that you've been in Jacksonville?

23 A No.

24 Q Do you know what the CON, the CON or the  
25 carried-over no code is?

1 A I'm not that familiar with it.

2 Q Let's go back. What specifically are your duties  
3 as a maintenance administrator? What do you do?

4 A I screen customer trouble reports, I call the  
5 customer and make sure their telephone is working okay and I  
6 shoot troubles with the technician in the field.

7 Q Do you ever clear and close reports yourself?

8 A After talking to a customer.

9 Q Do you have occasion in your duties to look at,  
10 say, MTAS reports, jeopardy reports, predatory type reports,  
11 any of that?

12 A No, I don't.

13 Q When you screen a trouble, is testing included in  
14 screening? Is that part of what screening is?

15 A Yes.

16 Q And in testing a trouble, do you make a  
17 determination as to whether a trouble is going to be out of  
18 service or service affecting?

19 A Yes.

20 Q All right. On what do you base that decision?

21 A Whether I'm able to talk to the customer or not.

22 Q Okay. And, if you can't talk to the customer  
23 because the customer is not home, is that going to be service  
24 affecting or out of service?

25 A It depends on the test and the report, the

1 customer's complaint and the type of test results are  
2 received.

3 Q Okay. Define out of service for me.

4 A The customer is complaining that he doesn't have a  
5 dial tone or he can't call out on his phone or he can't  
6 receive any calls, and upon testing his trouble, it comes  
7 back with an open out and a percentage, then I know his dial  
8 tone is not getting to him.

9 Q Do you know the percentage?

10 A It varies.

11 What do you mean "percentage"?

12 Q For determining whether it's out of service. You  
13 said open out and a percentage.

14 A If it's open out, period, is basically, and with  
15 those three causes, no dial tone, can't call out and can't be  
16 called, if they test open, then I make that determination  
17 that his dial tone isn't getting there.

18 Q And has that been the standard definition for the  
19 entire time you've been an MA in Jacksonville?

20 A I don't remember. Things change on a daily basis.  
21 I don't know. I don't remember.

22 Q Are you familiar with auto-screener?

23 A Somewhat.

24 Q What's the function of auto-screener?

25 A Auto-screener actually screens the trouble, puts it

1 into the dispatch pool for an IR to pick up on his computer.

2 Q And if auto-screener can't handle it, is it kicked  
3 over to a maintenance administrator?

4 A Generally, yes.

5 Q All right. And then your function when you get the  
6 auto-screener rejects would be to do what?

7 A To rescreen it.

8 Q To rescreen it. And test it?

9 A Yes.

10 Q And then decide if it's out of service or not out  
11 of service?

12 A Right.

13 Q Okay. At what point is a trouble report statused  
14 out of service or not out of service in the repair process?

15 A Same conditions that I explained before, no dial  
16 tone, open out, short.

17 Q Okay.

18 A With the test results, you know. By the customer's  
19 report versus what the new test results show, that determines  
20 whether he has service or not or whether it's statused out or  
21 not.

22 Q Okay. When you get the trouble reports and you're  
23 screening them and you've made a determination that this is  
24 an out-of-service report, has any supervisor ever instructed  
25 you to wait on statusing it out of service until the ST has

1 called in?

2 A No.

3 Q Have you ever gotten instructions, "Don't status  
4 any out of services today"?

5 A I don't remember.

6 Q Have you ever heard of that being done?

7 A I don't even remember. I don't know.

8 Q Do your supervisors or managers have a message  
9 board somewhere in your maintenance administrator area where  
10 they post notices to everyone about statusing particular  
11 things at particular times on trouble reports?

12 A No.

13 Q If your supervisors need to tell you or instruct  
14 you on a new procedure, how do they go about doing it?

15 A They generally give it to us on a printout. They  
16 have a typed memo explaining to us what to do when these  
17 conditions occur.

18 Q Okay. Have you ever received a memo from your  
19 supervisor instructing you not to status anything out of  
20 service today?

21 A No, I have not.

22 Q Has anyone else ever indicated to you that they've  
23 received those kinds of instructions?

24 A Not to my knowledge.

25 Q Then let's continue on through the report process.

1 You've screened a trouble now, okay, and you've tested it and  
2 you've determined the status of the report. Is the customer  
3 given a commitment time by the company that the company  
4 expects that trouble to be restored?

5 A Yes.

6 Q All right. And then if the customer later calls in  
7 and says, "I won't be home. I need to make that -- let's  
8 postpone that and come out tomorrow," is there a particular  
9 status code that you use for that to show that you're  
10 going to change that commitment time to tomorrow instead of  
11 keeping the one for today because the customer asked you to  
12 change it?

13 A I don't remember. I'm not at all sure.

14 Q Ms. Foutz, I'm going to show you a document  
15 submitted by Southern Bell to the Commission filed with the  
16 Commission on April 1st, 1993 entitled Southern Bell's  
17 Response to Preliminary Order No. PSC-93-0263-PCO-TL, entered  
18 on February 19, 1993. And I will give you plenty of time to  
19 look at this, ask your attorney or Southern Bell any  
20 questions that you may have about it when we go off the  
21 record. Okay? But the first thing I will want to know is if  
22 you are No. 175 out of the 650 employees listed and, if you  
23 are, then if you would look at the document and make sure  
24 that you understand what it's about and ask any questions you  
25 need to off the record before we come back on.



1 If it's okay, we'll go off the record now.

2 (Off the record.)

3 MS. RICHARDSON: Back on the record.

4 BY MS. RICHARDSON:

5 Q Ms. Foutz, is that your name on that document?

6 A Yes, it is.

7 Q And on that document does it indicate that you have  
8 some information regarding the CON Code or carried-over no  
9 code? I believe it's No. 4. If you need to check your name  
10 to see if your name has that cross check.

11 MR. YOKAN: To the extent you're asking her what  
12 this legal document indicates, I object. I don't think  
13 the document states the way you phrased it. If the  
14 question is what numbers correspond with her name, she  
15 can certainly tell you that. Is that what you're asking?

16 MS. RICHARDSON: Yes. Let's start with that.

17 BY MS. RICHARDSON:

18 Q Does it indicate -- does the document under your  
19 name indicate that you may have some information regarding  
20 the use or misuse of CON codes?

21 MS. HARTLEY: I don't think that's the way it's  
22 phrased at the top.

23 MR. BEATTY: That she may have information with  
24 regard to the use of CON. She may.

25 THE WITNESS: Okay. Repeat your question.

1 MS. RICHARDSON: Okay.

2 BY MS. RICHARDSON:

3 Q Do you know whether or not using the CON Code, the  
4 carried-over no code, will stop the 24-hour clock on a  
5 report?

6 A No, I don't know.

7 Q Do you know of anyone who has used the CON Code or  
8 carried-over no code to stop the 24-hour clock on a report?

9 A No.

10 Q Do you have any idea why the company would have put  
11 your name in that category of CON on this particular  
12 document?

13 MR. BEATTY: Objection to the form of the question.

14 It calls for speculation.

15 A No, I don't know.

16 Q Have you heard the terms "building the base,"  
17 building the base of out of service?

18 A I don't remember.

19 Q Are you familiar with anyone who has created  
20 trouble reports in order to build the base of out-of-service  
21 reports to meet the 95 percent index?

22 A No.

23 Q Do you know of anyone who has created trouble  
24 reports in order to effect the number of tasks per day  
25 requirement that they have?

1 A No, I am not.

2 Q Do you know what a no access is?

3 A Yes, I do.

4 Q All right. Would you briefly define a no access?

5 A A no access is a trouble report that a repairman  
6 has gone out on and attempted to gain access to the  
7 customer's premise in order to determine that he has service,  
8 proper service. In the case we are in, he's not able to talk  
9 to the customer to determine if the dial tone is getting to  
10 the set, then it becomes a no access.

11 Q Do you know of anyone who has used -- let me  
12 rephrase this. Do you know whether or not a no access would  
13 stop the repair clock on an out-of-service report?

14 A Yes, it will.

15 Q Do you know of anyone who has used a no access in  
16 order to stop the repair clock on a report?

17 A No, I don't.

18 Q Do you know of anyone who has no accessed reports  
19 without dispatching?

20 A No, I don't.

21 Q Do you know of anyone who has no accessed reports  
22 without contacting the customer?

23 A No.

24 Q Would you look again on that document and is No. 8  
25 by your name?

1 A Yes.

2 Q Would you read what No. 8 pertains to?

3 A Read what it says?

4 Q Uh-huh.

5 A "Instructions not to status out of service or not  
6 statusing out of service or both."

7 Q Do you have any opinion as to why that would be  
8 after your name on that document?

9 MR. BEATTY: Objection to the form of the question.

10 It calls for speculation.

11 A No, I sure don't.

12 Q Do you know of anyone who has improperly prepared  
13 trouble reports?

14 A No, I don't.

15 Q Have you ever received instructions on handling  
16 trouble reports that based upon your experience and training  
17 you felt was improper?

18 A Repeat that for me, please.

19 Q Have you ever received instructions to handle a  
20 trouble report that you felt was improper based upon your  
21 training and experience?

22 A Not to my remembrance, no.

23 Q Do you know of anyone who has complained to you of  
24 receiving instructions like that?

25 A No.

1 Q Have you ever heard of instructions like that being  
2 given?

3 A Not that I can remember.

4 Q Do you know what it means to exclude a report?

5 A Yes.

6 Q And what happens when you exclude a report?

7 A When you exclude a report, there's no visit  
8 required.

9 Q Okay. What conditions is it permissible to exclude  
10 a report -- under what conditions?

11 A Several. I mean there are a lot of conditions.

12 Q Can you give me one or two examples?

13 A If a customer has reported the wrong number or if  
14 the customer has determined that his receiver was off the  
15 hook -- well, not necessarily off the hook. Retract that.  
16 Not if it's off the hook.

17 If there was conversation on the line and someone  
18 else is reporting that the customer can't be called and the  
19 customer is talking on the phone. A line stays busy.  
20 That's a case.

21 Q Third party reporting?

22 A Third party reporting is what I'm saying.

23 Q Is it permissible to exclude a trouble report that  
24 has a disposition and cause code attached?

25 A No, it isn't.

1 Q Is it permissible to exclude an out-of-service  
2 report?

3 A I don't quite understand what you mean.

4 Q Okay. Your understanding -- you gave me a couple  
5 of examples, a third party calling example is the type of  
6 report that could be excluded.

7 A Uh-huh.

8 Q If you have a report that's already statused out of  
9 service, the line is definitely statused as out of service  
10 under the definition you've already given me for out of  
11 service, can that report be excluded?

12 A No.

13 Q Do you know of anyone who has excluded  
14 out-of-service reports?

15 A I sure don't.

16 Q Has anyone ever directed you to exclude --

17 A No.

18 Q -- an out-of-service report? I guess I should  
19 finish the question.

20 A No.

21 Q Have you ever heard of that being done?

22 A No.

23 Q And would you look down and read No. 15 on that  
24 document for me.

25 A "Exclusion or elimination of trouble reports."

1 Q And do you have any opinion as to why that would  
2 appear by your name?

3 MR. BEATTY: Objection to the form of the question.  
4 It calls for speculation.

5 A. I sure don't.

6 Q All right. Have you ever -- let's get a  
7 definition. What is a customer direct report?

8 A A customer direct report is a report in which the  
9 customer himself reports that he's having difficulties with  
10 his line.

11 Q All right. And what's an employee-originated  
12 report?

13 A Okay. Customer direct reports generally comes  
14 through by way of the reporting bureau.

15 Q The CRSAB?

16 A Right. An EO report -- let's see. That's when  
17 someone has -- we've talked to somebody -- oh, I'm not sure.  
18 We don't make EO reports. I can't answer that.

19 Q Do you know who does make the EO reports?

20 A That's limited to certain people. I don't know who  
21 they are, no.

22 Q Has it always been limited to certain people?

23 A No.

24 Q Okay. In the past, '88, '89, '90 when you were an  
25 MA down here in Jacksonville, did you ever have occasion to

1 generate employee-originated reports?

2 A Only if I was instructed to do so by my supervisor.

3 Q And do you recall actually having received  
4 instructions to do so?

5 A I don't remember.

6 Q Do you know of any customer direct reports that  
7 were originated as employee-originated reports?

8 A I have no knowledge of that.

9 Q Ms. Foutz, I'm going to show you another document  
10 and then, again, we'll go off the record and you'll have time  
11 to talk to your attorney about it and discuss it.

12 Let me introduce it for the record first.

13 This is Citizen's Third Set of Interrogatories  
14 dated June 6, 1991. An interrogatory is a written question  
15 that we have mailed to the company and the company has  
16 provided us a written answer to our questions. That's what  
17 an interrogatory is. So what I'm about to show you is Item  
18 No. 10 of this set of interrogatories where we asked the  
19 company for knowledge about employees who have some knowledge  
20 of reports or records that are fraudulently or knowingly  
21 false in some respect, and we have the company's response  
22 here and I want you to look at this and determine whether or  
23  
24  
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1           The reason this is folded in the manner that it is  
2 folded is because the information that you don't see is  
3 considered confidential by the company and the Commission has  
4 not yet ruled on their request for confidentiality. So I ask  
5 you not to look at anything that's folded under, just look at  
6 what you see on the top.

7           MR. BEATTY: Before we go off the record, I'd just  
8 like to make the record clear, the company's response is  
9 that the person whose name is listed on that document  
10 again may have knowledge about the subject matter here.  
11 And with that modification, we can go off the record.

12           (Off the record.)

13           MS. RICHARDSON: Do you have anything you need  
14 to say about this before we start questions?

15           MR. YOKAN: I haven't heard the question, so...

16           MS. RICHARDSON: Okay. All right. Let me start.

17 BY MS. RICHARDSON:

18           Q

19  
20           A       Yes, it is.

21           Q  
22  
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25

1 A No, I don't.

2 Q

3

4 MR. BEATTY: Objection to the form of the question.  
5 It calls for speculation.

6 A No, I don't.

7 Q

8

9

10

11 Do you have any knowledge about those activities?

12 MR. BEATTY: Objection to the question. It's been  
13 asked and answered now twice. This makes the third time.

14 A No.

15 Q

16

17 MR. BEATTY: Objection to the form of the question.  
18 It calls for speculation.

19 A No, I don't.

20 Q Ms. Foutz, have you ever participated in sales for  
21 the company?

22 A No, I haven't.

23 Q Have you ever been asked to participate in sales?

24 A No, not to my knowledge. I don't remember.

25 Q Has anyone who worked around you -- you're familiar

1 with the sales campaigns that the company has had?

2 A Yes.

3 Q Okay. Have other MAs in your work area  
4 participated in the sales campaigns for the company?

5 A Yes.

6 Q Do you know of any other MAs that have won awards  
7 or prizes through the sales program for the company?

8 A MAs?

9 Q Or managers, any other employees who have won  
10 awards or prizes by participating in the sales program for  
11 the company.

12 A Yes, uh-huh.

13 Q Who would that be?

14 A Violet Willis.

15 MR. BEATTY: I'm sorry?

16 A Violet Willis and Virginia Harris.

17 Q And do you know what they have won or been given?

18 A I really don't remember.

19 Q Do you know of anyone who has falsified a sale on a  
20 customer record for the company?

21 A No, I don't.

22 Q Do you know if customers are due a rebate if their  
23 phone is out of service over 24 hours?

24 A Yes, I know that.

25 Q Do you know of any customer who has been denied a

1 rebate because of improper handling of customer reports?

2 A No, I don't.

3 Q Do you know of any customer who has complained  
4 about improper handling of a repair service?

5 A No, I don't.

6 Q Do you know of any customer who has complained  
7 about having services added to their line without their  
8 permission?

9 A I don't remember any customers.

10 Q Have you been disciplined at all in relation to the  
11 company's investigation into either the repairs or sales  
12 activities?

13 A No, I have not.

14 Q Have any of your supervisors to your knowledge been  
15 disciplined in regard to the company's investigation?

16 A Not to my knowledge.

17 Q Have you heard whether or not any of your  
18 supervisors were disciplined?

19 MR. BEATTY: Objection; hearsay.

20 A No, I have not.

21 MS. RICHARDSON: Ms. Foutz, that's all the  
22 questions I have, but Staff or Mr. Beatty or your  
23 counsel may have some before we let you go. Thank you.

24 EXAMINATION

25 BY MS. WILSON:

1 Q Ms. Foutz, when a service technician calls in and  
2 gives you the time that he's cleared the trouble, did you say  
3 that it is common practice for you or you were instructed to  
4 ask that service technician whether that was, in fact, the  
5 time that he actually cleared the trouble?

6 A That he gave the customer a dial tone.

7 Q Are not the service technicians aware that they are  
8 to report to the MAs the time that they cleared the trouble?

9 A They know this.

10 Q But were you instructed to have discussions with  
11 them to make --

12 A To ask because they sometimes forget.

13 MS. WILSON: I have no further questions.

14 MR. BEATTY: That's it. Thank you very much.

15 MR. YOKAN: No questions here. We'll read.

16 (Witness excused)

17 (Whereupon, the deposition was concluded at  
18 2:00 o'clock p.m.)

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AFFIDAVIT OF DEPONENT



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This is to certify that I, LORNA FOUTZ, have read the foregoing transcription of my testimony, Page 5 through 39, given on May 4, 1993, in Docket Nos. 910163-TL and 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_  
LORNA FOUTZ

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
NOTARY PUBLIC  
State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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CERTIFICATE OF OATH

I, the undersigned authority, certify that Lorna Foutz personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 4th day of June, 1993.

*Marie C. Gentry*  
\_\_\_\_\_  
Marie C. Gentry  
Notary Public, State of Florida  
My Commission No. CC251746  
Expires: 1/21/97

OFFICIAL NOTARY SEAL  
MARIE CGENTRY  
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STATE OF FLORIDA)  
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COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

I, Marie C. Gentry, Court Reporter,

DO HEREBY CERTIFY that I was authorized to  
and did stenographically report the foregoing  
deposition of Lorna Foutz;

I FURTHER CERTIFY that this transcript,  
consisting of 39 pages, constitutes a true record of the  
testimony given by the witness.

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

DATED this 24th day of June, 1993.

Marie C. Gentry  
Marie C. Gentry, Court Reporter  
Telephone No. (904) 264-2943

STATE OF FLORIDA)  
 )  
COUNTY OF DUVAL )

The foregoing certificate was acknowledged  
before me this 4th day of June, 1993, by Marie C.  
Gentry, who is personally known to me.

Patricia H. Vierengel  
Notary Public - State of Florida  
Patricia H. Vierengel  
My Commission expires 6-31-93



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. 910163-TL

In re: Investigation into SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S compliance with Rule 25-4.110(2), F.A.C. Rebates. ) DOCKET NO. 910727-TL FILED: 04/28/93

DEPOSITION OF: LORRETTA BOND

TAKEN AT THE INSTANCE OF: The Staff of the Florida Public Service Commission

PLACE: Southern Bell 3100 Emerson Street Jacksonville, Florida 32207

TIME: Commenced at 2:25 p.m. Concluded at 3:13 p.m.

DATE: Tuesday, May 4, 1993

REPORTED BY: Marie C. Gentry Court Reporter

ORIGINAL

MARIE C. GENTRY & ASSOCIATES Court Reporters 1329-A Kingsley Avenue Orange Park, Florida 32073 (904) 264-2943

## 1 APPEARANCES:

2  
3 J. SUE RICHARDSON, ESQUIRE, Office of Public Counsel,  
4 c/o The Florida Legislature, 111 W. Madison Street, Room 812,  
5 Tallahassee, Florida 32399-1400.

6 JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public  
7 Service Commission, 101 E. Gaines Street, Tallahassee,  
8 Florida 32399-0863, Telephone No. (904) 487-2740.

9 STAN L. GREER, Engineer, Florida Public Service  
10 Commission, 101 E. Gaines Street, Room G-28, Tallahassee,  
11 Florida 32399-0866, Telephone No. (904) 488-1280.

12 WALTER BAER, Analyst, Office of Public Counsel, c/o The  
13 Florida Legislature, 111 W. Madison Street, Room 812,  
14 Tallahassee, Florida 32399-1400.

15 ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications,  
16 Inc., Museum Tower Building, Suite 1910, 150 West Flagler  
17 Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

18 NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications,  
19 Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
20 30375-0001, Telephone No. (404) 529-5387.

21 WAYNE TUBAUGH, Southern Bell Telephone and Telegraph  
22 Company, 150 S. Monroe Street, Suite 400, Tallahassee,  
23 Florida 32301.

1  
2 APPEARANCES (CONT'D)

3  
4 MICHAEL R. YOKAN, ESQUIRE, Kattman & Eshelman, P.A., 1920  
5 San Marco Boulevard, Jacksonville, Florida 32207, attorney  
6 for Lorretta Bond, Telephone No. (904) 398-1229.

7 SHELBA HARTLEY, 2nd Executive Vice President of  
8 Communications Workers of America, Local 3106, 4076 Union  
9 Hall Place, Jacksonville, Florida 32205, Union representative  
10 for Lorretta Bond, Telephone No. (904) 384-2222.

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WITNESS

LORRETTA BOND

Examination by Ms. Richardson 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.

## LORRETTA BOND

1  
2 appeared as a witness and, after being duly sworn by the  
3 Court Reporter, testified as follows:

## EXAMINATION

4  
5 BY MS. RICHARDSON:6 Q Ms. Bond, would you please state your name and  
7 spell it for the record?

8 A Lorretta Bond, L-o-r-r-e-t-t-a B-o-n-d.

9 Q And your address, please?

10 A 3100 Emerson Street, Room 138A.

11 Q And that's Southern Bell?

12 A Southern Bell.

13 Q And that's Jacksonville, Florida?

14 A Jacksonville, Florida.

15 Q And the ZIP code?

16 A I'm not sure.

17 MS. HARTLEY: 32207.

18 Q You'll need to say it.

19 A 32207.

20 Q Thank you. And your phone number?

21 A 393-9517.

22 Q Ms. Bond, what's your present position with the  
23 company?

24 A Maintenance administrator.

25 Q Okay. And are you represented by private counsel

1 here today? Do you have your own attorney with you?

2 A Yes.

3 Q All right.

4 MS. RICHARDSON: And would you please put your  
5 appearance on record?

6 MR. YOKAN: My name is Michael Yokan of the law  
7 firm of Kattman & Eshelman, P.A., 1920 San Marco  
8 Boulevard, Jacksonville, Florida 32207.

9 BY MS. RICHARDSON:

10 Q And do you have someone else with you here today,  
11 Ms. Bond?

12 A Yes.

13 Q Would you please have her put her appearance on the  
14 record?

15 MS. HARTLEY: Shelba Hartley, 4076 Union Hall  
16 Place, Jacksonville, Florida 32205, telephone number  
17 (904) 384-2222, executive vice president, Communication  
18 Workers of America, Local 3106.

19 MS. RICHARDSON: Thank you.

20 BY MS. RICHARDSON:

21 Q Ms. Bond, have you discussed your possible  
22 questions or answers here today with anyone other than your  
23 attorney or counsel for Southern Bell?

24 A Not that I'm aware of.

25 Q Did you at any time give a statement to company



1 investigators regarding the repair falsification case?

2 A They asked me questions, yes.

3 Q Do you remember when?

4 A No, I don't know how far back it was. I could not  
5 tell you the date.

6 Q Okay. Can you tell me the year? Was it '91, '92?

7 A I don't remember.

8 Q You don't remember. Do you know who was in the  
9 room at the time with you?

10 A I don't remember their names.

11 Q Do you know their positions? Was there an attorney  
12 there?

13 A There was an attorney there, but I don't know his  
14 name.

15 Q Was your supervisor there?

16 A No.

17 Q Was there anybody there that you worked with?

18 A No.

19 Q Was there somebody from security?

20 A Security was there.

21 Q Was there anybody from the union present?

22 A No.

23 Q Did you talk about that statement with anybody when  
24 you were through?

25 A Not that I remember.

1 Q Did you go with anyone, ride with anybody else that  
2 you worked with to give the statement?

3 A No.

4 Q Have you been advised by anyone today that you  
5 would not be disciplined based upon the answers you gave here  
6 today?

7 A (Witness confers with counsel.)

8 Yes.

9 Q And if at any time you need to ask your attorney a  
10 question or need to go off the record, just tell us that and  
11 we'll go off the record to make you comfortable. If at any  
12 time I ask a question that you don't understand, just please  
13 feel free to ask me to explain. Okay?

14 A Yes.

15 Q Because you need to be comfortable that you're  
16 answering the question that I'm asking.

17 A Okay. Sure.

18 Q All right. Has anybody advised you of possible  
19 criminal penalties that may apply if you perjure your  
20 testimony here today?

21 A I need you to ask that question again.

22 Q Okay. Fine.

23 Did anyone talk to you about the possible penalties  
24 for perjury if you don't tell the truth here today?

25 A We were told to tell the truth.

1 Q Okay. What do you know about improper handling of  
2 customer trouble records?

3 A Nothing that I'm aware of.

4 Q Okay. Have you heard the terms "backing up the  
5 time," Ms. Bond?

6 A Yes, ma'am.

7 Q Okay. And in what connection? What's your  
8 understanding of backing up the time?

9 A You don't back up the time.

10 Q But you've heard the words used. How have you  
11 heard them used?

12 A I don't recall.

13 Q You don't recall?

14 A No.

15 Q Are you aware of the requirement that the company  
16 complete the repair on an out-of-service report within 24  
17 hours at least 95 percent of the time?

18 A Not that I recall.

19 Q You're not aware of that requirement?

20 A Not that I can recall.

21 Q Okay. You said you're a maintenance administrator.  
22 What do you do as a maintenance administrator?

23 A Screen trouble and talk to the repairmen in the  
24 field.

25 Q Okay. And why would you talk to the repairmen in

1 the field?

2 A To close out trouble.

3 Q The ones that they've been dispatched on  
4 out-of-service troubles?

5 A Uh-huh, any trouble.

6 Q Or any trouble. Okay. What's an out-of-service  
7 trouble? What makes a trouble out of service?

8 A It depends on what the customer reports and what  
9 the test is.

10 Q Can you define out of service?

11 A And what the customer says.

12 Q Okay. Can you define out of service for me?

13 A No dial tone, can't be called.

14 Q Okay. And when you have a service technician call  
15 you, is the purpose of his calling to clear and close a  
16 trouble, an out-of-service trouble?

17 A He closes all the troubles. Whatever trouble --  
18 you know, they call in and close out a trouble, any trouble.

19 Q Okay. I thought that service technicians had a CAT  
20 terminal that they used and that they didn't have to call an  
21 MA. Is that wrong?

22 A Not all of them have them.

23 Q Do you know why they wouldn't have them? Just not  
24 issued or --

25 A I wouldn't have that -- I don't know.

1 Q Do you close troubles yourself?

2 A If we screen a trouble, yes. You know, if the  
3 trouble is okay, the customer says it's okay, yes, sure, we  
4 close it.

5 Q Is that a test okay you mean?

6 A Any trouble. You know, if the trouble is okay, the  
7 customer says the service is working fine, sure.

8 Q Okay. Do you also when you screen a report, do you  
9 decide whether it's out of service or service affecting? Is  
10 that part of your job?

11 A We have certain guidelines that we go by.

12 Q Okay. Do you actually status trouble reports out  
13 of service or service affecting when you're working with  
14 them?

15 A Yes.

16 Q Okay.

17 A But we've got guidelines to follow.

18 Q Has anyone ever instructed you to status a report  
19 that you thought in your experience and training was not  
20 according to the guidelines?

21 A Not that I'm aware of, no.

22 Q Has anyone ever instructed you to back up the time,  
23 the clearing time, on a trouble report?

24 A Not that I recall.

25 Q When an ST calls in, do you ever ask him what time

1 he cleared the trouble?

2 A He gives us that information.

3 Q But you never question him about what time service  
4 was restored?

5 A No. Whatever he says is what we use.

6 Q Okay. Do you know of any STs that have given you a  
7 clearing time earlier than the time that he's calling in?

8 A Not that I'm aware of, no.

9 Q What's a commitment time?

10 A A commitment time? The time the repair service  
11 bureau gives the customer.

12 Q And is that the time that the service is supposed  
13 to be restored, his phone is supposed to be fixed by a  
14 certain commitment time? Is that what you mean?

15 A Yes.

16 Q Okay. Do you know if anyone -- let me ask you  
17 this: Are those commitment times ever changed?

18 A If the customer requests earlier, we give the  
19 customer what they ask for.

20 Q Okay. And what if a customer asks for a later  
21 time? He doesn't like the time you've given him and he's not  
22 going to be there that day and he wants you all to come out  
23 tomorrow. Do you change that time then?

24 A If the customer requests it, we do.

25 Q Okay. Is there a certain status code that you use

1 to do that to show that on a report?

2 A I'm not sure what you mean.

3 Q Well, you're working on a screen, right? You're  
4 working on a computer screen and at the top when you get a  
5 trouble -- what's at the top up there when you get a trouble?  
6 What do you see?

7 A I'm not sure what you mean, because it could be --

8 Q Well, the very first line, do you get the  
9 customer's name? Do you get their address on the screen?

10 A Yes, uh-huh.

11 Q Do you get their phone number?

12 A Uh-huh.

13 Q Okay.

14 A And the trouble description.

15 Q All right. Does a commitment time show somewhere?

16 A Yes, there's a commitment time on there.

17 Q All right. And then you said there's some kind of  
18 screening. Is there an automatic screening, a machine  
19 screening before it gets to you?

20 A On some troubles there are.

21 Q Okay. So there may be a test code already there  
22 before it comes to you?

23 A (Nods head.)

24 Q All right. And then -- you need to answer.

25 A Not on all of them.

1 Q You need to answer out loud because she cannot take  
2 a head nod. She's got to have a verbal yes or no. Okay?  
3 Because she can't put down nods of the head.

4 All right. Now, on the automatic tests that come  
5 to you, is there sometimes a screen where they've already  
6 tested it, a line across it?

7 A Yes, there's a line that has a test on it unless  
8 it's like test equipment busy or something like that or it  
9 doesn't really give a good test.

10 Q Okay. And then what would your job be at that  
11 point looking at it?

12 A You retest.

13 Q You retest. Do you contact the customer?

14 A You contact the customer and try to determine  
15 whether the trouble is inside or out, depending on what the  
16 customer says, and then you determine, you know, whether you  
17 send it in or dispatch out.

18 Q Okay. When you say "send it in," do you mean the  
19 central office?

20 A Central office.

21 Q It may be a central office problem. When you say  
22 "send it out," do you mean it might go to --

23 A Like it's trouble in the field.

24 Q Okay. And then that's when a service tech would  
25 pick it up?



1 A Right.

2 Q All right. Now, when you're talking to the  
3 customer under this part that we're talking about and you  
4 say, "Well, your commitment time is for 5:00 o'clock today,"  
5 and the customer says, "No, no, no, I'm not going to be here  
6 this afternoon, I want you all to come tomorrow," do you put  
7 a line of status on that report to show that you've changed  
8 that time from 5:00 o'clock today until sometime tomorrow?

9 MR. BEATTY: Objection; speculative.

10 You can go ahead.

11 A Well, we've changed the commitment. If the  
12 customer requests tomorrow, then we try to make it for what  
13 they want.

14 Q Okay. And is there any codes, any intermediate  
15 status codes that you use to do that?

16 A The backdate.

17 Q You use a backdate code for that?

18 A Yes.

19 Q Okay. And on a backdate code what does that permit  
20 you to do then, change the time?

21 A You know, you use backdate codes to say, you know,  
22 like customer requests such-and-such a date and time.

23 Q Have you ever used a CON no code, C-O-N, carry-over  
24 no code to change that commitment time?

25 A I don't remember what a CON Code is.

1 Q But you've heard of one?

2 A I've heard of it, but I don't know what it is.

3 Q Have you ever used one? Do you remember ever using  
4 one?

5 A Not that I recall.

6 Q Would you ever change a commitment time without  
7 talking to the customer?

8 A No.

9 Q Have you ever heard of anyone being asked, any MA  
10 being asked to change commitment times on reports without  
11 contacting the customer?

12 A Not that I recall.

13 Q Have you ever heard of anybody doing that on their  
14 own, just changing the commitment time without contacting the  
15 customer.

16 Q Not that I recall.

17 Ms. Bond, I'm going to show you a document and then  
18 we'll go off the record and you'll have plenty of time to  
19 look at it and talk to your attorney about it before we go  
20 back on the record, but I'm going to introduce it for the  
21 record first.

22 This is filed by the company on April 1st, 1993 in  
23 response to Preliminary Order No. PSC-93-0263-PCO-TL entered  
24 on February 19, 1993, and out of this list of about 650 names  
25 I think you're going to be here as No. 44. So when we go

1 back on the record, the first thing I'll need from you is  
2 whether or not that is your name, okay, this is you, and then  
3 I'll have a couple of questions about it.

4 So I'm going to go off the record now and let you  
5 look at it and ask any questions you need to and then we'll  
6 go back on the record.

7 (Off the record.)

8 BY MS. RICHARDSON:

9 Q Ms. Bond, is that your name on this document?

10 A Yes.

11 Q Okay.

12 A 44.

13 Q And under your name it lists No. 1. Would you read  
14 No. 1?

15 A Backing the clear or the closed time, including  
16 special service -- oh, excluding special service.

17 Q Okay. Do you have any idea why your name would be  
18 on that report?

19 MR. BEATTY: Objection to the form of the question.  
20 It calls for speculation.

21 MR. YOKAN: Go ahead and answer it.

22 A No.

23 Q Do you know anything about backing up clearing  
24 times on reports?

25 A No.

1 Q Would you look at the next number by your name, I  
2 think it's No. 11, and read that. What is No. 11?

3 A Improper preparation of trouble reports or improper  
4 activity generally.

5 Q What do you know about improper preparation of  
6 trouble reports?

7 MR. BEATTY: I object. It's been asked and  
8 answered. She's already indicated she knows nothing  
9 about it.

10 You can proceed.

11 A I don't know anything.

12 Q What about improper activities generally?

13 A I know nothing.

14 Q Do you have any opinion as to why that number and  
15 that information would be by your name?

16 MR. BEATTY: Objection to the form of the question.  
17 It calls for speculation.

18 A No.

19 Q How long have you been a maintenance administrator,  
20 Ms. Bond?

21 A I'm not sure.

22 Q When did you start with the company?

23 A 1961.

24 Q 1961. And were you a maintenance administrator  
25 then?

1 A No.

2 Q What was your position in 1961?

3 A Operator. I started as an operator.

4 Q Long distance? Local?

5 A Local.

6 Q Do you know approximately what time frame you  
7 became a maintenance administrator? Early '80s; '81, '82,  
8 '85?

9 A I'm not sure.

10 Q The '70s?

11 A I don't remember.

12 Q Well, we're going to make it even tougher. Who is  
13 your first-level manager right now?

14 A Basil Vann.

15 Q And how long has Mr. Vann been your first-level  
16 manager?

17 A I don't remember.

18 Q About a year, couple of months, two years?

19 A I don't know. I'd have to guess at it.

20 Q Well, it's okay as long as you get round figures  
21 and you tell me it's a guess, okay, you're guessing that he's  
22 been here for a year or two years as your first-level  
23 manager. I won't hold you to specifics if you tell me you're  
24 guessing that it is.

25 MR. YOKAN: Off the record.

(Off the record.)

A I have no idea.

Q What other first-level managers have you had that you can recall? Who else has been a first-level manager?

A I can't remember.

Q Who is your present second-level manager?

A Bruce -- I can't think of his last name.

MS. HARTLEY: Higgins.

A Higgins.

Q And do you know about how long Mr. Higgins has been your second-level manager?

A Approximately a week.

Q Who was it before Mr. Higgins?

A Jim Keels.

Q Do you remember any other second-level managers before Mr. Keels?

A I do, but I don't recall their names.

Q Have you been in Jacksonville as a maintenance administrator -- excuse me. Have you been in Jacksonville since 1961?

A Yes.

Q Has all of your experience as a maintenance administrator been in Jacksonville?

A Yes.

Q Who is your operations manager at this time?

1 A I can't think of his name.

2 Q Is it Mr. Rupe?

3 A Rupe.

4 Q Robert Rupe?

5 A (No response.)

6 Q Okay. We're going to ask you a real hard one. Do  
7 you know who your general manager is?

8 A No.

9 Q Has Mr. Rupe been your operations manager this  
10 whole time that you've been in Jacksonville?

11 A No.

12 Q Do you know any other operations managers before  
13 Mr. Rupe?

14 A I don't recall their names.

15 Q Before we went off the record you indicated to me  
16 that you might backdate to change a commitment time at a  
17 customer request, use a backdate code; is that correct?

18 A Uh-huh.

19 Q Can you use a backdate code to change a closing  
20 time?

21 A Run that by me again.

22 Q Okay. That's fine. See if you can relax. It will  
23 help you remember, I think.

24 Can you use a backdate code to change a closing  
25 time?

1 A Not that I'm aware of.

2 Q Can you change a backdate code to enter a new  
3 report, just change the receipt time on a report?

4 A Do what? Change the --

5 Q The receipt time, the time a report was actually  
6 received. Can you use a backdate code to change the receipt  
7 time?

8 A I don't know.

9 Q Okay. Well, let me ask you this: Have you ever  
10 had occasion where when you were starting on the report you  
11 just messed up the typing so badly that you needed to just  
12 eliminate or exclude that report and start it all over again  
13 so that you could get everything in there correctly?

14 A I don't remember.

15 Q Do you know of anyone else who's ever, you know,  
16 maybe a first time person who wasn't really familiar with the  
17 system, just really mess it up so badly that they had to just  
18 exclude that report and open up a brand-new one and put  
19 everything back in so that it would be correct?

20 A I don't remember.

21 Q Do you know what a trouble entry screen is?

22 A Trouble entry? Yes.

23 Q Okay. And what does a trouble entry screen do for  
24 you?

25 A If a customer requests to change a commitment, if



1 the customer isn't going to be there a certain day, then  
2 that's what you change your commitment on.

3 Q The trouble entry screen?

4 A Uh-huh.

5 Q And do you call up a particular line number with  
6 the trouble entry screen? In other words, do you enter the  
7 trouble line and then the trouble entry screen comes up? Is  
8 that how it works?

9 A I'm not sure what you mean.

10 Q How do you get the trouble entry screen?

11 A You hit a button.

12 Q Specifically it says "trouble entry screen" and you  
13 press it?

14 A Uh-huh.

15 Q Okay. Are you on the line with the customer at the  
16 time you do that?

17 A You talk to the customer and then you do it if the  
18 customer requests a different time. You don't do it right  
19 when you're talking to them. You do it as soon as you get  
20 off the line with the customer.

21 Q And when the customer calls in, do they come  
22 through the CRSAB or do they come to you directly?

23 A They call the CRSAB and then we get -- the reports  
24 come in to us.

25 Q On your screen?

1 A Yes, uh-huh.

2 Q Okay. So you've already got the report on your  
3 screen?

4 A Yes.

5 Q All right. And then you hit the trouble entry  
6 button?

7 A No.

8 Q Because you've already got the report?

9 A No. I think we're talking about two different  
10 things.

11 Q I think we are.

12 Have you ever had occasion to create a trouble  
13 report from scratch?

14 A I don't remember.

15 Q Have you ever heard of anyone just creating trouble  
16 reports from scratch instead of coming through the CRSAB,  
17 they just create them?

18 A I don't recall.

19 Q You don't recall?

20 A (No response.)

21 Q Do you know if that's possible? Do you know if  
22 it's possible?

23 A (Pause.)

24 Q Do you know if it's possible?

25 A Sure.

1 Q Okay. Now, when you create a report from scratch,  
2 would you ever use a backdate if you're creating a report  
3 from scratch?

4 MR. BEATTY: Objection to the form of the question.

5 It is at least in my mind ambiguous.

6 BY MS. RICHARDSON:

7 Q You can still answer if you can.

8 MR. YOKAN: Did you understand the question?

9 THE WITNESS: I'm not sure.

10 MS. RICHARDSON: Okay.

11 BY MS. RICHARDSON:

12 Q If you need to create a report from scratch, would  
13 you ever use the backdate code to do so?

14 A We have guidelines for that.

15 Q Okay. And what does your guideline tell you for  
16 backdate when you create reports?

17 MR. BEATTY: Objection to the --

18 A I would have to have the sheets in front of me.

19 MR. BEATTY: Excuse me. Objection to the form  
20 of the question as leading and it presumes facts that  
21 I don't think are quite right.

22 BY MS. RICHARDSON:

23 Q Have you ever heard of a supervisor or manager  
24 changing reports over the weekend?

25 A Not that I'm aware of.

1 Q Let's go back to no access. Do you know what a no  
2 access is?

3 A Yes.

4 Q Okay. Would you briefly tell me what a no access  
5 is?

6 A The repairman goes out and no one is home, then  
7 they leave a tag on the door.

8 Q Okay.

9 A I mean if they have to get inside, if they can't  
10 repair from the outside.

11 Q Do you know if that no access stops the clock, the  
12 repair clock on that report?

13 A Not that I'm -- I'm not sure.

14 Q Have you ever heard of anyone using a no access to  
15 stop the repair clock?

16 A Not that I'm aware of, no.

17 Q Okay. Ms. Bond, I'm going to show you another  
18 document. Okay. This is entitled Citizens Third Set of  
19 Interrogatories dated June 6, 1991, Item No. 1. An  
20 interrogatory is a written question that we have asked the  
21 company to answer and they have given us a written answer.  
22 Okay. Instead of us sitting across the table and talking to  
23 the company, we send them a question in writing and they get  
24 it and they look at it and take some time and then they send  
25 us an answer in writing. That's what an interrogatory is.

1 All right.

2  
3  
4  
5  
6  
7 questions you need to ask, you can ask your questions.

8 Basically we asked the company for the names of any  
9 employees that have knowledge about falsifying times on  
10 reports and this is the company's response.

11 And so we'll go off the record and let you look at  
12 it. And the reason it's folded under is everything else is  
13 confidential. The stuff I'm showing you is open to your  
14 inspection.

15 MR. BEATTY: Again, for the record, the company's  
16  
17 have knowledge about the information listed below the  
18 name of each individual.

19 (Off the record.)

20 MS. RICHARDSON: We're back on the record.

21 BY MS. RICHARDSON:

22 Q  
23 document?

24 A Yes.

25 Q

1 A Uh-huh.

2 Q

3

4

5

What do you know about backing up clearing times?

6

MR. BEATTY: Objection. It's been asked and

7

answered.

8

A I don't remember.

9

Q You don't remember anything?

10

A No.

11

Q Does that mean --

12

A I don't recall.

13

Q -- that you may have known something at one time

14

but you don't know it today?

15

A I don't recall.

16

Q

17

18

A I don't recall.

19

Q What do you know about instructions to back up

20

clearing times?

21

MR. BEATTY: Objection. It's been asked and

22

answered.

23

A I don't remember.

24

Q Does that mean that you may have known something at

25

one point and you just don't know it today?

1 A I don't recall.

2 Q Has a manager ever instructed you to contact them  
3 before closing out out-of-service reports?

4 A I don't recall.

5 Q Have you heard of anyone excluding -- well, let's  
6 start off -- what's an exclude -- what happens when you  
7 exclude a report?

8 A What do you mean?

9 Q All right. Is there a place on the close-out  
10 screen where you can exclude a report?

11 A Yes.

12 Q Okay. I don't have enough of these to make an  
13 exhibit so we'll just use them for reference if we can. That  
14 will be one for you to look at. I'm sorry. I only have  
15 three of these.

16 Okay. This is from Initial Training for  
17 Installation and Maintenance Center Personnel Training  
18 Handbook issued 2 September 1990, BellSouth, and on the  
19 second page it shows -- this is not the one I want. I'm  
20 sorry. This may not be it, but let's look at it anyway.  
21 We'll try it. It's the MMA disk mask. Is this at all  
22 similar to a screen that you have worked with?

23 MR. BEATTY: Objection on the ground of relevance.

24 A (No response.)

25 Q Have you, as a maintenance administrator, been

1 responsible for dispatching troubles?

2 A What was the question?

3 Q That's fine. As a maintenance administrator have  
4 you ever been responsible for dispatching troubles?

5 A We dispatch to the repairman.

6 Q You dispatch. Okay. And this particular mask or  
7 screen, is this a dispatching mask?

8 MR. BEATTY: I object. The document speaks for  
9 itself. Furthermore, there's been no predicate as to  
10 this witness's knowledge about this document or  
11 anything depicted in this document.

12 MS. RICHARDSON: Really I have only one question.  
13 I just need to know then.

14 BY MS. RICHARDSON:

15 Q If you look under FST, final status line, on that  
16 where there's an X. Okay. When you exclude a report, is  
17 that the kind of exclude that you deal with where you enter  
18 information on your screen where there's an X to exclude?

19 MS. BEATTY: Objection to the form of the question.  
20 It's ambiguous.

21 You can respond if you can.

22 MR. YOKAN: Let's go off the record one second.  
23 (Off the record.)

24 MR. YOKAN: Let's go back on the record.

25 The question that I understand that Ms. Bond is



1 being asked is whether an X appears on her screen if  
2 something happens to be excluded.

3 Is that --

4 MS. RICHARDSON: Yes, that's close enough.

5 THE WITNESS: Yes, it's on there.

6 MR. BEATTY: I'm sorry. The answer was what?

7 MS. RICHARDSON: Yes.

8 BY MS. RICHARDSON:

9 Q Now, when you place an X when you exclude a report,  
10 what happens to the report?

11 A You're closing it.

12 Q You're closing it?

13 A Uh-huh.

14 Q Okay. Is it proper to exclude an out-of-service  
15 report?

16 MR. BEATTY: Objection. It calls for a legal  
17 conclusion.

18 A (No response.)

19 Q Okay. Based upon your training and your experience  
20 and your knowledge as a maintenance administrator, do you  
21 consider it proper to exclude out-of-service reports?

22 MR. BEATTY: Objection. It still calls for a  
23 legal conclusion.

24 MR. YOKAN: You can go ahead and answer.

25 A We just have the guidelines that we go by and you

1 follow those.

2 Q Okay. Have you ever excluded an out-of-service  
3 report?

4 A Not that I'm aware of.

5 Q Okay. Would you ever exclude an out-of-service  
6 report? Are there conditions under which you would?

7 MR. BEATTY: Objection; speculative.

8 A We have certain guidelines that we have to follow.

9 Q Okay. What kind of reports have you excluded?

10 MR. BEATTY: Objection. It's been asked and  
11 answered. She's indicated she never excluded it.

12 A I would have to look at a sheet.

13 Q Okay. Do you know of anyone who has ever excluded  
14 an out-of-service report to keep it from being counted in the  
15 out-of-service index?

16 A Not that I recall.

17 Q Do you know what a Test OK is, Ms. Bond, a Test OK?

18 A Yes.

19 Q What's a Test OK?

20 A It's a line that there's nothing wrong with.

21 Q The trouble reporting line has nothing wrong with  
22 it?

23 A Yes, if the service is working okay.

24 Q All right. And is there a specific code that you  
25 use to close a report to Test OK?

1 A I'm not sure.

2 Q If it says Test OK report, you find that it's Test  
3 OK, you talk to the customer, would you ever status that  
4 report as out of service?

5 MR. BEATTY: Objection; speculative.

6 MR. YOKAN: You can answer it if you understand  
7 what she's asking you.

8 THE WITNESS: Run it by me again.

9 BY MS. RICHARDSON:

10 Q Can you give me any idea how long you've been a  
11 maintenance administrator, how much experience you've had?

12 A I don't recall when I started as an MA.

13 Q Has it been five years at least?

14 A I would have to guess.

15 Q Okay. Were you a maintenance administrator in  
16 1992?

17 A Yes.

18 Q Were you a maintenance administrator in 1991?

19 A I don't remember how far back it went. I'm sure.

20 Q Ms. Bond, do you know of anybody who's violated  
21 company procedures in handling trouble reports?

22 A Not that I'm aware of.

23 Q In your experience and your training as a  
24 maintenance administrator, have you seen anyone who has  
25 deliberately miscoded a trouble report?

1 A Not that I'm aware of.

2 Q Has anyone ever instructed you to code a trouble  
3 report in a way that you thought, based on your training and  
4 experience, was improper?

5 A Okay. Say that again.

6 Q Based on your experience and the training that  
7 you've had as a maintenance administrator, has anyone  
8 directed you to use codes on a trouble report that you  
9 thought was improper?

10 A Not that I remember.

11 Q Do you know of anybody who's ever used someone  
12 else's employee code?

13 A Not that I remember.

14 Q Have you ever worked in sales?

15 A Ever worked in sales? I don't know what you're  
16 talking about.

17 Q Has anybody ever asked you to sell products or  
18 services for the company?

19 A They asked me to sell.

20 Q Who asked you to sell?

21 A I don't remember.

22 Q Do you remember about when this was that you were  
23 asked to sell?

24 A No.

25 Q Was it in the '80s, sometime in the '80s?

1 A I don't remember.

2 Q Was it just this past year, since January?

3 A No.

4 Q Was it before January of '93?

5 A I can't recall.

6 Q Okay. Did you agree to help sell for the company?

7 A I didn't like selling. I didn't sell.

8 Q So you didn't sell?

9 A (No response.)

10 Q Did you tell whoever asked you that you would not  
11 sell?

12 A Did I tell them I wouldn't sell?

13 Q Yes.

14 A No.

15 Q Okay. Do you remember what it was they asked you  
16 -- how they asked you to go about selling?

17 A I don't recall.

18 Q Did you get any training for the sales?

19 A Not that I remember.

20 Q Do you know if you were offered any prizes or  
21 awards if you helped sell?

22 A I don't remember.

23 Q All right. Ms. Bond, I think I've exhausted my  
24 questions for you. I'm going to let Public Counsel if they  
25 have any questions and maybe Mr. Beatty or your attorney.

1 Thank you for being here today.

2 MS. WILSON: Public Service Commission has no  
3 questions.

4 MR. BEATTY: I have none.

5 MR. YOKAN: Nor does her counsel.

6 (Witness excused.)

7 (Whereupon, the deposition concluded at 3:13 p.m.)  
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AFFIDAVIT OF DEPONENT

1  
 2  
 3 This is to certify that I, LORRETTA BOND, have read  
 4 the foregoing transcription of my testimony, Page 6 through  
 5 38, given on May 4, 1993, in Docket Nos. 910163-TL and  
 6 910727-TL, and find the same to be true and correct, with the  
 7 exceptions, and/or corrections, is any, as shown on the  
 8 errata sheet attached hereto.  
 9  
 10  
 11

12 \_\_\_\_\_  
 13 LORRETTA BOND  
 14

15  
 16 Sworn to and subscribed before me this  
 17 \_\_\_\_\_ day of \_\_\_\_\_, 1993.  
 18

19  
 20 \_\_\_\_\_  
 20 NOTARY PUBLIC  
 State of Florida.  
 21 My Commission Expires:  
 22  
 23  
 24  
 25

1  
2 STATE OF FLORIDA )  
3 COUNTY OF DUVAL )

CERTIFICATE OF OATH

4  
5 I, the undersigned authority, certify that Lorretta  
6 Bond personally appeared before me and was duly sworn.

7  
8 WITNESS my hand and official seal this 4<sup>th</sup> day  
9 of June, 1993.

10  
11 Marie C. Gentry  
12 Notary Public - State of Florida  
13 My Commission No. CC251746  
14 Expires: 1/21/97

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OFFICIAL NOTARY SEAL MARIE C GENTRY NOTARY PUBLIC STATE OF FLORIDA COMMISSION NO. CC251746 MY COMMISSION EXP. JAN. 21, 1997
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1 STATE OF FLORIDA)  
2 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

3 I, Marie C. Gentry, Court Reporter,

4 DO HEREBY CERTIFY that I was authorized to  
5 and did stenographically report the foregoing  
6 deposition of Lorretta Bond;

7 I FURTHER CERTIFY that this transcript,  
8 consisting of 38 pages, constitutes a true record of the  
9 testimony given by the witness.

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

15 DATED this 4th day of June, 1993.

16 Marie C. Gentry  
17 Marie C. Gentry, Court Reporter  
18 Telephone No. (904) 264-2943

18 STATE OF FLORIDA)  
19 COUNTY OF DUVAL )

20 The foregoing certificate was acknowledged  
21 before me this 4th day of June, 1993, by Marie C. Gentry,  
22 who is personally known to me.

23 Patricia H. Vierengel  
24 Notary Public - State of Florida  
25 Patricia H Vierengel  
My Commission expires 6-31-93

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the ) DOCKET NO. 910163-TL  
integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY'S repair service )  
activities and reports. )

In re: Investigation into ) DOCKET NO. 910727-TL  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY'S compliance ) FILED: 04/28/93  
with Rule 25-4.110(2), F.A.C. )  
Rebates. )

DEPOSITION OF: JANET R. WILLIS

TAKEN AT THE INSTANCE OF: The Staff of the Florida  
Public Service Commission

PLACE: Southern Bell  
3100 Emerson Street  
Jacksonville, Florida 32207

TIME: Commenced at 3:20 p.m.  
Concluded at 4:02 p.m.

DATE: Tuesday, May 4, 1993

REPORTED BY: Marie C. Gentry  
Court Reporter

**ORIGINAL**

MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

1 APPEARANCES:

2  
3 J. SUE RICHARDSON, ESQUIRE, Office of Public Counsel,  
4 c/o The Florida Legislature, 111 W. Madison Street, Room 812,  
5 Tallahassee, Florida 32399-1400.

6 JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public  
7 Service Commission, 101 E. Gaines Street, Tallahassee,  
8 Florida 32399-0863, Telephone No. (904) 487-2740.

9 STAN L. GREER, Engineer, Florida Public Service  
10 Commission, 101 E. Gaines Street, Room G-28, Tallahassee,  
11 Florida 32399-0866, Telephone No. (904) 488-1280.

12 WALTER BAER, Analyst, Office of Public Counsel, c/o The  
13 Florida Legislature, 111 W. Madison Street, Room 812,  
14 Tallahassee, Florida 32399-1400.

15 ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications,  
16 Inc., Museum Tower Building, Suite 1910, 150 West Flagler  
17 Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

18 NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications,  
19 Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
20 30375-0001, Telephone No. (404) 529-5387.

21 WAYNE TUBAUGH, Southern Bell Telephone and Telegraph  
22 Company, 150 S. Monroe Street, Suite 400, Tallahassee,  
23 Florida 32301.

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WITNESS

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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.

JANET R. WILLIS

appeared as a witness and, after being duly sworn by the court reporter, testified as follows:

EXAMINATION

BY MS. RICHARDSON:

Q Ms. Willis, I'm going to ask you -- even though your name is fairly simple, I still want to make sure we get it accurately. If you would state your name and then spell it for her.

A Janet Willis.

Do you want me to spell the first and last?

Q Yes.

A J-a-n-e-t W-i-l-l-i-s.

Q Thanks. And your address, please?

A 3100 Emerson, Jacksonville.

Q And the ZIP code?

A I don't know.

Q Okay. And your phone number?

A 393-9524.

MS. RICHARDSON: And, Mr. Beatty, just based on our prior discussions, I have not been asking for home addresses and phone numbers because you've objected in the past, but I'm assuming that you also will accept the subpoenas and service of process for these people?

MR. BEATTY: Yes, of course.

1 MS. RICHARDSON: Okay. So I won't ask for it now.

2 BY MS. RICHARDSON:

3 Q What's your present position with the company?

4 A Maintenance administrator.

5 Q Okay. And how long have you held that position?

6 A I believe it's been eight years. I couldn't tell  
7 you specifically. I'd have to think back and figure out what  
8 year I started.

9 Q All right. Has that been in Jacksonville the  
10 entire time?

11 A In Jacksonville.

12 Q Okay. Let me ask you before I go any further, have  
13 you talked to anyone outside of company counsel about your  
14 deposition here today?

15 A Specifically you mean my husband, my friends?

16 Q Yes, anybody.

17 A Yes.

18 Q Okay. And have you talked about any possible  
19 questions and answers that you might be giving here today  
20 with any of them?

21 A No.

22 Q Did you at any time give a statement to company  
23 investigators regarding the investigation in this docket, in  
24 this case?

25 A Yes.



1 Q Do you remember when you made that statement?

2 A No. I couldn't tell you the month or day.

3 Q Do you know maybe the year, '91, '92?

4 A Let's see. It seems like it was two years ago.

5 Q About two years ago?

6 A Uh-huh.

7 Q Okay. Do you know who was in the room with you  
8 when you made that statement?

9 A Specifically?

10 Q Well, not their names, but do you know their  
11 positions?

12 A There were some attorneys with the company.

13 Q Okay.

14 A A gentleman who works for the company in security.  
15 I know there were some other people that were attorneys, but  
16 I just don't recall exactly.

17 Q Do you know if there were any supervisors or  
18 managers there?

19 A There were not.

20 Q How about union representatives?

21 A There was not.

22 Q Did you talk to anyone after that about the  
23 statement you made to the company? Did you discuss it with  
24 your husband?

25 A No. We were told not to.

1 Q Did you talk to any of your friends about it?

2 A Yes, I did.

3 Q Okay. And what did you tell them?

4 MR. BEATTY: Well, just a minute, please.

5 I'm going to object to the question to the extent  
6 that that question would elicit the substance of the  
7 actual interview.

8 If you don't mind, can I voir dire her just for  
9 a brief moment on privilege -- the issue is a  
10 privilege and I'm going to instruct her not to answer  
11 this or I'm going to voir dire to see if it's okay.

12 MS. RICHARDSON: Well, Mr. Beatty, it seems to me  
13 that confidentiality has already been breached because  
14 she has already stated that she has made some statement  
15 to another individual regarding her statement.

16 MR. BEATTY: That's not what the law says. That's  
17 not what the law says at all, not at all, not at all.  
18 That is not the law in Florida. There has been no breach  
19 in the privileged nature of a statement, none.

20 MS. RICHARDSON: Okay. Well, then, we both  
21 disagree on that.

22 MR. BEATTY: I think the law is very clear. The  
23 law speaks to this issue very clearly.

24 I need to ask you. Did you talk to anyone  
25 regarding the substance of the interview that you had

1 with the attorneys and the security people?

2 THE WITNESS: As to what I said and what --

3 MR. BEATTY: Correct.

4 THE WITNESS: No, no, no.

5 MS. RICHARDSON: Okay.

6 BY MS. RICHARDSON:

7 Q What did you tell them?

8 A What did I -- I honestly don't remember. That's  
9 been several years ago and I really don't remember, just --

10 Q Do you know who you talked to? Do you remember who  
11 you talked to?

12 A Let me think. No. To give you a specific name  
13 that I spoke or -- you know, no.

14 Q Was it someone that you worked with?

15 A Uh-huh, yes.

16 Q Had they also given a statement to the company?

17 A I believe they did.

18 Q And did they discuss their statement with you?

19 A No, they did not.

20 MR. BEATTY: You do understand that it's important  
21 for the confidentiality of the statement and the  
22 privileged nature of the statement that you not discuss  
23 any matters pertaining to the statement with anyone.

24 THE WITNESS: Right.

25 MR. BEATTY: And I would appreciate it if you

1 didn't. And I understand that you didn't talk to  
2 anybody about the substance, I understand that, but  
3 please adhere to that request. Okay?

4 THE WITNESS: You mean like what we're talking  
5 about? Nobody has said anything about -- you mean like  
6 this deposition, not to repeat it?

7 MR. BEATTY: No. I'm just referencing the  
8 statement from the investigation that you, please, are  
9 not to discuss that with anyone.

10 THE WITNESS: Right. Yes.

11 MS. RICHARDSON: Okay.

12 BY MS. RICHARDSON:

13 Q Were you advised by anyone that you would not  
14 disciplined in reference to whatever answers you gave here  
15 today?

16 A Yes.

17 Q Has anyone advised you of possible criminal  
18 penalties that could apply if you perjure your testimony here  
19 today?

20 A Yes.

21 Q Ms. Willis, what do you know about the improper  
22 handling of trouble repair reports?

23 A I guess you're going to need to be a little more  
24 specific as to that question.

25 Q All right. Have you heard the phrase "backing up

1 the time"?

2 A I've heard that phrase.

3 Q And what's your understanding of that?

4 A Can you be any more specific than that? Because I  
5 mean --

6 Q Well, you've heard it. In what context have you  
7 heard it?

8 MR. BEATTY: If you can answer the question as  
9 it is stated, if it's clear enough for you, then you can  
10 answer it. If, on the other hand, the question is not  
11 clear enough for you to formulate a response, then all  
12 you need to do is say that and I'm sure that the  
13 attorney will seek to structure the question so you can  
14 respond to it.

15 THE WITNESS: Ask me the question again.

16 MS. RICHARDSON: Okay.

17 BY MS. RICHARDSON:

18 Q Where have you heard of backing up the time?

19 A Where have I heard it? I really can't answer that.

20 Q Have you ever had occasion yourself to back up any  
21 time on a trouble report?

22 A That's such -- that just isn't specific enough.

23 MR. BEATTY: You can tell her that.

24 BY MS. RICHARDSON:

25 Q Have you ever backed up a receipt time on a trouble

1 report?

2 A What you call backing up the time and I guess what  
3 I consider closing a trouble report as to when the man  
4 cleared the time and -- say he's calling in now and it's 3:00  
5 o'clock and he tells me he cleared it at 2:00 o'clock, to me  
6 that's backing up the time.

7 Q Okay. And what's your understanding when he says  
8 he cleared the trouble?

9 A He gave the customer a dial tone.

10 Q And I'm assuming you're talking about a service  
11 technician in the field?

12 A Right.

13 Q All right. And he would be calling you to close a  
14 report?

15 A At times they do need to call us to close a report.

16 Q Okay. When he calls, are you instructed to  
17 question him as to when he restored service?

18 A Yes. I always ask when did you clear the trouble.

19 Q Okay. Are they supposed to know that themselves,  
20 that they're supposed to give the service restoral time?

21 A Yes, as far as I know they do.

22 Q Is there any purpose then in your asking him?

23 A I guess it's what I've always done.

24 Q Okay. Are you familiar with the requirement that  
25 the company repair a trouble within 24 hours, an

1 out-of-service trouble within 24 hours at least 95 percent of  
2 the time?

3 A I don't know if I'm aware of a percentage.

4 Q But you know that out-of-services are supposed to  
5 be repaired within 24 hours?

6 A Right.

7 Q Okay. And has that always been the case the entire  
8 time you've been an MA?

9 A We try to clear the troubles within 24 hours. I  
10 mean we try to give the customer a dial tone as soon as we  
11 can, as soon as we can get it.

12 Q Okay. Do you know of any instance where a service  
13 technician has reported to you a clearing time -- let me  
14 rephrase this.

15 Do you know of any instance where a service  
16 technician has reported improperly a clearing time just to  
17 meet that 24-hour commitment when it wasn't really fixed  
18 within that period of time?

19 A Not that I can remember.

20 Q Have any managers ever made or emphasized meeting  
21 the commitment, the 24-hour commitment?

22 A How do you mean that? I mean --

23 Q Well, have they emphasized it in such a way that  
24 you understood them to be telling you to make sure that the  
25 clearing time showed that it was cleared within 24 hours

1 whether or not the trouble was actually cleared within 24  
2 hours?

3 A Ask me that question again.

4 Q Did anyone ever ask you to back up a clearing time  
5 just to show it cleared within 24 hours?

6 A No, not that I remember anybody asking me to do  
7 that.

8 Q Okay. Did anybody ever give you instructions so  
9 that you understood that's what you were supposed to do?

10 A No.

11 Q Has any other MA or ST ever talked to you stating  
12 this is what they understood they were supposed to be doing,  
13 showing a clearing time under 24 hours whether it was  
14 accurate or not?

15 A Not that I can remember, they haven't.

16 Q Can you tell me who your first-level manager is  
17 right now?

18 A Right now?

19 Q Uh-huh.

20 A First-level manager? Kay McDonough (phonetic).

21 Q And can you spell that?

22 A No.

23 Q K-a-y?

24 A Yes.

25 Q We've got that much. And M-c-D --



1 A o-u-g-h. It's spelled differently.

2 Q McDonough?

3 A McDonough.

4 Q o-n-o-u-g-h maybe then?

5 A No. It's spelled differently. It's M-c-D-o-u -- I  
6 don't know. I really don't. I've seen it, but I never write  
7 her name.

8 Q We'll do it phonetically. Okay.

9 And how long has Ms. McDonough been your  
10 first-level manager?

11 A Since September.

12 Q Of '92?

13 A Yes.

14 Q All right. Who was your first-level manager before  
15 her?

16 A Basil Vann.

17 Q And he was your first level from about when to '92,  
18 September of '92?

19 A I really don't remember.

20 Q Do you know about how many years he was your first  
21 level?

22 A Probably around two years.

23 Q Around two years. Do you remember any of your  
24 other first-level managers while you've been in Jacksonville?

25 A Yes. Let's see. John Melton and Dennis Curren.

1 Q Can you spell his last name?

2 A C-u-r-r-e-n.

3 Q Okay.

4 A And it's going back too far. I think the gentlemen  
5 that used to be are retired now.

6 Q Who is your second-level manager?

7 A Currently? Bruce -- he's just come into the  
8 office. Higgins.

9 Q Higgins? Okay. And he's been here how long?

10 A Monday.

11 Q Since Monday?

12 A Okay. And who was your second level then before  
13 Mr. Higgins?

14 A Jim Keels.

15 Q And that's K-e-e-l-s?

16 A Uh-huh.

17 Q All right. And about how long has Mr. Keels been  
18 your second level?

19 A About three years.

20 Q Okay. And do you remember any other second levels  
21 before Mr. Keels?

22 A Yes. Let me think.

23 I just can't think of his name.

24 Q What about operations manager? Do you know who  
25 your operations manager is?

1 A John Balsey.

2 Q And can you spell his last name?

3 A Is that who you mean?

4 Q I'm not sure. John Balsey? B-a-l-s-e-y?

5 A When you say operations manager --

6 Q The district manager.

7 A Oh, the district manager, no. The district manager  
8 is Mr. Rupe, Robert Rupe.

9 Q Okay. And do you know who your general manager is?  
10 That should be one step or so above Mr. Rupe.

11 A I'm not positive. I'd say Mr. Sanders, but I'm not  
12 sure that's his title.

13 Q And do you work in some fashion for Mr. Balsey?  
14 Does he have any supervisory responsibilities over you?

15 A No.

16 Q Would you define "out of service" for me? When is  
17 a trouble out of service?

18 A When a customer does not have a dial tone, when  
19 they cannot call out and they cannot be called.

20 Q Okay. And is it part of your job function to  
21 status reports out of service or affecting service?

22 A Yes.

23 Q What do you base that opinion on or that statusing  
24 on?

25 A With the customers reporting, what the customer

1 says and the way the trouble tests and when -- you know, when  
2 we receive the trouble and when we test it.

3 Q Okay. And when is the statusing done on the  
4 report? At what point in the trouble repair process is that  
5 done?

6 A It's possible the trouble is statused by the  
7 computer system before it ever reaches the maintenance  
8 center.

9 Q Okay.

10 A Depending on what the customer has reported and  
11 depending on how it tests at the time.

12 Q All right. And if it's not done then  
13 automatically, then when might the next point be?

14 A When we screen the trouble in the maintenance  
15 center.

16 Q Okay. And if it's not done then and somebody is  
17 dispatched on an affecting service trouble, is there ever an  
18 occasion when a report might be statused out of service on  
19 closeout?

20 A It's possible. It can be done.

21 Q Okay.

22 A Because there is a space for it to be done.

23 Q You mean on the final status screen when you're  
24 closing a report?

25 A There used to be. I'm not even positive if there

1 is one now. There used to be, but it could be at that  
2 particular time -- I haven't closed one out like that, so --  
3 the system changes and I'm not sure if it could be done now  
4 or not really.

5 Q Okay. Was it ever sort of office practice to let  
6 troubles flow through the system until closeout and then  
7 decide if it was out of service?

8 A No.

9 Q Do you know of managers maybe during heavy peak  
10 periods, lots of trouble reports, bad weather conditions or  
11 whatever, who instructed you and other maintenance  
12 administrators not to status out-of-service at this time,  
13 we'll wait until closeout to status them?

14 A No, I don't know of that being done.

15 Q Okay. Have you ever had a manager tell you not to  
16 status any out-of-services today, period?

17 A No, I've never had anybody tell me that.

18 Q Have you ever heard of that being done?

19 A In our maintenance center?

20 Q Yes.

21 A No.

22 Q Okay. Do you know if a customer is due a rebate if  
23 their phone line has been out of service for more than 24  
24 hours?

25 A Yes.

1 Q Okay. And how long have you been aware of that?

2 A Since I've been in the maintenance center.

3 Q Okay. Do you know of any customers who've been  
4 denied a rebate because of improper handling of their trouble  
5 reports?

6 A I don't know of any specific customer or anything  
7 specific that's been denied.

8 Q Okay. Do you know generally if any customers have  
9 lost rebates because their trouble reports were mishandled?

10 A No. I don't -- I couldn't really say.

11 Q Have you ever had a manager or supervisor tell you  
12 that you are to get permission from them or another  
13 supervisor before you close out trouble reports?

14 A Yes.

15 Q And when was this?

16 A It's been several years ago.

17 Q Okay. Back in the '80s?

18 A Yes, it would have been in the '80s probably.

19 Q Was that in Jacksonville?

20 A Yes.

21 Q Okay. And what instructions were you given at that  
22 time?

23 A Before we close something out, before we, I don't  
24 know, closed or missed a commitment, they wanted to see it.

25 Q And what would they do with it?

1 A Basically they asked me, you know, what is the man  
2 closing the trouble to, and I would tell them, and that was  
3 it.

4 Q You mean the disposition and cause code they would  
5 ask for?

6 A Right.

7 Q And why would they ask for that? Why would they  
8 want to know the specific disposition and cause code?

9 A They wanted to -- no one said. I mean, they just  
10 wanted to know what it was being closed to.

11 Q Would they ever change the disposition and cause  
12 code?

13 A No, they've never changed any that I've ever taken  
14 to them.

15 Q Okay. Did they ever change the clearing time?

16 A No.

17 Q Did they ever then, once you received the report  
18 before you closed it out, told you to go back and question  
19 the ST more closely about the disposition and cause code?

20 A No.

21 Q Did they ever tell you at that point to go back and  
22 talk to the ST again to make sure that he hadn't cleared it  
23 within the 24-hour commitment time?

24 A Not on any that I ever had.

25 Q Okay. In your opinion was this being done for any

1 improper purpose?

2 A No, I don't think so.

3 Q All right. Ms. Willis, I want to ask you about  
4 Test OK reports. Generally what's a Test OK report?

5 A If I get a report and it's testing okay now? Is  
6 that what you mean?

7 Q Yes. So there's no trouble on the line is what  
8 you're saying?

9 A Right, no trouble on the line.

10 Q Okay. Is it -- in your experience and training  
11 that you've received, is it proper to close out a Test OK  
12 report as out of service?

13 A No.

14 Q Okay. Have you ever had -- are you aware of anyone  
15 taking Test OK reports and closing them as out of service?

16 A Not that I'm aware of.

17 Q Has anyone ever directed you to take a group of  
18 Test OK reports and close them as out of service?

19 A No.

20 Q Have you ever heard of that being done?

21 A No.

22 Q Ms. Willis, I'm going to show you a document filed  
23 by Southern Bell on April 1st, 1993 with the Commission  
24 entitled Southern Bell's Response to Preliminary Order  
25 No. PSC-93-0263-PCO-TL entered on February 19, 1993. And the



1 first question I'm going to ask you will be whether you're  
2 No. 632 on this list of 650 names, if that is you there,  
3 okay, and then I will ask you some questions about it. I'm  
4 going to go off the record and give you a chance to look at  
5 this document so you can familiarize yourself with it first  
6 and then if you have any questions of Mr. Beatty and myself  
7 or whatever off the record, we'll deal with that before we  
8 come back on.

9 (Off the record.)

10 BY MS. RICHARDSON:

11 Q Ms. Willis, first of all, is that your name on this  
12 document?

13 A Yes.

14 Q And is it your understanding that your name appears  
15 there in reference to Southern Bell's internal investigation  
16 and a statement you may have given the company?

17 MR. BEATTY: The document speaks for itself;  
18 therefore, I would object to the question.

19 MS. RICHARDSON: I want to make sure that she has  
20 read the document and she understands what Southern Bell  
21 is representing as to her name on there.

22 MR. BEATTY: Again, the document does speak for  
23 itself.

24 BY MS. RICHARDSON:

25 Q Do you understand it?

1 A I know what it says. I mean --

2 Q Okay. Then let me ask you: By your name appears a  
3 series of numbers.

4 A Uh-huh.

5 Q Okay. And one of those numbers, I believe, is a 1.  
6 And what does 1 reference on here?

7 A Backing up clear or close time.

8 Q Okay. What do you know about backing up clear and  
9 closing times?

10 MR. BEATTY: Objection to the form of the question.

11 It's ambiguous. And, furthermore, it's repetitious.

12 It's been asked and answered.

13 BY MS. RICHARDSON:

14 Q You can still answer it.

15 A Basically what we talked about before, the time the  
16 men close out the troubles.

17 Q Okay. Do you know whether or not -- do you have  
18 any opinion as to whether or not that's what that references  
19 in terms of your information?

20 MR. BEATTY: If you know.

21 A I don't really know.

22 Q Okay. I think under your name also appears the  
23 number 8. And what is No. 8?

24 A Instructions not to status out of service or not  
25 statusing out of service.

1 Q Okay. And what do you know about not statusing out  
2 of service?

3 MR. BEATTY: Objection. It's been asked and  
4 answered.

5 A From what I've mentioned before. What do you mean  
6 what do I know about not statusing?

7 Q Okay. Do you have any opinion as to why that  
8 appears by your name on this document?

9 MR. BEATTY: If you know.

10 A No.

11 Q Okay. I think No. 9 also appears by your name.  
12 What is that one?

13 A Test OK is statused out of service.

14 Q And do you know of anyone who has statused Test OKs  
15 as out of service?

16 MR. BEATTY: Objection. It's been asked and  
17 answered.

18 A No.

19 Q Do you have any opinion as to why that might be  
20 after your name on this document?

21 MR. BEATTY: If you know.

22 A No, I really don't.

23 Q Okay. I believe after your name is No. 25, service  
24 orders.

25 A Uh-huh.

1 Q Okay. Do you know of anyone who has improperly  
2 handled service orders?

3 A No, I don't.

4 Q Do you have any opinion as to why that might be  
5 after your name on this document?

6 MR. BEATTY: If you know.

7 A No.

8 Q Is there a requirement that service orders, new  
9 service be installed within a certain period of time? Do you  
10 know?

11 A No.

12 Q As an MA do you deal with service orders at all?

13 A Yes.

14 Q How do you deal with service orders?

15 A Currently that's what I'm working with in my job  
16 right now. I test service orders in the mornings before --  
17 to see if there's any trouble on them to see if there's any  
18 trouble basically, whether the trouble be in the central  
19 office or outside.

20 Q Okay. At what point in the installation process do  
21 you test?

22 A Before they're ever dispatched.

23 Q Okay. And what's the purpose of your testing them  
24 before people are dispatched to install?

25 A What we're looking for is when that repairman or



1 when that installation guy goes out there, we want him to  
2 have dial tone, so we want to be sure everything is  
3 programmed and everything is wired so that when he goes out  
4 there he's got dial tone.

5 Q Okay. Have you found in the processing of service  
6 orders by service technicians any falsification of those  
7 service orders?

8 A None that I know of.

9 Q I think No. 27 is also by your name. And what is  
10 that?

11 A Supervisor involvement in closing troubles.

12 Q Okay. Do you have any opinion as to why that  
13 appears by your name?

14 MR. BEATTY: If you know.

15 A No, I really don't.

16 Q All right. I'm going to show you one more document  
17 and this document is Public Counsel's third set of  
18 interrogatories dated June 6, 1991, Item No. 2. An  
19 interrogatory is a written question and we ask the company a  
20 question in writing and then the company responds to us and  
21 gives us an answer in writing. Okay? And we asked them for  
22 information or the identities of employees, tell us which  
23 employees had knowledge about falsifying commitment times on  
24 repair reports, and so on, and the company responded with  
25 this particular document

1 this. And I'll go off the record and give you time to read  
2 it and ask Mr. Beatty any questions about it, and the first  
3

4  
5 further.

6 And the reason it's folded the way it is is that  
7 all the information underneath what you see is considered  
8 confidential by the company and we're presently contesting  
9 that. We don't think it is, but there's been no ruling on it  
10 yet. Okay? So we're holding it confidential until we get a  
11 ruling.

12 MR. BEATTY: For the record, Ms. Willis, the  
13 company responds -- the company responded by providing  
14

15  
16  
17 (Off the record.)

18 BY MS. RICHARDSON:

19 Q  
20 document?

21 A Yes.

22 Q  
23  
24  
25

1 MR. BEATTY: If you know.

2 A No, I don't know.

3 Q Other than what you have already responded to me on,  
4 my questions regarding backing up clearing times, is there  
5 any other information that you may have?

6 A No.

7 Q Do you know who your union president is?

8 A Yes, if I can think. I know, but I just can't  
9 think of his name.

10 Q That's okay. Do you know who your union steward is  
11 in the shop?

12 A In our office?

13 Q Uh-huh.

14 A Yes. There's two in our office, Violet Willis and  
15 Edna O'Daniel.

16 Q Okay. And do you know if any other employee has  
17 filed a grievance regarding instructions they've been given  
18 for handling trouble reports?

19 A I don't know of any.

20 Q Okay. Have you ever filed a grievance yourself in  
21 terms of how you were told to handle trouble reports?

22 A No.

23 Q Has the test center ever had occasion to call a  
24 service technician who's working on an out-of-service report  
25 and tell the ST that they just closed that trouble and he's



1 to stop doing whatever he's doing and move on to the next  
2 problem?

3 MR. BEATTY: Objection to the form of the question,  
4 It's ambiguous.

5 You can respond if you can.

6 A Not that I'm aware of.

7 Q Ms. Willis, is there in your office where you're  
8 working with the other MAs, is there any kind of electronic  
9 bulletin board or message board in your office where managers  
10 can send messages to the whole office?

11 A There's something similar to that, yes.

12 Q Do you have a name for that? Do you know what  
13 that's called?

14 A No.

15 Q I can't figure out what it's called either. Okay.  
16 On that board -- about how long has that board been  
17 in this office? Is that fairly new or has it been there  
18 awhile?

19 A Several years.

20 Q Okay. Have you ever received instructions on that  
21 board from managers for handling trouble reports?

22 A No.

23 Q Have you ever seen an instruction, say, during  
24 heavy weather or heavy rain for use a certain disposition or  
25 cause codes on those trouble reports?

1 A No.

2 Q Have you heard any supervisors or managers talking  
3 about missing the index?

4 A I have, yes.

5 Q Okay. Have you ever heard them talking about  
6 having to meet the index?

7 A Yes.

8 Q Okay. And when they talked about missing the  
9 index, what was the kind of conversation that you heard?

10 MR. BEATTY: Objection; hearsay.

11 You can respond if you can.

12 BY MS. RICHARDSON:

13 Q Were they worried?

14 A No. I can't -- that's hard to respond to. The  
15 question is not that --

16 Q Okay. Did you ever overhear any of them discussing  
17 ways of making up the index, being able to meet it before the  
18 month ran out?

19 MR. BEATTY: Objection; hearsay.

20 You can respond if you can.

21 A No. Mostly, I guess, the information or feedback  
22 is just for general knowledge, just, you know, this is what's  
23 happened, this is, you know, where it's at, where we stand,  
24 but just more for general knowledge than -- you know --

25 Q Did you ever hear them say we need X number of

1 reports to meet the index?

2 A No.

3 Q Ms. Willis, have you ever participated in sales  
4 campaigns for the company?

5 A Yes.

6 Q And when did you help sell?

7 A In the maintenance center?

8 Q Yes.

9 A It's probably been several years ago.

10 Q In the '80s sometime?

11 A Probably in the '80s, yes.

12 Q Can you say maybe early '80s, late '80s?

13 A Probably toward the late '80s.

14 Q Okay. And were you ever eligible for prizes or  
15 awards based on your sales?

16 A I don't remember winning any prizes or --

17 Q Were you ever given points, sales points?

18 A Let's see. I'm trying to think how it was done or  
19 what -- I mean, I never sold enough or was really -- you  
20 know, to win anything or to say, you know, have points high  
21 enough to win anything, to be in any particular category or  
22 anything.

23 Q Okay. Were you ever given any training to help  
24 with sales?

25 A I was a business rep before I came to the

1 maintenance center.

2 Q So you had prior training --

3 A So I had background.

4 Q -- in sales for the company, direct sales for the  
5 company?

6 A Right.

7 Q Were you given any other training as a maintenance  
8 administrator to help with sales?

9 A No.

10 Q Okay. When you were in sales for the company, was  
11 that tariff or detariff work? Do you know?

12 A That I don't remember.

13 Q Okay. Do you have any kind of work code where you  
14 sign off for the day, you've done regulated work X amount of  
15 hours?

16 A No.

17 Q Do you know if an ST has certain codes that he has  
18 to put on his time report to distinguish between regulated  
19 work and maybe inside deregulated work?

20 A No, I really don't know what the men code their  
21 time to.

22 Q Were you ever told to keep track of the time that  
23 you spent doing sales?

24 A I don't remember. It's been several years ago. I  
25 really don't remember.

1 Q Okay. Do you know of anyone who did win prizes or  
2 awards for sales?

3 A There were some people in our office that did win  
4 some prizes and I remember some outside technicians winning  
5 prizes, but specifically who the outside technicians were, I  
6 don't remember.

7 Q Do you know of anyone who may have filed a  
8 grievance because of the way sales was being handled by the  
9 company?

10 A Not that I remember.

11 Q Do you know of anyone who reported having sold  
12 services or a product to a customer without contacting the  
13 customer?

14 A No, I'm not aware of anything from our maintenance  
15 center like that.

16 Q Have you ever done that yourself?

17 A No.

18 Q Has anyone ever instructed you to do that?

19 A No.

20 Q Do you know of any customer who has complained  
21 about having added services on his bill without contacting  
22 him?

23 A No.

24 MS. RICHARDSON: Okay. Ms. Willis, I think I'm  
25 finished with my questions. I want to thank you for

1 being here today and for answering my questions.

2 The Commission Staff may have one or two before  
3 you go or Mr. Beatty may decide he wants to ask you  
4 one or two. Thank you.

5 MS. WILSON: I have no questions.

6 MR. BEATTY: That's it.

7 (Witness excused.)

8 (Whereupon, the deposition concluded at 4:02 p.m.)  
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AFFIDAVIT OF DEPONENT

This is to certify that I, JANET R. WILLIS, have read the foregoing transcription of my testimony, Page 6 through 36, given on May 4, 1993, in Docket Nos. 910163-TL and 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

JANET R. WILLIS

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

NOTARY PUBLIC

State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

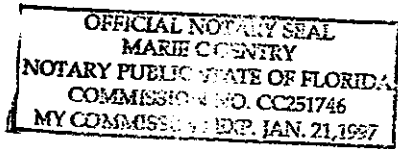
1  
2 STATE OF FLORIDA )  
3 COUNTY OF DUVAL )

CERTIFICATE OF OATH

4  
5 I, the undersigned authority, certify that  
6 Janet R. Willis personally appeared before me and was duly  
7 sworn.

8 WITNESS my hand and official seal this 4<sup>th</sup> day of  
9 June, 1993.

10  
11 *Marie C. Gentry*  
12 Marie C. Gentry  
13 Notary Public - State of Florida  
14 My Commission No. CC251746  
15 Expires: 1/21/97





1 STATE OF FLORIDA )  
2 :  
3 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

4 I, Marie C. Gentry, Court Reporter,

5 DO HEREBY CERTIFY that I was authorized to and did  
6 stenographically report the foregoing deposition of Janet  
7 R. Willis;

8 I FURTHER CERTIFY that this transcript, consisting  
9 of 36 pages, constitutes a true record of the testimony given  
10 by this witness.

11 I FURTHER CERTIFY that I am not a relative,  
12 employee, attorney or counsel of any of the parties, nor am I  
13 a relative or employee of any of the parties' attorney or  
14 counsel connected with the action, nor am I financially  
15 interested in the action.

16 DATED this 4th day of June, 1993.

17 Marie C. Gentry  
18 Marie C. Gentry, Court Reporter  
19 Telephone No. (904) 264-2943

20 STATE OF FLORIDA )  
21 :  
22 COUNTY OF DUVAL )

23 The foregoing certificate was acknowledged before  
24 me this 4th day of June, 1993, by Marie C. Gentry, who  
25 is personally known to me.

Patricia H. Vierengel  
Notary Public, State of Florida  
Patricia H. Vierengel  
My Commission Expires 6-31-93

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the ) DOCKET NO. 910163-TL  
integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY'S repair service )  
activities and reports. )

In re: Investigation into ) DOCKET NO. 910727-TL  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY'S compliance ) FILED: 04/28/93  
with Rule 25-4.110(2), F.A.C. )  
Rebates. )

DEPOSITION OF: EVELYN KILGORE

TAKEN AT THE INSTANCE OF: The Staff of the Florida  
Public Service Commission

PLACE: Southern Bell  
3100 Emerson Street  
Jacksonville, Florida 32207

TIME: Commenced at 6:45 p.m.  
Concluded at 7:53 p.m.

DATE: Tuesday, May 4, 1993

REPORTED BY: Marie C. Gentry  
Court Reporter

**ORIGINAL**

MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

## 1 APPEARANCES:

2  
3 J. SUE RICHARDSON, ESQUIRE, Office of Public Counsel, :  
4 c/o The Florida Legislature, 111 W. Madison Street, Room 812,  
5 Tallahassee, Florida 32399-1400.

6 JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public  
7 Service Commission, 101 E. Gaines Street, Tallahassee,  
8 Florida 32399-0863, Telephone No. (904) 487-2740.

9 STAN L. GREER, Engineer, Florida Public Service  
10 Commission, 101 E. Gaines Street, Room G-28, Tallahassee,  
11 Florida 32399-0866, Telephone No. (904) 488-1280.

12 WALTER BAER, Analyst, Office of Public Counsel, c/o The  
13 Florida Legislature, 111 W. Madison Street, Room 812,  
14 Tallahassee, Florida 32399-1400.

15 ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications,  
16 Inc., Museum Tower Building, Suite 1910, 150 West Flagler  
17 Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

18 NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications,  
19 Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
20 30375-0001, Telephone No. (404) 529-5387.

21 WAYNE TUBAUGH, Southern Bell Telephone and Telegraph  
22 Company, 150 S. Monroe Street, Suite 400, Tallahassee,  
23 Florida 32301.

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25

I N D E X

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WITNESS

EVELYN KILGORE	
Examination by Ms. Richardson	6

ERRATA SHEET

910163-TL  
DOCKET NO. 910727-TL  
NAME: EVELYN KILGORE  
DATE: May 4, 1993

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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.

## EVELYN KILGORE

1  
2 appeared as a witness and, after being duly sworn by the  
3 court reporter, testified as follows:-

## EXAMINATION

4  
5 BY MS. RICHARDSON:6 Q Would you please state your name and spell it for  
7 the court reporter?8 A Evelyn, E-v-e-l-y-n, P, like Penelope, Kilgore,  
9 K-i-l-g-o-r-e.

10 Q And your address?

11 A 3100 Emerson Street, Room 138, Jacksonville,  
12 Florida.

13 Q And the ZIP Code?

14 A 32207.

15 Q And phone number?

16 A (904) 399-8580.

17 Q Okay. And what is your present position with the  
18 company?

19 A My title is a maintenance administrator.

20 Q Okay. And how long have you been a maintenance  
21 administrator?22 A November will be eleven years, so ten and a half  
23 years.

24 Q Has all of that time been in Jacksonville?

25 A Yes. Yes, it has.

1 Q In this same IMC right here?

2 A Well, it used to be divided up between north, south  
3 and west, and I was in the southeast portion of the  
4 maintenance center.

5 Q And do you have approximate years when you were in  
6 the southeast section?

7 A Oh, November of -- oh, that's easy, ten years ago.  
8 November of what, '82?

9 Q Until about when?

10 A We've gone through a combination of -- all work  
11 forces have actually migrated and become one. That's  
12 transpired within the last year and a half. August of -- a  
13 year and a half ago. So we're all one now.

14 Q '91 would that be about?

15 A It could be. I'm not real sure of the years.

16 Q All right. Have you talked to anybody other than  
17 company attorneys about your deposition today?

18 A About -- no. The deposition today, no.

19 Q Okay. Has anyone given you any assurances that you  
20 would not be disciplined based upon your answers to my  
21 questions here today?

22 A Ms. White did, yes.

23 Q And has anyone advised you or talked to you about  
24 the possible criminal penalties that could apply if you  
25 perjure your testimony here today?



1 A Yes. Mr. Tubaugh, I believe is his name.

2 Q All right.

3 A I had a telephone call from him yesterday from  
4 Tallahassee, Florida.

5 Q To set this up to have you here today?

6 A To discuss with me that I would be here today and  
7 that you would be asking me questions and that I had the  
8 right to an attorney.

9 Q And are you represented by an attorney here today?

10 A No, I am not. I chose not to be.

11 Q Okay. At any time did you give a statement to  
12 company investigators regarding repair matters?

13 A Yes, I have.

14 Q And do you remember when you gave that statement?

15 A No. I remember where I was and what I saw out the  
16 window, but I don't know the time. I believe it was -- this  
17 started about two years ago. I wouldn't really swear to the  
18 times.

19 Q Okay.

20 A I remember instances and I can picture in my mind,  
21 you know, who was there, but I couldn't tell you exactly what  
22 year or month it was.

23 Q All right. You said you knew where it was. Where  
24 did this happen?

25 A They called for me to go to the Southern Bell Tower

1 and --

2 Q In Jacksonville?

3 A Yes, in Jacksonville. And in that room they had :  
4 security and an attorney from Miami.

5 Q And is that the only people that were in the room?

6 A Yes.

7 Q Are you familiar with the phrase "backing up time"?

8 A Yes.

9 Q Okay. What does it mean to you?

10 A It's actually self-explanatory to me. It means to  
11 back up the time on my trouble report.

12 Q What time on the report do you back up?

13 A There's more than one instance where you would back  
14 up the time. There are two things that you are concerned  
15 about on a trouble report; one is the original commitment  
16 time that you gave your customer upon the initial contact  
17 that they had with the repair service attendant, such as we  
18 will have your problem cleared by 5:00 o'clock on Tuesday.

19 Q Okay.

20 A That is one of the times where you would back up  
21 the time. If you indeed did not have that problem cleared by  
22 5:00 o'clock on Tuesday, you would back up the time and say  
23 that you did.

24 Q Okay. And based upon your number of years as a  
25 maintenance administrator and the training you've received,

1 in your opinion is that proper?

2 A No.

3 Q Okay. Were you directed to do this by anyone?

4 A Yes, I was.

5 Q And who gave you these directions?

6 A More than one person gave me this direction. I had  
7 -- my first-line foreman was \_\_\_\_\_ and at another  
8 time my first-line foreman was \_\_\_\_\_ and on weekends  
9 they rotated. On the weekends I would have a new boss. It  
10 would be \_\_\_\_\_ or \_\_\_\_\_ or even \_\_\_\_\_  
11 But everyone did not share that same principle of backing up  
12 the time.

13 Q Okay. Could you make a stab at spelling \_\_\_\_\_

14 \_\_\_\_\_  
15 A \_\_\_\_\_ He is the only one out of that  
16 group of first-line foremen that did not tell you to back up  
17 the time.

18 Q But all the others that you mentioned did?

19 A Yes, they did.

20 Q And when you were instructed to back up the time  
21 did you actually do so?

22 A Yes, I did, but under great duress and telling them  
23 that I wasn't going to do it. So he brought his supervisor  
24 out and told him that I didn't want to do it, so he stood  
25 beside me and told me you will do it or you'll go home.

1 Q Okay. So, when he said you'll go home, does that  
2 mean that he would fire you?

3 A He would either, (a), suspend me until I got my  
4 thinking in the right direction, or, (b), he would fire me  
5 and I could go to work for McDonald's or K-Mart.

6 Q Okay. And you said that there was another time  
7 that might be backed up. You were mentioning the commitment  
8 time given to the customer.

9 A Uh-huh.

10 Q What other time would be backed up?

11 A If, upon analyzing the customer's trouble report,  
12 you recognized that that customer's service was unduly  
13 affected, meaning that it was totally out of service, the  
14 time would be backed up in order to meet the company provided  
15 indices that they have for their measurements to let them  
16 know that the trouble was closed prior to the 24-hour time  
17 frame that they had set up for themselves that they had --  
18 that they said they would have it fixed within 24 hours.

19 Q And, based on your training and experience, again  
20 in your opinion, was that proper to back up that time?

21 A No, it was not.

22 Q Okay, and were the same individuals instructing you  
23 to back up the 24-hour time the same ones that instructed you  
24 to back up the commitment time?

25 A Yes, they were.

1 Q And were you given the same option if you refused  
2 to do backing up of the time?

3 A Yes. There was even some I missed on purpose just  
4 to see what they would do. And, indeed, I got written up.

5 Q You got a counseling entry, warning or a  
6 discipline --

7 A Right, disciplinary warning in my file, my  
8 personnel file.

9 Q And what did that disciplinary warning say?

10 A It said I failed to follow instruction.

11 Q Was there anything specific about the instruction  
12 that you failed to follow?

13 A No. It was a very short sentence. I just laughed  
14 in his face. And I said, "Well, you could have told me to  
15 mop the floor for all that says."

16 Q Okay. And who was this individual that told you  
17 that?

18 A and

19 Q Okay. Are you familiar with the cause codes on  
20 reports?

21 A Yes.

22 Q And what is a cause code, just briefly?

23 A A cause code is a three-digit numerical code that  
24 explains what happened to that subscriber service, whether it  
25 be corrosion or lightning or a flood or simply defective

1 plant.

2 Q Okay. Are there certain cause codes that would  
3 exempt an out-of-service report from that 24-hour commitment:  
4 indices?

5 A Yes, there are. Acts of God or customer action.

6 Q All right. Were you ever given specific  
7 instructions to use those in a way that you thought in your  
8 opinion was improper?

9 A Yes, I was.

10 Q Can you give me an example of that?

11 A I have one still very vivid in my memory. It was  
12 Ponte Vedra central office, I had a service tech on the line.  
13 It was Mr. Deal. He said he cleared it and he said -- he  
14 told me what the time was, and I said okay. He said it was  
15 corroded. I said, okay, but you know I'm concerned about  
16 this. Dave just yelled at me this morning for not meeting  
17 one. Ponte Vedra is a central office that is held  
18 accountable for itself and an entity, it's like a subsidiary,  
19 and it in itself is considered -- it has its own set of  
20 indices, not including Jacksonville.

21 And so it was actually a little more important that  
22 even one little old tiny trouble could throw it off of the  
23 indices of meeting your data base.

24 And my second level was standing next to me and  
25 said, "Show it to lightning."

1           And I looked at him, and I said, "It hasn't rained  
2 in three months."

3           He said, "I said show it to lightning."

4           I said, "I can't. It hasn't rained in three  
5 months."

6           He said -- he put his hands behind his back and his  
7 face turned real red and he says, "Do it."

8           I said, "Okay. As soon as I touch these keys for  
9 410, the lightning is going to come out of this keyboard and  
10 I'm touching you."

11          Q        Okay.

12          A        He got very angry with me and left the room.

13          Q        And who was the second level?

14          A        

15          Q        Can you spell his last name?

16          A        

17          Q        Okay. Is he still with the company?

18          A        He's retired.

19          Q        Okay. On these instances that you've spoken to me  
20 about, are you the only MA that was given these instructions?

21          A        No, but I was one of the few that would rebel or  
22 question.

23          Q        Was this something that you know was just done  
24 generally in the maintenance center?

25          A        Was it normal practice?

1 Q Uh-huh, to back up the times. Let's take them  
2 specifically one at a time. Was it normal practice to back  
3 up the times in the maintenance center?

4 A Yes, it was.

5 Q Okay. Was it normal practice to use the certain  
6 cause codes that would exclude a report from the indices if  
7 it was about to go out of service over 24 or had actually  
8 gone out over 24?

9 A Yes, it was.

10 Q Okay. Are you aware of whether or not a customer  
11 is due a rebate if his phone is out of service more than 24  
12 hours?

13 A Yes, I am, but I was not until I came into -- oh,  
14 that's not true. I forgot about that. I used to work in a  
15 group where we worked specifically with the PSC, and just  
16 before I came into this group they had done an audit and  
17 that's when I very, very first became aware of things like  
18 washouts and rebates over 24 hours and that sort of thing.

19 Q Okay. About what time or what year would this have  
20 been?

21 A 1982, '81.

22 Q Okay. Do you know then if any customers were  
23 actually denied rebates that they were due?

24 A Oh, yeah.

25 Q Okay. Do you know of any instances where customers



1 complained because they hadn't received a rebate that they  
2 thought they were due?

3 A Yes.

4 Q Can you tell me about that?

5 A I remember speaking to subscribers to find out if I  
6 had a -- particularly if I had a cut cable or a wet cable  
7 and it had been damaged in more than one place. The guys  
8 would close out all of those -- we would close out all the  
9 initial reports and we would be calling them back the next  
10 week after it was fixed the second time, and she said that --

11 I remember talking to a couple of customers, and  
12 they said, "Well, this is going to be taken off of my bill,  
13 right?"

14 And I said, "Well, yes, ma'am.

15 She says, "Well, it wasn't."

16 I said, "I don't know what to tell you about that  
17 except that you need to speak with a representative from the  
18 business office."

19 But, in fact, I knew that it wasn't closed out as  
20 out of service. It was closed out as a cable multiple and  
21 that was also excluded from that data base.

22 Q Okay. And was this standard practice on cables;  
23 close them out as cable multiples?

24 A Right.

25 Q And was it standard practice to leave cable

1 troubles as affecting service rather than statusing them as  
2 out of service?

3 A Yes, it was.

4 Q And can you give me the names of any managers or  
5 supervisors who promoted this practice?

6 A The same managers, and  
7 And we actually -- I actually got some flack from some of the  
8 field foremen; He's a second-tier manager. He  
9 was a second-tier manager over the cable people in the field.  
10 He came to see me one day.

11 Q And what did he tell you?

12 A He wanted to meet somebody face to face who was  
13 being a rebel.

14 Q Was it -- did he indicate that it was standard  
15 practice for the people he supervised to close out cables as  
16 affecting service?

17 A Yes.

18 Q Okay. Do you recall any of the rest of that  
19 conversation that you had with

20 A He didn't have much to say. It really surprised  
21 me. I thought he was going to rake me over the coals and he  
22 didn't. He just stood there and -- he kind of reminds me of  
23 that guy on Saturday Night Live, the pathological liar, and  
24 he just kind of stands there and he's got an unusually high  
25 voice, and he said, "I just wanted to meet you. I wanted to

1 know who this new person was in here."

2 Q Okay. Have you heard the phrase "building the  
3 base"?

4 A Yes.

5 Q And what's your understanding of building the base?

6 A Building the base means that you status all of your  
7 customers that you have as being out of service even if they  
8 just reported one kitchen deck not working. And that would  
9 be a buffer zone for the actual customers that were statused  
10 properly as it would offset the amount of customers that --  
11 which would be the indices for that particular office. It  
12 would offset the ones that were really out of service so that  
13 they didn't count as much.

14 For every one customer statused out of service you  
15 would have to have -- that was out of service over 24 hours,  
16 you would have to have 20 statused out of service to buffer  
17 each other out.

18 Q And was that general knowledge among the  
19 maintenance administrators?

20 A That it took 20?

21 Q Uh-huh.

22 A I don't know.

23 Q Okay.

24 A But I asked. One morning when I got paper thrown  
25 into my face and said, "You didn't status these out of

1 service or you missed these out of service."

2 And I just stood there and cried and said, "Well,  
3 what am I supposed to do?"

4 He said, "I suggest you sit there and start  
5 statusing some more out of service. It takes 20 for every  
6 one you goofed up."

7 Q And who was this that told you that?

8 A That was

9 Q Okay. And what did you do to handle it, to prevent  
10 it, to take care of it?

11 A I backed them up.

12 Q You backed up the time?

13 A Uh-huh.

14 Q Had these reports already been closed out?

15 A No.

16 Q Okay. Is that the only instance that you can  
17 recall of building the base?

18 A No. That was the only instance I remember crying  
19 over the fact.

20 Q Okay. And how often did this occur?

21 A Crying or building the base?

22 Q Building the base.

23 A Daily basis.

24 Q Okay. And how could a manager know if he was  
25 meeting the indices or not on a daily basis?

1 A was the early person. She was  
2 considered what I call finally a staff support person because  
3 she had, (a), the practice, which she lied to me and told me,  
4 she didn't have, and, (b), she came in and pulled those  
5 reports every morning out of the computer and she set up the  
6 criteria in there to know Jacksonville Beach has got 49  
7 out-of-services and we can't have but one more, or Ponte  
8 Vedra has got one too many now, or that sort of thing. She  
9 ran over, reviewed every morning before we got there. She  
10 worked like 6:00 to 3:00 or something.

11 Q Okay.

12 A Unless she had weekend duty.

13 Q Then were you ever given instructions on those  
14 small exchanges that you were about to miss not to status any  
15 more out-of-services for those small exchanges?

16 A Uh-huh.

17 Q And was this done on a regular basis?

18 A Yes.

19 Q And, again, which supervisors did you have that  
20 were instructing you not to status any more out of services?

21 A the ones  
22 I can recall right this minute.

23 Q Okay. Was this a practice throughout your ten and  
24 half years in Jacksonville?

25 A Throughout the ten and a half years, no.

1 Q Okay. Can you isolate it then in that time period  
2 when this was going on?

3 A It was really rampant for at least three years  
4 there, maybe more.

5 Q It was a three-year period. Approximately when?

6 A Oh, 19- -- '82 or so. Starting I think then. All  
7 I remember is I started in November -- no -- yes, November of  
8 -- I think it was '82. I started in November of '82.

9 Q Okay.

10 A In this department.

11 Q In this particular department?

12 A (Nods head.)

13 Q Okay. Did you ever receive instructions not to  
14 status out-of-service from the period of, say, '88 onward,  
15 more recently?

16 A It got less so, but, yes.

17 Q Has this practice stopped?

18 A Has it stopped now?

19 Q Yes.

20 A Yes.

21 Q Can you give me an approximate time when it  
22 stopped?

23 A You mean completely stopped?

24 Q Yes.

25 A I would say six months ago.

1 Q Okay. And does that also apply to the other things  
2 that you told me about, the clearing and closing times? Has  
3 that stopped, backing up clearing and closing times?

4 A There is a difference now with the clearing and  
5 closing times. The clearing time, you can put whatever you  
6 want in there and you can back up the time in there, but it  
7 doesn't count anymore until the final status.

8 Q So it wouldn't matter if anybody backed up the time  
9 now?

10 A That's correct.

11 Q What about using those cause codes that would  
12 exclude a report; has that practice stopped? Using them  
13 improperly, I mean.

14 A Yes.

15 Q Do you know about when that practice stopped?

16 A About a year ago.

17 Q Okay. What about the practice of building the base  
18 of out-of-service to meet the indices; has that practice  
19 stopped?

20 A Yes.

21 Q And, again, about when did that stop?

22 A They have totally rewritten the programs so that  
23 you can't put what you think is wrong with the trouble  
24 anymore. They've rewritten them so that it statuses it by  
25 itself.

1 Q Are we talking about auto-screener rules?

2 A Yes.

3 Q Auto-screener rules have been around since the '80s  
4 at some point, haven't they?

5 A What's stated there wasn't the same.

6 Q Okay. How did it change? How did it work before  
7 in the early '80s and how has it changed now?

8 A It was put in a type code by itself, but you could  
9 change it and offset it and make it lie.

10 Q Okay. Can you give me an example of how that  
11 worked?

12 A Well, when you are closing out a trouble report, it  
13 has the type code on there, and the type code, say, would be  
14 300 for noise. You had the ability to take and put in 820  
15 over the top of that 300 and it would error out and look like  
16 it was an employee report instead. It would fall to another  
17 data base. But now that doesn't happen.

18 Q Okay.

19 A Because you can't change them.

20 Q You cannot change the type code you mean?

21 A You can't change that, no. And some codes will  
22 only work with some other codes. They bound them together so  
23 that only certain pairs of codes will work together.

24 Q Are you talking about the type codes and the VER  
25 codes now?



1 A Yes.

2 Q In the auto-screener?

3 A Yes.

4 Q Is there now a set format of combinations that  
5 automatically statuses out of service?

6 A Yes.

7 Q And was that the case in the past in the '80s when  
8 this first started?

9 A No.

10 Q Do you have any idea why that changed?

11 A Why that changed?

12 Q Uh-huh.

13 A They got caught.

14 Q Got caught doing what?

15 A Closing out reports they weren't supposed to and  
16 they decided to implement programs that didn't have this much  
17 human intervention.

18 Q Okay. And when you say "closing out," you mean  
19 improperly?

20 A Uh-huh.

21 Q Are you familiar with Test OKs?

22 A Yes.

23 Q Okay. And what's your understanding of a Test OK?

24 A (Pause) You close out the report saying that you  
25 talked to your subscriber and that they said that their phone

1 was okay now. Okay now, Mrs. Jones, and close it out to a  
2 found okay.

3 Q Okay. And have you ever been instructed to take  
4 Test OK reports and close them out as out of service?

5 A Yes.

6 Q Okay. And when you were instructed to do so, was  
7 that in your opinion proper or improper?

8 A It was improper.

9 Q And why was it improper?

10 A I never even picked up my phone. I didn't call the  
11 customer.

12 Q To determine whether or not the report was okay or  
13 out of service or whatever?

14 A Right.

15 Q Okay.

16 A On two counts: (a), I never talked to the  
17 customer, on (b) count, I knew I was building the base.

18 Q To meet the PSC out-of-service index?

19 A To buffer the out-of-service index, yes.

20 Q To make sure the 95 percent was met?

21 A Yes.

22 Q Is that something that was done on a regular basis?

23 A Every time it rained.

24 Q Okay. And were you the only MA that was doing  
25 this?

1 A No.

2 Q Was it generally done throughout the maintenance  
3 center to your knowledge?

4 A There seemed to be a selected few that they were  
5 constantly given to, but it was common knowledge. And even  
6 the managers would sit and close them out if we were too  
7 busy.

8 Q Is it usual for managers to handle trouble reports?

9 A No. I didn't like that either.

10 Q Okay. And about what time period was this  
11 occurring?

12 A In the early '80s.

13 Q Was it still occurring, say, in the late '80s or  
14 early '90s?

15 A No.

16 Q So it had stopped by that time?

17 A Yes.

18 Q Can you tell me which managers were involved in  
19 doing the Test OK statusing as out of service?

20 A and

21 Q And you said specific MAs might be selected for  
22 this, there were certain MAs that did this. Can you tell me  
23 who they were?

24 A The MAs that were given a batch of papers to close  
25 out?

1 Q Yes.

2 A Sure.

3

4

5

6 Q Okay.

7 A And Lou White.

8 Q

9 A Yes.

10 Q

11 A Uh-huh.

12 Q

And

13 A

And

14 Q

Are most of these people still employed by the  
15 company?

16 A

Uh-huh.

17 Q

Okay. Are more of them still employed than not?

18 A

They're all still here.

19 Q

They're all still here?

20 A

Yes.

21 Q

Are they all still maintenance administrators?

22 A

23 Q

Okay. What is she doing now?

24 A

She's a frame technician somewhere.

25 Q

Okay. Let me ask you about statusing of trouble

1 reports. Is part of your function as a maintenance  
2 administrator to make a determination as to whether a report  
3 is out of service or affecting service?

4 A Yes.

5 Q All right. At what point in the trouble report  
6 process do you make that determination?

7 A You run a test on the line and it shows a fault on  
8 the line, whether it be on a short or a fault on the ring  
9 side of the line or if it was open, then it was statused as  
10 out of service. But if it was a fault on the tip side of the  
11 line, which just affects the transmission levels, then it's  
12 affecting service. Or, if it were a jack, it would be  
13 affecting service, and sometimes a line would be -- perfectly  
14 Test OK but when you dialed it, it just goes "bloop" and  
15 stops, but yet you don't see a fault on the line but yet you  
16 know something's wrong because they don't answer; they can't  
17 answer.

18 Q Okay. And in the trouble reporting process --

19 A Uh-huh.

20 Q -- in terms of at the point you status it, you said  
21 you status it when you test it, were you ever given  
22 instructions not to status out of service up front but to  
23 wait until it was closed out?

24 A No. I didn't work on that side of the room. I was  
25 always on the clean-up end of the room, the final status end

1 of the room.

2 Q Okay. Do you know of anyone who was instructed to  
3 not status out of service up front but wait until closeout?

4 A Sure. Everybody that worked for  
5 [redacted] whoever was assigned as -- the  
6 task of a screener back in the early '80s. Then again, in  
7 the middle '80s, we were told not to status anything out of  
8 service that day, wait until the time of status.

9 Q All right. Do you know [redacted] last name?

10 A

11 Q

12 A (No response.)

13 Q And was this practice still going on in the late  
14 '80s, early '90s?

15 A Not statusing them out of service?

16 Q Up front, not statusing up front.

17 A Yes.

18 Q Okay, has this practice stopped now?

19 A Yes.

20 Q About when did this stop?

21 A A couple years ago. I would say '91 maybe.

22 Q Okay.

23 A Safely.

24 Q Do you know of any employee who has used another  
25 employee's code to status a report?

1 A Yes.

2 Q Can you tell me about that?

3 A Sure. Somebody would be off and would use  
4 their code. Bob Geiger would be off and would  
5 use his code all day long. And Bob said, "Fine with me,  
6 they're not going to fire me. You know I don't like it." So  
7 the next day he would use somebody else's code or 000.

8 Q Why wouldn't he use his own code?

9 A I don't know.

10 Q On the reports that he was -- was ~~was~~ a manager?

11 A He was a first-line manager.

12 Q And the reports that he was using someone else's  
13 employee code on, were those trouble reports?

14 A Uh-huh.

15 Q And was he creating trouble reports?

16 A Uh-uh. He was getting rid of them.

17 Q Getting rid of them, closing them out?

18 A Uh-huh.

19 Q Was he in your opinion falsifying the information  
20 on that report?

21 A Oh, absolutely.

22 Q Okay, in your opinion was he doing that to meet the  
23 PSC index?

24 A Absolutely.

25 Q Is that the only instance that you know of of one

1 employee using someone else's employee code?

2 A actually instructed me to use Bob Geiger's  
3 code.

4 Q And did you ever do that?

5 A I did it for a couple of reports while he was still  
6 standing there, but as soon as he walked away I used my own  
7 code.

8 Q Okay. Can you tell me what an exclude report or  
9 how the exclude report, what that does?

10 A You just put an X in there and hit the button.

11 Q And when you say put an X, are you looking at the  
12 final status screen?

13 A Uh-huh.

14 Q And there's a place there where it says X and you  
15 just hit that button for X and it excludes it?

16 A Yes.

17 Q All right. What happens when you exclude a report?

18 A It's removed from all data base indices.

19 Q Okay. Is there any kind of report kept, say, in  
20 the computer that that report was excluded?

21 A In the early '80s, no, there was not.

22 Q When was the exclude report -- when did the company  
23 begin to keep some kind of record of exclude reports then?

24 A I don't know.

25 Q Do you know of anyone who used the exclude report,



1 that X to just eliminate out-of-service reports to keep them  
2 from being counted?

3 A Yes.

4 Q Can you explain to me about that, what you know  
5 about that?

6 A [redacted] would put an X in there and hit the button.  
7 It didn't require a narrative, it didn't require anything.  
8 That would be primarily [redacted] that would do that. [redacted] would  
9 do it.

10 Q And what was [redacted] purpose in doing that?

11 A His purpose was to get rid of the reports because,  
12 (a), there was too many of them; (b), more rain was coming in  
13 two days. No sense worrying about these people over here  
14 when you were going to have a whole new batch of them, batch  
15 of reports to work on.

16 Q All right. And was this to meet that  
17 out-of-service index?

18 A To meet the out-of-service index?

19 Q Uh-huh.

20 A Yeah.

21 Q Okay. Do you know if this particular practice is  
22 still going on today?

23 A No. You can't. They have taken the ability to do  
24 that out of the computer.

25 Q So you can no longer exclude any reports?

1           A       Not unless you have a narrative. Your narrative  
2 can be any character, it can be just simply a period, a  
3 comma, a dash, but, you know, it'll go.

4           Q       Do you know of anyone who is excluding  
5 out-of-service reports today to keep them from being counted  
6 against the index?

7           A       No.

8           Q       Okay. About when did that practice stop?

9           A       Excluding?

10          Q       Uh-huh, to eliminate the report, to wipe it out of  
11 the index.

12          A       I would say probably '85, '84.

13          Q       Okay. What's a no-access report?

14          A       It's when a service technician has driven out there  
15 to either a business or a residence, determines that they're  
16 not home, he can't fix their trouble and he hangs a tag on  
17 the door. We route it to a no-access file.

18          Q       And does a no access stop that repair, that 24-hour  
19 repair clock?

20          A       There's two no-accesses. There's called a  
21 no-access other and there's a no-access sub. A no-access  
22 other means that the customer can't let you in to Building  
23 No. 4 where the equipment is and that would be a no-access  
24 other. Or they don't want you to come until Wednesday and  
25 they report it on Thursday the week before but you know it's

1 out of service and you route it no-access other. But if it's  
2 on Friday afternoon you route it no access to stop the clock  
3 and they go back on Monday, or [redacted] would just hand you a  
4 stack of reports and say no access -- no access these.  
5 Nobody has been then; no access them. Stop the clock; stop  
6 the clock.

7 Q No access would be used then even though no ST had  
8 been dispatched on that trouble?

9 A Right, yes, to stop the clock.

10 Q Okay. Was [redacted] the only manager doing  
11 that?

12 A No. [redacted] would do it, too.

13 Q Okay. And was this a general practice for the  
14 maintenance center?

15 A Yes.

16 Q And how long did this practice go on?

17 A Rampantly for at least four years, and then  
18 selectively after that.

19 Q And when you say selectively, can you tell me a  
20 little bit more about what you mean by selectively?

21 A In the smaller wire centers where the indices was a  
22 little more -- it didn't have as many trouble reports to  
23 build the base with in the first place, so they would  
24 no-access them to stop the clock.

25 Q Okay. Is that practice still going on today?

1 A No.

2 Q When did it stop?

3 A I'd say late '80s, '88 maybe.

4 Q Okay. Ms. Kilgore, do you have any other  
5 information related to falsification of customer trouble  
6 reports that you haven't already told me about?

7 A Could you repeat that?

8 Q Do you know about any other incidences of  
9 falsification of customer trouble reports?

10 A You mean any other ways to falsify the reports?

11 Q Let's do that one. I like that. What are any  
12 other ways that you know of to falsify a report?

13 MR. BEATTY: Objection; relevance.

14 MS. RICHARDSON: That means you can still answer.  
15 He's putting a legal objection on the record so we can  
16 fight about it later.

17 MS. BEATTY: Let me ask just one question.

18 Are you asking her generally do you know of any  
19 other ways to falsify reports or are you asking her do  
20 you know of any other ways that reports have been  
21 falsified?

22 MS. RICHARDSON: I started off asking her the  
23 second question and she has rephrased it to the first  
24 one, and so I was going to go with the first question.

25 BY MS. RICHARDSON:

1 Q Okay. Do you know where we are?

2 A Do you mean other than no-accessing, other than  
3 building the base, other than --

4 Q Uh-huh. And closing the time, cause codes, taking  
5 Test Ok, status in and out of service, not statusing it at  
6 initial screening; all those things that we've already talked  
7 about.

8 A No, I don't think so.

9 Q Let me ask one final question then on that part of  
10 it: We talked about auto-screener rules briefly. Are you  
11 familiar with wet rules and dry rules?

12 A Wet rules and dry rules?

13 Q Yes. Have you ever heard of the wet rules and dry  
14 rules?

15 A You mean like raining or not raining?

16 Q I'm not sure. Have you ever heard of wet rules and  
17 dry rules for auto-screening?

18 A For auto-screener?

19 Q Uh-huh.

20 A No.

21 Q Okay. Have you ever filed a grievance regarding  
22 these instructions you've been given that you felt were  
23 improper?

24 A No.

25 Q Have you ever filed a grievance for the discipline

1 entry that you received?

2 A No. It wasn't necessary, because I protested and  
3 made myself clear that it was a joke; it was not for real.

4 Q How many discipline entries did you receive for not  
5 following instructions that you felt were improper?

6 A (Pause.) Verbal threats or written threats?

7 Q Well, let's do both. How many verbal threats did  
8 you receive?

9 A I would say fifty or more.

10 Q Okay. And how many written discipline entries, B  
11 Forms, did you receive?

12 A I would say twelve or more.

13 Q And is that throughout your ten and a half years in  
14 Jacksonville?

15 A Yes.

16 Q Do you remember the last one -- the date of the  
17 last entry that you received?

18 A No, because they threw them all out.

19 Q Why did they throw them out?

20 A (A), I argued with them and told them that I don't  
21 need to find a union representative to sit here and negotiate  
22 what you think you're doing to me, because I know that you're  
23 wrong, and tear it up. And after me telling them okay, I'll  
24 try harder to meet your indices, they tear them up.

25 And now the other entries that I had, they tore

1 them up.

2 Q Okay. Did you receive any discipline entries that  
3 were not related to your refusal to follow instructions that  
4 you felt were improper?

5 A Yes.

6 Q And what were those related to?

7 A Me asking my co-workers if they had access to a  
8 certain program. For instance, I would need to go into a  
9 software data base to verify if a customer had call waiting  
10 or something, and I would ask the person behind me and I got  
11 the B Form for talking to the person behind me. But it was  
12 due to being a rebel, of not wanting to status these reports  
13 this way and asking them what do you have in writing that  
14 tells me to do this.

15 And they said, "We don't have anything in writing."

16 I said, "Bullshit. You have access to documents  
17 that tell you what your guidelines are. You have written  
18 information that tells you how to perform this job. Where is  
19 it?"

20 "You can't have it. It doesn't exist."

21 And I said again, "Bullshit. I want to go see the  
22 second level. I want copies of the Bell System practice. I  
23 want to see where it tells me in here that I have to status  
24 this and I have to build this base."

25 "Well, you can't do that."

1           So then I went to see -- I told them, I said, "Okay,  
2 I want to see your boss."

3           And they granted me permission to go see his boss, ;  
4 and he told me that no, I couldn't have the practice.

5           And I said, "Well, just tell me what it is. I'll go  
6 to the library and get it myself and copy it."

7           "Well, I'm not telling you."

8           So I said, "Okay, I guess I'll just have to do what  
9 I'm told."

10          Q       And who was this last individual?

11          A       I don't remember \_\_\_\_\_ boss's name. I  
12 just specifically remember going down the stairs and to his  
13 office, but I don't know his name.

14          Q       Okay.

15          A       That would have been in '82, but I don't know who  
16 it was.

17          Q       Are you aware of the company hotline for reporting  
18 instructions or practices that craft people feel are  
19 improper, or any employee feels is improper?

20          A       Yes, I am. I know of an ombudsman that now exists.

21          Q       Have you ever had occasion to use that hotline?

22          A       I have not used it, no.

23          Q       Okay. Have you ever had occasion to use it but  
24 just decided not to?

25          A       Since he's existed, no.



1 Q You mean since the hotline existed?

2 A Right. I needed them before he was there.

3 Q Okay. Have you ever participated in sales for the;  
4 company?

5 A Yes.

6 Q And what period of time were you doing sales?

7 A I would say '88, '89, '87 type time frame.

8 Q How did you get involved in sales?

9 A They had meetings that said that noncontact  
10 employees, meaning non-business office or non-marketing  
11 people, were now being solicited to approach any customer  
12 that they possibly could in order to provide them or educate  
13 them about the services that we had to offer, whether it be,  
14 (a), a WATS line; (b), call waiting, or wire maintenance  
15 plan.

16 Q And how long did you participate in sales?

17 A Not very long. I stayed pretty busy working with  
18 the guys. They called me directly on maybe even out of turn  
19 to expedite what they're working on, and I just didn't have  
20 much time.

21 Q Okay.

22 A I might have made twelve sales.

23 Q All together?

24 A Yes.

25 Q Did you ever receive any points or awards for the

1 sales that you did?

2 A Uh-huh.

3 Q What did you get?

4 A A lamp.

5 Q Were you given any training for sales?

6 A Oh, no. Not at all.

7 Q Okay, were you ever instructed to keep track of the  
8 amount of time that you spent selling versus the amount of  
9 time you spent doing your MA work?

10 A No. Not me specifically, no.

11 Q Did anybody receive instructions to keep track of  
12 their sales time versus their MA time?

13 A Yes.

14 Q Who gave those instructions?

15 A At that point it was Dwight McGuinness who had told  
16 Virginia Harris to concentrate solely on sales and, indeed,  
17 she skyrocketed with sales for the wire maintenance.

18 Q Okay. Do you know of anyone who falsified a sales  
19 record or report?

20 A No. I only saw where a business office  
21 representative had what I call upsold a customer, and those  
22 employees, I have no idea of their identity. I saw numerous  
23 occasions where an employee in the business office was asked  
24 for call waiting to be put on their line by their subscriber  
25 and they ended up with call waiting, speed calling, three-way

1 calling, call forwarding and they didn't even know they had  
2 it.

3 Q Okay. So the customer did not specifically order  
4 any of the other services but they were added to the bill is  
5 what you're saying?

6 A Right. They asked for call waiting and for some  
7 reason it got really easy to add three-way calling and call  
8 forwarding and speed call on there because they never would  
9 have knew they had them.

10 Q And was this done in the business office?

11 A Uh-huh.

12 Q Was this also done by the MAs that were selling?

13 A Not to my knowledge.

14 Q Okay. And when Ms. McGuinness was keeping track of  
15 her time --

16 A Mr. McGuinness.

17 Q Mr. McGuinness, I'm sorry. When he was keeping  
18 track of his sales time, do you know how he was tracking?  
19 Was there a special code or something he was having to use?

20 A It was just turned in on a piece of paper at the  
21 end of the day.

22 Q Oh, okay. Do you know what happened, whether or  
23 not his supervisor recorded that as special sales time as  
24 opposed to --

25 A Productive time?

1 Q Yes.

2 A I never saw what went on on their time report.

3 Q Okay. Have you heard the phrase "boiler room" used  
4 in reference to sales?

5 A No.

6 Q Are you aware of any boiler rooms that may have  
7 gone on in regard to sales for the company?

8 A I don't know what that means.

9 Q Okay. How many maintenance administrators were  
10 involved in sales during this period of time that you were  
11 talking about?

12 A Oh, everyone was told to try harder. You were --  
13 each report that you closed out or screened, you were to  
14 review their records and see if they had any features on  
15 their line and you were to approach each one of them.

16 Q Would those features just come up with the trouble  
17 report?

18 A No. You had to access their records and look at  
19 it.

20 Q Okay. And would that be on the same screen or  
21 would you have to go somewhere else to access or --

22 A You would have to clear that screen and pull up  
23 another record.

24 Q About how much time was involved in doing that?

25 A Just a couple of minutes.

1 Q A couple of minutes. And then you clear that out  
2 and go back to the customer and the trouble report?

3 A Uh-huh.

4 Q Okay. Were you ever given any instructions to  
5 assume sales for customers, that the customers would  
6 naturally want to have a particular service and just add it  
7 to the line?

8 A Oh, no.

9 Q Okay. Do you know of any grievances that have been  
10 filed by any employees regarding improper instructions for  
11 handling trouble reports?

12 A An actual grievance in comparison to just arguing  
13 on their own behalf?

14 Q Uh-huh.

15 A (Pause.) No.

16 Q Okay. Do you know of any instances where MAs or  
17 STs would close out an out-of-service report early and then  
18 reopen it as an employee-originated report?

19 A Yes.

20 Q Was this generally done --

21 A Yes.

22 Q -- as a general practice?

23 A Yes.

24 Q And why was this done?

25 A Well, primarily it was done if a report could not

1 have been cleared and the facilities, say, from the pole to  
2 the house, if it were back down in the cable three blocks  
3 away, something to that effect. That was where that was  
4 habitually done.

5 Q So these were primarily cable troubles then?

6 A Right.

7 Q And did this affect the out-of-service index?

8 A Yes, uh-huh.

9 Q And were there times -- let me ask you: Is this  
10 still being done today?

11 A Nope.

12 Q When did this practice stop?

13 A About a year ago.

14 Q All right. Were there ever times when maintenance  
15 administrators were instructed by supervisors not to close  
16 out reports without asking the supervisor's permission?

17 A Oh, yeah.

18 Q Was this regularly done?

19 A You were told to -- if you were in jeopardy of  
20 going over 24 hours, you had to get -- raise your hand and  
21 one of them would stroll out to the room and actually tell  
22 you that you had to monitor it and you -- I put their  
23 initials in my narrative that they said to close it out to  
24 that.

25 Q To protect your cause code or disposition code?

1 A Uh-huh.

2 Q Okay. And do you know why that was being done?

3 A To meet the indices.

4 Q Do you know of any instructions to extend  
5 commitment times without talking to a customer?

6 A Extend it?

7 Q Uh-huh.

8 A Yes.

9 Q Okay. And why was that done?

10 A Well, because you would have so many out of  
11 services to meet that you couldn't get the others for the bad  
12 jacks or the noisy static and you would just go in and change  
13 the commitment time. This was later in years, like in '88,  
14 '89.

15 Q All right. And was that according to company  
16 practice? Was that permitted by company practice, do you  
17 know?

18 A No.

19 Q What did company practice dictate you do if you  
20 were going to change a commitment time?

21 A It -- you mean change it out further?

22 Q Yes, to move it out further.

23 A The practice says that you can notify your customer  
24 and there's a field where you type 222, which means that you  
25 discussed it with your customer and they agreed to the

1 changing of the commitment.

2 Q Okay. And if you didn't contact the customer but  
3 extended the time out, is there a certain code you're  
4 supposed to use for that?

5 A We still put 222 in there anyway.

6 Q Okay.

7 A Even though you didn't get them.

8 Q All right.

9 A That was up until a year ago.

10 Q Did this help the company on another indices that  
11 the company had?

12 A Uh-huh.

13 Q And which one was that?

14 A Well, there were several different indices that  
15 they had, but I guess that would be commitment time.

16 Q Okay. Have you heard of maybe missed appointment  
17 index?

18 A Uh-huh. That's commitment times to me.

19 Q Okay. Are you familiar with the CON Code, C-O-N,  
20 carried-over no code?

21 A Never heard of it. I don't know what that is.

22 Q All right. Then we'll move right on.

23 A Okay.

24 MR. BEATTY: I think she has -- you had raised your  
25 finger.



1 THE WITNESS: I was trying -- I was thinking  
2 of typing C-O-N, and I've never typed it.

3 BY MS. RICHARDSON:

4 Q What about a 106?

5 A No.

6 Q Ms. Kilgore, I want to thank you for being here  
7 today and for answering my questions and Staff or Mr. Beatty  
8 may have one or two before we let you out of the room.

9 A Okay.

10 MS. RICHARDSON: Thank you very much.

11 MR. BEATTY: I just have one.

12 No, I don't have anything. I changed my mind.

13 MS. RICHARDSON: Thank you very much.

14 MR. BEATTY: Thank you.

15 MS. RICHARDSON: I'm sorry. I hate to do this,  
16 but I have been reminded of one question.

17 THE WITNESS: Okay.

18 BY MS. RICHARDSON:

19 Q Do you have the names of any other MAs who brought  
20 these improper activities, as you've characterized them, to a  
21 manager's attention?

22 A Uh-huh.

23 Q And who are they?

24 A Cathy Nelson. When she came into our group she  
25 transferred from Pensacola. She had a Practice. I said I

1 knew one of those things existed. She actually had one and  
2 she gave it to me to read. I shook it in her face and said,  
3 "I told you. I knew these existed."

4 She was -- oh, and Judy Rote.

5 Q Can you spell her last name?

6 A R-o-t-e.

7 Q Okay.

8 A

9  
10 Q Did [redacted] make any indications that any of these  
11 things were being done in Pensacola when she was there?

12 A She said they were not being done.

13 Q This was just unique to Jacksonville as far as she  
14 knew?

15 A Yes.

16 MS. RICHARDSON: Now I think I'm through.

17 Thank you very much.

18 Mr. Beatty may have one.

19 MR. BEATTY: I don't have anything. That's it.

20 (Witness excused.)

21 (Whereupon, the deposition concluded at 7:53 p.m.)  
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This is to certify that I, EVELYN KILGORE, have read the foregoing transcription of my testimony, Page 6 through 49, given on May 4, 1993, in Docket Nos. 910163-TL and 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_  
EVELYN KILGORE

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
NOTARY PUBLIC

State of \_\_\_\_\_

My Commission Expires:

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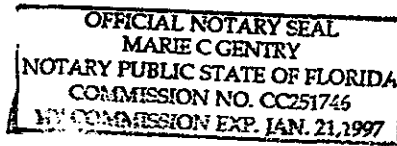
STATE OF FLORIDA )  
                          :  
COUNTY OF DUVAL )

CERTIFICATE OF OATH

I, the undersigned authority, certify that Evelyn Kilgore personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 4<sup>th</sup> day of June, 1993.

*Marie C. Gentry*  
\_\_\_\_\_  
Marie C. Gentry  
Notary Public - State of Florida  
My Commission No. CC251746  
Expires: 1/21/97



1 STATE OF FLORIDA)  
2 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

3 I, Marie C. Gentry, Court Reporter,

4 DO HEREBY CERTIFY that I was authorized to and  
5 did stenographically report the foregoing deposition  
6 of Evelyn Kilgore;

7 I FURTHER CERTIFY that this transcript,  
8 consisting of 49 pages, constitutes a true record of the  
9 testimony given by the witness.

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

15 DATED this 4th day of June, 1993.

16 Marie C. Gentry  
17 Marie C. Gentry, Court Reporter  
Telephone No. (904) 264-2943

18 STATE OF FLORIDA)  
19 COUNTY OF DUVAL )

20 The foregoing certificate was acknowledged before  
21 me this 4th day of June, 1993, by Marie C. Gentry, who  
22 is personally known to me.

23 Patricia H. Vierengel  
Notary Public - State of Florida  
24 Patricia H. Vierengel  
25 My Commission Expires 6-31-93

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Investigation into the integrity : DOCKET NO.: 910163-TL  
of SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S repair service: :  
activities and reports. :  
----- :  
In re: Investigation into :  
SOUTHERN BELL TELEPHONE AND : DOCKET NO.: 910727-TL  
TELEGRAPH COMPANY'S compliance :  
with Rule 25-4.110(2), F.A.C., : FILED: 04/28/93  
Rebates. :  
\_\_\_\_\_ :

DEPOSITION OF: JUDITH R. ROTE

TAKEN AT THE INSTANCE OF: The Staff of the Florida  
Public Service Commission

PLACE: Southern Bell Offices  
3100 Emerson Street  
Jacksonville, Florida  
First Floor Conference Room

TIME: Commenced at 8:10 a.m.  
Concluded at 9:00 a.m.

DATE: 5 May, 1993

REPORTED BY: Patricia H. Vierengel, RPR  
Court Reporter

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**ORIGINAL**

## A P P E A R A N C E S

1  
2  
3 J. SUE RICHARDSON, ESQUIRE  
4 Office of Public Counsel  
5 c/o The Florida Legislature  
6 111 W. Madison Street  
7 Room 812  
8 Tallahassee, Florida 32300-1400

9 JEAN R. WILSON, ESQUIRE  
10 Division of Legal Services  
11 Florida Public Service Commission  
12 101 East Gaines Street  
13 Tallahassee, Florida 32399-0863  
14 Telephone: (904) 487-2740

15 CARL S. VINSON, JR.  
16 Sr. Management Analyst  
17 Bureau of Regulatory Review  
18 Florida Public Service Commission  
19 Division of Research and Regulatory Review  
20 101 East Gaines Street  
21 Tallahassee, Florida 32399-0872  
22 Telephone: (904) 487-0509

23 WALTER BAER  
24 Management Analyst  
25 Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872

STAN L. GREER  
Engineer  
Bureau of Networks and Engineering Studies  
Division of Communications  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0866  
Telephone: (904) 488-1280

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

ROBERT G. BEATTY, ESQUIRE  
General Attorney  
BellSouth Telecommunications, Inc.  
Museum Tower Building  
Suite 1910  
150 West Flagler Street  
Miami, Florida 33130  
Telephone: (904) 530-5561

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

SHELBA HARTLEY  
2nd Executive Vice-President  
Communications Local 3106  
4076 Union Hall Place  
Jacksonville, Florida 32205  
Telephone: (904) 350-8372 or 384-2222

JOHN F. KATTMAN, ESQUIRE  
of the law firm of  
Kattman & Eshelman, P.A.  
1920 San Marco Boulevard  
Jacksonville, Florida 32207  
Telephone: (904) 398-1229

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I N D E X

Page No.

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CERTIFICATE OF REPORTER	40
CERTIFICATE OF NOTARY	40

WITNESS:

JUDITH R. ROTE

Examination by Ms. Richardson 7

N O E X H I B I T S

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DOCKET NOS.: 910163-TL and 910727-TL

NAME: JUDITH R. ROTE

DATE: May 5, 1993

Page Line

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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 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 JUDITH R. ROTE,  
2 appeared as a witness and, after being duly sworn by the  
3 court reporter, testified as follows:

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q Ms. Rote, would you please state your name and  
7 then spell it for the Court Reporter?

8 A Judith, J-U-D-I-T-H, R. Rote, R-O-T-E.

9 Q And your address, please?

10 A 3100 Emerson Street, Jacksonville.

11 Q And your ZIP code?

12 A 32207.

13 Q Is there a room or something?

14 A 138.

15 Q And a phone number?

16 A 904-399-8580.

17 Q And that's Southern Bell?

18 A Yes, it is.

19 Q Okay. And are you represented by an attorney here  
20 today?

21 A Yes, I am.

22 MS. RICHARDSON: And will-as your attorney to put  
23 his appearance on record.

24 MR. KATTMAN: My name is John Kattman,  
25 K-A-T-T-M-A-N, of the firm of Kattman and Eshelman,

1 P.A. Our address is 1920 San Marco Boulevard,  
2 Jacksonville 32207.

3 MS. RICHARDSON: And go ahead and put a phone  
4 number down.

5 MR. KATTMAN: (904) 398-1229.

6 BY MS. RICHARDSON:

7 Q And do you have someone from the union with you  
8 here today?

9 A Yes, I do.

10 MS. RICHARDSON: And I will ask her to put her  
11 appearance on the record.

12 MS. HARTLEY: Shelba Hartley, S-H-E-L-B-A  
13 H-A-R-T-L-E-Y, 4076 Union Hall Place, Jacksonville,  
14 Florida 32205; (904)384-2222. I'm the Executive  
15 Vice-President.

16 BY MS. RICHARDSON:

17 Q Okay. Ms. Rote, did you discuss your deposition  
18 with anybody here today other than Mr. Kattman or counsel  
19 for the company?

20 A No.

21 Q Okay. And has anyone advised you that you would  
22 not be disciplined for whatever answers you gave here today?

23 A Yes.

24 Q Okay. And has anyone advised you about the  
25 possible criminal penalties that could apply if you perjur

1 your testimony here today?

2 A Yes.

3 Q All right. Have you given a statement to the  
4 company investigator regarding the trouble repair reports?

5 A In days past, yes.

6 Q Do you remember when you made that statement?

7 A Not exactly. The last time was at least two years  
8 ago.

9 Q Okay. And do you know who was in the room with  
10 you when you made that statement?

11 A I don't remember.

12 Q Do you remember their positions?

13 A No, I don't.

14 Q Was there an attorney present?

15 A A company attorney.

16 Q There was a company attorney?

17 A Yes.

18 Q Was there someone from the union present?

19 A No.

20 Q How about one of your supervisors?

21 A No.

22 Q Okay. Did you bring an attorney to that?

23 A No.

24 Q Okay. Was there a security investigator present?

25 A I don't remember.

1 Q Okay. Did you talk to anybody about that  
2 statement after you had given it?

3 A No.

4 Q What is your present position?

5 A Maintenance administrator.

6 Q Okay. And how long have you held that position?

7 A That particular position about -- probably about  
8 10 or 11 years.

9 Q In Jacksonville the entire time?

10 A Yes.

11 Q In this particular center the entire time?

12 A Yes.

13 Q Okay.

14 A We have changed our name, but, yes, in this  
15 center.

16 Q All right. When did you start with the company?

17 A August 15th, 1960.

18 Q Oh, my! And what did you do when you first  
19 started?

20 A Overseas operator in Miami.

21 Q Okay. How long did you hold the operator position  
22 for the company?

23 A Well, that one was only about six months.

24 Q Okay. Were you ever a maintenance administrator  
25 in Miami?

1 A No.

2 Q When was the first maintenance administrator  
3 position you held?

4 A Brooksville, Florida, and that was the early '80s,  
5 very early '80s.

6 Q Is Brooksville in the Gainesville IMC?

7 A Yes, it is. Um-ha. (Affirmative Response).

8 Q And who was your supervisor in Brooksville?

9 A Bud Kite.

10 Q Can you spell his last name?

11 A K-I-T-E.

12 Q Okay. Just like it sounds?

13 A Right. Um-ha. (Affirmative Response).

14 Q Okay. And was he your first level manager, or  
15 second?

16 A Yes.

17 Q Who was your second level manager there?

18 A Oh, gosh, I don't remember. That was another  
19 world.

20 Q Okay. How long did you hold that position?

21 A That was just about a year and a half.

22 Q All right. And were you a maintenance  
23 administrator in any other center besides Brooksville and  
24 Jacksonville?

25 A No. No.



1 Q Did you come here to Jacksonville from  
2 Brooksville?

3 A Yes.

4 Q Okay. Who is your present manager?

5 A First level or --

6 Q Um-ha. (Affirmative Response).

7 A Basil Vann, V-A-N-N.

8 Q And how long has he been your manager?

9 A A little over a year.

10 Q And who was your manager before Mr. Vann?

11 A Brenda Mathis.

12 Q And can you spell her last name for me?

13 A M-A-T-H-I-S.

14 Q Okay. And how long was she your manager?

15 A Oh, a couple of years.

16 Q All right. And can you remember your first level  
17 manager before her?

18 A Gosh. No, not really.

19 Q Okay. What about second level? Who is your  
20 present second level manager?

21 A Bruce Higgins. He's new with us.

22 Q Okay. How long has he been here?

23 A A week, I guess.

24 Q About a week. And then who was it before Mr.  
25 Higgins?

1 A Jim Keels.

2 Q And he was your manager from 1989, '90 or --

3 A A little over a year.

4 Q Okay. Okay. A year. So '91 or sometime?

5 A Um-ha. (Affirmative response). Something like  
6 that.

7 Q And who was it before Mr. Keels was in?

8 A I don't remember. I really don't.

9 Q Do you remember any other managers' names that you  
10 have worked for?

11 A Oh, Dwight McGuinnes.

12 Q Dwight McGuinnes?

13 A Yeah. Um-ha. (Affirmative Response).

14 Q And how long was Mr. McGuinnes your manager?

15 A Oh, a couple of years.

16 Q Couple years. And do you remember any other  
17 managers that you worked for in Jacksonville?

18 A Bob Heist. Leonard Raulerson.

19 Q And that's R-O-L- --

20 A R-A-U-L-E-R-S-O-N.

21 Q Okay. Mr. Heist, Mr. Raulerson, Mr. Vann, Mr.  
22 Mathis, Mr. Higgins, Mr. Keels, Mr. McGuinnes. Is that  
23 pretty much it?

24 A That's pretty much it, yes.

25 Q Okay. And let's take Brooksville for just a

1 moment. Mr. Kite is the only manager that you can remember  
2 from Brooksville, or can you think --

3 A It's a very small office. He was, yes.

4 Q He was it?

5 A Um-ha. (Affirmative Response).

6 Q Okay. Do you know who your operations manager is?  
7 I think they are called district managers? I'm not sure.

8 A Mr. Rupe.

9 Q Mr. Rupe. And do you know who your general  
10 manager is?

11 A No.

12 Q Do you know who your union president is?

13 A Oh, yes. I voted for him. I had a choice there.  
14 John Edenfield.

15 Q Thank you. And who is your union steward?

16 A Violet Willis.

17 Q Okay. Ms. Rote, have you heard the phrase  
18 "backing up the time"?

19 A Yes.

20 Q All right. Where have you heard that?

21 A Office language.

22 Q Okay. Just common, everyday office language used  
23 frequently?

24 A No. But that would be where I would have heard  
25 it.

1 Q Okay. What does it mean to you?

2 A Well, "backing up time."

3 Q What time?

4 A The closeout time.

5 Q The closeout time?

6 A Um-ha. (Affirmative Response).

7 Q Why would someone back up a closeout time?

8 A It could be a variety of reasons.

9 Q Okay. Can you give me some examples?

10 A One would be if the man did not call in to  
11 closeout his report for a given reason. You wouldn't want  
12 to show him at an erroneous time, so you would want to use  
13 the time that he actually did clear it, so you would have to  
14 back it up.

15 Q All right. To the time service was restored?

16 A That would be the only one that I would be  
17 interested in.

18 MR. KATTMAN: Excuse me. I'm going to impose an  
19 objection. Are we just asking her about her thoughts  
20 and --

21 MS. RICHARDSON: Her understanding of the meaning  
22 of the phrase, "backing up the time."

23 MR. KATTMAN: Okay.

24 BY MS. RICHARDSON:

25 Q Okay. That's to the time service is restored

1       then?

2           A     Yes.

3           MS. RICHARDSON: Did you have another objection,  
4       Mr. Kattman?

5           MR. KATTMAN: Yes. I'm going to object on the  
6       base of you asked her what her understanding is, and  
7       then you asked her for what purposes it would serve.  
8       That's calling for speculation on the part of this  
9       witness if she -- at this point, based on the questions  
10      you have asked so far, you've asked her to speculate  
11      what it was done for. She's not saying she knows  
12      anything about it, or had any involvement in it.  
13      You're asking for speculation, so on that basis I'll  
14      object.

15           MS. RICHARDSON: Okay.

16       BY MS. RICHARDSON:

17           Q     Now, let's continue with that line of questioning.  
18       Your attorney has put a legal objection on the record on  
19       your behalf, but I want to continue with that line of  
20       questioning.

21           You have mentioned one use of backing up the time was  
22       to show the actual restoral time?

23           A     Um-ha. (Affirmative Response).

24           Q     Is there another use of backing up the time that  
25       you're aware of?

1 MR. KATTMAN: Do you understand the question?

2 THE WITNESS: Not completely, because the only one  
3 I'm concerned with is the right one, and that would be  
4 to back it up to the proper time.

5 Q Okay. What about a wrong one? You indicated that  
6 there may be a wrong one. The implication of your statement  
7 is there may be a wrong one. That's what I infer from that.  
8 What's a wrong use of backing up the time?

9 A Well, a wrong use to back up the time would be --

10 MR. KATTMAN: Again, I object on the basis of  
11 speculation, but go ahead and answer the question if  
12 you want to speculate.

13 Q Yes, go ahead.

14 A Would be -- Let's see, where was I now? It would  
15 be to keep your time down, your clearing time.

16 Q Okay. Are you aware of --

17 A But that's my interpretation now.

18 Q Okay. And in your interpretation that's wrong?

19 A Of course.

20 Q Okay. Do you know anyone who has done that?

21 A I have heard that it's been done.

22 Q Okay. And who have you heard that's done that?

23 A Oh, I don't remember.

24 Q Has it been done in Jacksonville, Brooksville,  
25 where?

1 A I don't remember specifics.

2 Q Okay. Where were you when you heard these things?

3 A I don't remember.

4 Q Was it at work?

5 A Well, yes. I would say. I don't take this out.

6 Q Okay. Are you familiar with the requirement that  
7 the company complete repairs on out-of-service reports  
8 within 24 hours at least 95% of the time?

9 A Yes.

10 Q How long have you known that?

11 A Well, that's understood.

12 Q Okay. Did you know that back in Brooksville?

13 A Yes.

14 Q Okay. So you have also known that then the entire  
15 time you have have been in Jacksonville?

16 A Yes.

17 Q That hasn't changed?

18 A No.

19 Q Okay. So these rumors about backing up clearing  
20 time, is that in order to meet that 24 hour clock time?

21 A Well, that would be the only reason.

22 Q Okay. Has any manager ever asked you to back up a  
23 clearing time on a report in order to meet that 24 hour  
24 clock time?

25 A No.

1 Q Do you know if any manager has ever asked another  
2 maintenance administrator to do that?

3 A I have heard that it has been done.

4 Q Okay. And again, when you have heard that that  
5 has been done, was that Jacksonville, Brooksville, or both?

6 A It would be Jacksonville.

7 Q Okay. And was that another maintenance  
8 administrator that you heard this from, or a manager?

9 A It would be a maintenance administrator, yes; the  
10 only one that should be closing out troubles.

11 Q So there's a designated MA for just closing?

12 A No. That's a craft job, to closeout trouble.

13 Q Oh, I see. It's a maintenance administrator  
14 function?

15 A Yes.

16 Q Have you ever seen a manager closeout troubles?

17 A I have not. No, I have not seen that.

18 Q Have you heard of that being done?

19 A I have heard of it.

20 Q Okay. Why would a manager closeout troubles?

21 MR. BEATTY: Objection. It calls for speculation.

22 A I can't tell you why they do anything they do. I  
23 mean, craft might versus management might, but I don't know.

24 Q Okay. Have you heard any discussion among other  
25 MAs in the office, or managers speaking about why they were



1 closing out troubles?

2 A No. I know no specifics on any of that.

3 Q Okay. Have you heard the term, "building a base"?

4 A Yes.

5 Q All right. And what is your understanding of that  
6 phrase?

7 A Well, that would be very difficult to define. I  
8 would like to talk to my attorney.

9 MS. RICHARDSON: That will be fine. If we can go  
10 -- Let's -- Let me, before we do that, I just want to  
11 make a statement on the record.

12 If at any time you don't understand the question  
13 that I have asked, you may certainly ask me to repeat  
14 it.

15 THE WITNESS: I'll will.

16 MS. RICHARDSON: -- or rephrase it, or whatever,  
17 feel uncomfortable to do that.

18 THE WITNESS: Okay.

19 MS. RICHARDSON: At any time you feel like you  
20 need to speak to your attorney, do what you just did;  
21 ask to go off the record, and we will go off the  
22 record and you can speak to your attorney. Okay? I  
23 want you to know that officially.

24 And now we will go off the record.

25 MR. KATTMAN: Okay. This will take only about

1 15 seconds I feel sure.

2 (Brief recess).

3 MS. RICHARDSON: You ready to go back on the  
4 record?

5 MR. KATTMAN: Yeah. With respect to that last  
6 question, and any other questions regarding "building  
7 of the base" -- and, by the way, I have a copy of a --

8 MS. RICHARDSON: Well then, let's get it out on  
9 the record. You want to introduce it?

10 MR. KATTMAN: No. I just want -- I mean we have a  
11 copy of apparently some pleading that was filed and --

12 MS. RICHARDSON: Mr. Kattman, let me go ahead and  
13 introduce it so we will know when we read this again  
14 what it's about.

15 This is a statement filed by Southern Bell on  
16 April 1st, 1993 in the consolidated docket by Southern  
17 Bell. It's the company's response to Preliminary  
18 Order Number PSC930263PCOTL entered on February 19th,  
19 1993, and in that document appears the name of Number  
20 505, Rote, Judith R., and I think what we will do  
21 first before Mr. Kattman continues is to ask Ms. Rote  
22 if that is indeed her name on this document, and then  
23 we  
24 will proceed from there.

25 BY MS. RICHARDSON:

1 Q Is that your name, Ms. Rote?

2 A Yes, it is.

3 MS. RICHARDSON: Okay. Now, Mr. Kattman.

4 MR. KATTMAN: With respect to that last question,  
5 and any other questions regarding "building of the  
6 base," as you put it, we -- she would invoke the 5th  
7 Amendment.

8 MS. RICHARDSON: Okay.

9 BY MS. RICHARDSON:

10 Q And then if it's -- What I would like for you to  
11 do, Ms. Rote, is just to tell me that you're invoking the  
12 5th Amendment and will not answer my questions on that on  
13 the advice of your attorney.

14 A Okay. Upon the advice of my attorney I am  
15 invoking the 5th Amendment.

16 Q Okay. Thank you.

17 All right. Then let me move on since we are using this  
18 document. By your name appears a Number 9. Okay. And if  
19 you could just check that and let me know what that one is  
20 about.

21 MR. KATTMAN: According to this document, and I  
22 believe I'm correct, Number 9 would be --

23 THE WITNESS: That would be an assign.

24 MR. KATTMAN: -- "test okay," status OOS?

25 A Um-ha. Service. That would be in the same

1 category.

2 Q All right. And when you say, "same category,"  
3 then let me ask you a question, and you can respond however  
4 you wish then: What do you know about statusing test okay  
5 reports out of service?

6 A There again I would take the 5th on that.

7 Q Okay. By your name also appears a Number 11.

8 A I don't know what you mean by, "improper  
9 preparation of a trouble report," on Number 11.

10 Q Okay. All right. You have been an MA at least  
11 since the early '80s, so at least 10 years --

12 A Um-ha. (Affirmative Response). Right.

13 Q -- you have been a maintenance administrator?

14 A Yes.

15 Q Did you receive training from Southern Bell?

16 A Oh, yes. Um-ha. (Affirmative response).

17 Q Has your training been continuous throughout those  
18 10 years?

19 A Yes.

20 Q All right. Are you familiar with the BellSouth  
21 practices on screening reports, testing them, clearing them,  
22 and closing them?

23 A Yes.

24 Q Okay. After 10 years then you have a lot of  
25 on-the-job training, as well as formal Southern Bell

1 training?

2 A Right.

3 Q All right. In your opinion, when you handle a  
4 trouble report would you -- let me ask you a different  
5 question. Have you ever been called upon to help do  
6 on-the-job training with new maintenance administrators?

7 A Yes.

8 Q Okay. Kind of show them the ropes? Somebody new  
9 comes in and they sit them down by you because you have been  
10 here a long time and you know how to do things, and they ask  
11 you to kind of help this new person out and show them  
12 around?

13 A Um-ha. (Affirmative Response).

14 Q All right. In that process of training somebody  
15 new have you ever seen them make mistakes?

16 A Of course.

17 Q Okay. Have you ever seen them do something that  
18 you thought was improper so that you had to correct them?

19 MR. BEATTY: Object to the form of the question.

20 It's ambiguous by the definition of the word

21 "improper."

22 Q All right. Do you, based-upon your training and  
23 experience and knowledge of BellSouth practices, know how to  
24 properly handle a trouble report?

25 A Oh, yes, I think so.

1 Q Okay. And your managers have evidently indicated  
2 their confidence in that ability in you so that they have  
3 given you responsibility for training new people; is that  
4 correct?

5 A Well, on occasion they have sat with me, yes.

6 Q Okay. Now, in that process then you know what a  
7 proper handling of a report is?

8 A Right.

9 Q And you have got somebody brand new sitting here  
10 next to you, and this is a hypothetical, have you ever seen  
11 them do something that was improper that you needed to  
12 correct them on?

13 A If you're teaching them, yes.

14 Q Okay. Now, I want to take it out of that context.

15 A Okay.

16 Q All right. And let's go to the context of other  
17 maintenance administrators that you have worked with. Have  
18 you ever noticed another maintenance administrator that  
19 you're not training, someone you just work with, improperly  
20 handle a report?

21 A No. I don't have time to screen their work. No.

22 Q Okay.

23 A No.

24 Q Have you ever heard of that being done?

25 A No.

1 Q Do you know of any manager who has given a  
2 direction to a maintenance administrator that, based on your,  
3 training and experience, you knew was improper?

4 A No.

5 Q Okay. All right. Let's go down to Number 14.  
6 And what does 14 indicate?

7 MR. KATTMAN: Based upon this document it  
8 indicates -- you can just read it.

9 A "Use of one employee's code by another employee or  
10 an employee's use of AIRO code."

11 Q And that's A-I-R-O --

12 A Right.

13 Q -- for the Court Reporter.

14 A Right.

15 Q Okay. And what's your understanding of why that  
16 appears by your name?

17 MR. BEATTY: Objection, unless she has personal  
18 knowledge of the intent of the drafters of that  
19 document to put her name down. It calls for  
20 speculation as to the form of the question.

21 THE WITNESS: I -- Let's see.

22 MR. KATTMAN: She's asking you if you know why  
23 Number 14 is next to your name. Do you know?

24 A I don't know, other than the fact that in the  
25 maintenance center at times it has been said that other

1 people have used other people's employee codes. I have not.

2 BY MS. RICHARDSON:

3 Q Have you heard it said why that was being done?

4 A No.

5 Q Okay. Has anyone ever asked you to use someone  
6 else's employee code?

7 A No. No.

8 Q Do you know for a fact that anyone, that some  
9 other employee has used another person's code?

10 A For a fact, no.

11 Q Okay. Has anyone else ever used your code?

12 A I certainly hope not.

13 Q Okay. Is it possible to do that now?

14 MR. BEATTY: Objection. It calls for speculation.

15 A I mean, you could type it in, but anything is  
16 possible with the keyboard.

17 Q Okay. Are you familiar with the ANS I.D.,  
18 employee I.D. system that the company installed in the past  
19 year or so?

20 A All the security codes for entering into the  
21 system?

22 Q Right.

23 A Yes. Enough to get into my computer.

24 Q Okay. Do you know under that new system whether  
25 someone else could use your code?



1 A They would have to know your passwords.

2 Q Okay. And are those passwords supposed to be  
3 confidential?

4 A Yes.

5 Q Okay. Do you know if they are actually kept  
6 confidential?

7 A As far as I know they are.

8 Q Okay. Then let me ask you again: Is it possible  
9 today to use somebody else's employee code?

10 MR. BEATTY: Objection. It calls for speculation.

11 A Not the total system, no. Not as it is now.

12 Q Okay. Number 15 I think appears by your name.  
13 What is Number 15?

14 A "Exclusion or elimination of trouble reports."

15 Q What does it mean to exclude a trouble report?

16 A You cancel it out.

17 Q Is that in the final status screen?

18 A Yes.

19 Q Okay. And under what conditions is it proper,  
20 based on your training and experience, to exclude a trouble  
21 report?

22 A Well, to be proper to exclude, one, there's about  
23 I suppose maybe 10 or 12 acceptable reasons only.

24 Q Can you give me an example or two?

25 A Wrong number reported.

1 Q Okay.

2 A That's probably about the best I can give you now.  
3 That's why I have it taped in front of me.

4 Q Okay.

5 A The list of them.

6 Q What about if somebody calls for instructions on a  
7 memory call, is that excludable?

8 A If you give them instructions it would be memory  
9 call, or CCS feature instructions. Yes, it's excludable if  
10 you give them instructions.

11 Q What about third-party reports?

12 A Yes.

13 Q Okay. What about --

14 A But it has to be worded properly now, according to  
15 the list.

16 Q Okay. Explain that to me.

17 A We have to use the excludable list. As I say,  
18 that's why it's taped in front of me, so I can get it worded  
19 properly when we are audited by outside, even where an  
20 outside person can come in and see why the report was  
21 excluded. "I excluded it because," word for word.

22 Q Okay. So if I were to come in and look at the  
23 DLETH, D-L-E-T-H, that you had prepared, then I would see  
24 your narrative and your narrative would be exactly the  
25 narrative the company said you had to use?

1           A     Um-ha. (Affirmative Response).

2           Q     Is that what you're saying?

3           A     That's right.

4           Q     So we have some examples of what is proper, and  
5 you have got that in front of you. Do you know of anyone  
6 who has excluded an out-of-service report?

7           A     No.

8           Q     Okay. Based upon your knowledge, your training  
9 and experience, is it proper to exclude an out-of-service  
10 report?

11          A     If it does not fall under any of the categories on  
12 my list in front of me, then it is not proper to be  
13 excluded.

14          Q     Okay. Does an out-of-service report have a  
15 disposition and cause code?

16          A     If you are excluding it you don't have any  
17 disposition and cause.

18          Q     Okay. What does "out of service" mean?

19          A     Out of service. You can't talk.

20          Q     You can't talk. If you can receive calls but you  
21 can't call out, is that out of service?

22          A     Well, yes. It's supposed-to work both ways. If  
23 you can't be called and you can't call out, either/or, then  
24 you're not getting your service.

25          Q     All right. And on out-of-service reports then

1 this person can't call, can't receive calls --

2 A Um-ha. (Affirmative Response).

3 Q -- is it proper to exclude that report?

4 A No.

5 Q Okay.

6 A That is, unless it's a "Denied - Non-payment."

7 Q That's one I didn't ask you. All right. Other  
8 than the, "Denied - Non-payment"?

9 A Then that's legal. However, even then there's a  
10 formula you have to follow, because I have to be able to  
11 have you come in there and see that it was a certain service  
12 order, and the date that it was denied non-payment.

13 Q Okay. Now, have you ever had a manager instruct  
14 you to exclude an out-of-service report?

15 A No.

16 Q Do you know of any other MA who has excluded  
17 out-of-service reports?

18 A No.

19 Q Have you ever heard of that being done?

20 A No.

21 Q All right. Look at -- Number 15, I believe, is by  
22 your name -- No, Number 17. Excuse me.

23 A Um-ha. (Affirmative Response). "Intimidation  
24 or pressure." Here again, I think on that I would, at the  
25 advice of my attorney, invoke the 5th.

1 Q All right.

2 MR. KATTMAN: I have never known of an employee  
3 who hasn't been intimidated or pressured by her  
4 employer by some way. I've got an office full of  
5 employees that would have to take 5th on that one.

6 MS. RICHARDSON: I can appreciate that.

7 BY MS. RICHARDSON:

8 Q Okay. I'm going to show you another document, Ms.  
9 Rote, and I'll introduce it first like I did the last time.  
10 This is Citizens' Third Set of Interrogatories. An  
11 interrogatory is a written question that we have asked the  
12 company and the company gives us a written answer. Okay?  
13 Instead of sitting across the table from the company like  
14 you and I are talking, we send it to them in writing. Okay?  
15 And basically what we have asked is for the names of  
16 employees who have information about fraudulently, or  
17 knowingly false in any respect handling some kind of trouble  
18 report, and the company has responded with the names of some  
19 employees that may have information.

20 All right. On this you will see our request, which is  
21 the question; the company's response, which is the company's  
22 answer, and then you will see a name. Okay. And the first  
23 thing we will do when we go back on the record, after you  
24 have had a chance to read it,

25

1 further.

2 questions on it.

3 And the reason this is all folded up like it is that  
4 I'm showing you in paper clip is that the company claims  
5 that the other information contained on this page is  
6 confidential and no one else is supposed to see it. All  
7 right? So I ask you not to unclip it or anything.

8 You should know we don't think it's confidential, and I  
9 personally am confident it is not, and it will be held not,  
10 but Mr. Beatty is going to make comments on that, too.

11 MR. BEATTY: No, Mr. Beatty is not going to make  
12 any comments. Mr. Beatty is going to object, because  
13 the insertion of counsel's personal opinions are not  
14 relevant to these proceedings.

15 MS. RICHARDSON: All right. Okay. Then we will  
16 go off the record.

17 (Discussion held off record).

18 MS. RICHARDSON: Back on the record.

19 BY MS. RICHARDSON:

20 Q Okay. Ms. Rote, the first question is:

21

22 A Yes.

23 Q

24

25

1 would like to know what you know about instructions to  
2 status out-of-services improperly.

3 MR. KATTMAN: First of all, I think that question  
4 is in another context, or it maybe with other words  
5 has already been asked and answered, and I think her  
6 response was she was claiming the 5th. That's my  
7 recollection. But I'll let her go ahead and respond.

8 A Yes, that is correct. On the advice of my  
9 attorney, though, I am taking the 5th.

10 Q Okay. Okay. Ms. Rote, have you ever protested an  
11 instruction that a manager has given you on handling a  
12 trouble report because you felt that the instruction was not  
13 proper?

14 MR. KATTMAN: You're talking about trouble  
15 reports?

16 MS. RICHARDSON: Trouble reports. Not necessarily  
17 statusing them out of service, but just an instruction  
18 on a trouble report.

19 MR. KATTMAN: Again, I'm going to advise my client  
20 to take the 5th Amendment on that because that goes to  
21 the same area of questioning that she has already  
22 taken the 5th on, so I'm going to instruct her to do  
23 that, and if she so chooses she can do that or not do  
24 that.

25 A Yes.

1 Q I'm sorry, she needs to hear.

2 A Yes, I will take the 5th.

3 Q Have you ever filed a grievance through the union,  
4 through the channels that you have through the union with  
5 the company because of instructions that managers have given  
6 you?

7 A No.

8 Q Have you ever been disciplined for your work  
9 performance on handling trouble reports?

10 A No.

11 Q Do you know of any other maintenance  
12 administrators who have protested instructions that they  
13 have received from managers?

14 A No.

15 Q Okay. Do you know of any other MAs who have filed  
16 grievances because of manager's instructions they felt were  
17 improper?

18 A No.

19 Q Have you ever participated in sales for the  
20 company?

21 A No. Oh, no.

22 Q Have you ever been asked to sell for the company?

23 A No.

24 Q Okay. Are you aware of other maintenance  
25 administrators who did sell services and products for the



1 company?

2 A Yes.

3 Q Okay. Was there a campaign or promotion for  
4 employees to help sell for the company?

5 A Yes.

6 Q Okay. Were people given prizes and awards for  
7 their sales efforts?

8 A Yes.

9 Q Do you know if any other employee -- not other.  
10 Do you know of any employee who has recorded a sale without  
11 having contacted the customer?

12 A No.

13 Q Do you know of any employee who recorded a sale  
14 that the customer did not order?

15 A No.

16 Q Do you know if the MAs that were doing sales kept  
17 a separate time sheet for the amount of time they spent  
18 selling versus --

19 A I don't know.

20 Q You don't know? Okay. Okay. Just generally, do  
21 you know of anyone who has falsified a customer record?

22 MR. BEATTY: Objection. It's been asked and  
23 answered. I object to the form. And I think it may  
24 also get into the area that she has previously evoked  
25 the 5th Amendment.

1 MR. KATTMAN: What was the question again?

2 Q Do you know of anyone who has falsified a customer  
3 record?

4 MR. KATTMAN: I would instruct her to take the 5th  
5 on that.

6 A I'll take the 5th.

7 MS. RICHARDSON: Okay. Okay. Ms. Rote, I think  
8 that's all the questions I have for you, unless  
9 somebody jogs my memory this morning. The Commission  
10 staff, or maybe even your own attorney, may want to put  
11 something in the record before you go.

12 MS. WILSON: I have no questions.

13 MR. BEATTY: No questions.

14 (Witness excused).

15 (Whereupon, the deposition was concluded at 9:00 a.m.)

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AFFIDAVIT OF DEPONENT

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This is to certify that I, JUDITH R. ROTE, have read the foregoing transcript of my testimony, Pages 1 through 37, given on May 5, 1993, in Docket No. 910163-TL and Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_

JUDITH R. ROTE

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_

Print name here:  
Notary Public - State of Florida  
My Commission Expires:

1 F L O R I D A )

2 : CERTIFICATE OF OATH

3 COUNTY OF DUVAL)

4

5 I, the undersigned authority, certify that JUDITH  
6 R. ROTE personally appeared before me and was duly sworn.

7

8 WITNESS my hand and official seal this 10th day  
9 of May, 1993.


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PATRICIA H. VIERENGEL  
Notary Public - State of Florida  
My Commission expires:

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1 STATE OF FLORIDA)  
2 :  
3 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

4 I, PATRICIA H. VIERENGEL, Court Reporter, DO HEREBY  
5 CERTIFY that I was authorized to and did stenographically  
6 report the foregoing deposition of JUDITH R. ROTE;

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.

12 DATED THIS 10th day of May, 1993.

13 *Patricia H. Vierengel*

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

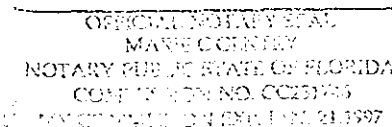
16 STATE OF FLORIDA)  
17 :  
18 COUNTY OF DUVAL )

19 The foregoing certificate was acknowledged before  
20 me this 10th day of May, 1993, by PATRICIA H.  
21 VIERENGEL, who is personally known to me.

22 *Marie C. Gentry*

23 Print Name:

24 Notary Public - State of Florida



BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Investigation into the integrity : DOCKET NO.: 910163-TL  
of SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S repair service: :  
activites and reports. :  


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In re: Investigation into : DOCKET NO.: 910727-TL  
SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S compliance : FILED: 04/28/93  
with Rule 25-4.110(2), F.A.C., :  
Rebates. :  


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:

DEPOSITION OF: KATHYRN ROBERTS

TAKEN AT THE INSTANCE OF: The Staff of the Florida  
Public Service Commission

PLACE: Southern Bell Offices  
3100 Emerson Street  
Jacksonville, Florida  
First Floor Conference Room

TIME: Commenced at 10:35 a.m.  
Concluded at 11:30 a.m.

DATE: 5 May, 1993

REPORTED BY: Patricia H. Vierengel  
Court Reporter

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A P P E A R A N C E S

J. SUE RICHARDSON, ESQUIRE

Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street  
Room 812  
Tallahassee, Florida 32399-1400

JEAN R. WILSON, ESQUIRE

Division of Legal Services  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0863  
Telephone: (904) 487-2740

CARL S. VINSON, JR.

Sr. Management Analyst  
Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872  
Telephone: (904) 487-0509

WALTER BAER

Management Analyst  
Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872

STAN L. GREER

Engineer  
Bureau of Networks and Engineering Studies  
Division of Communications  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0866  
Telephone: (904) 488-1280

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

ROBERT G. BEATTY, ESQUIRE  
General Attorney  
BellSouth Telecommunications, Inc.  
Museum Tower Building  
Suite 1910  
150 West Flagler Street  
Miami, Florida 33130  
Telephone: (904) 530-5561

NANCY B. WHITE, ESQUIRE  
General Attorney  
BellSouth Peachtree Street  
Suite 4300  
Atlanta, Georgia 30375-0001  
Telephone: (404) 529-5387

SHELBA HARTLEY  
2nd Executive Vice-President  
Communications Local 3106  
4076 Union Hall Place  
Jacksonville, Florida 32205  
Telephone: (904) 350-8372 or 384-2222

JOHN F. KATTMAN, ESQUIRE  
of the law firm of  
Kattman & Eshelman, P.A.  
1920 San Marco Boulevard  
Jacksonville, Florida 32207  
Telephone: (904) 398-1229



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DOCKET NOS.: 910163-TL and 910727-TL

NAME: KATHYRN ROBERTS

DATE: May 5, 1993

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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.

---oOo---

1 KATHYRN ROBERTS,  
2 appeared as a witness, and after being duly sworn by the  
3 court reporter, testified as follows:

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q Okay. And would you please state your name and  
7 then spell it for the Court Reporter?

8 A Kathryn Roberts. And that's K-A-T-H-Y-R-N,  
9 Roberts, R-O-B-E-R-T-S.

10 Q Okay. And it's an unusual spelling of Kathrine.  
11 As a matter of fact, I have it wrong.

12 Q Okay. What's your address, please?

13 A

14

15 Q And the ZIP?

16 A

17 Q And your phone number?

18 A

19 Q Okay. And what is your present position with the  
20 company?

21 A I'm a maintenance administrator in the Major  
22 Accounts Center.

23 Q Okay. And have you spoken to anybody about your  
24 deposition here today other than your counsel, or counsel  
25 for the company?

1 A Other than the fact that I was going, no.

2 Q Okay. And has anyone advised you that you would  
3 not be disciplined for whatever answers you may give here  
4 today?

5 A Yes.

6 Q Okay. And I'm going to ask you to speak up just a  
7 little bit because it may be hard for the other people  
8 around the table to hear you. Okay?

9 A (Nods Head).

10 Q And has anyone advised you of possible criminal  
11 penalties that could apply if you perjur your testimony here  
12 today?

13 A No. But I had no intentions of doing that anyway.

14 Q Okay. Are you represented by counsel here today?

15 A Yes.

16 MS. RICHARDSON: All right. I'm going to ask him  
17 to put his appearance on the record.

18 MR. KATTMAN: John Kattman, of the firm of Kattman  
19 and Eshelman, P.A., 1920 San Marco Boulevard,  
20 Jacksonville, Florida 32207. Our phone number is  
21 (409) 398-1229.

22 BY MS. RICHARDSON:

23 Q All right. And do you also have a union  
24 representative here with you today?

25 A Yes.

1 MS. RICHARDSON: And I'll ask her to put her  
2 appearance on the record as well.

3 MS. HARTLEY: Shelba Hartley, S-H-E-L-B-A  
4 H-A-R-T-L-E-Y, 4076 Union Hall Place, Jacksonville,  
5 Florida, 32205; area code 904-384-2222, Executive  
6 Vice-president, Communication Workers of America,  
7 Local 3106.

8 BY MS. RICHARDSON:

9 Q Ms. Roberts, if at any time I ask you a question  
10 or mention something that you feel like you need to speak to  
11 your attorney about and want to have some counsel before you  
12 go any further, then just ask me and we will go off the  
13 record and you'll have an opportunity to ask him whatever  
14 questions you have. And that applies to me. If you have  
15 any questions for me, if I ask you something that you don't  
16 quite understand, or you need me to rephrase it, or ask it  
17 differently, then I will certainly be glad to do so.

18 A Okay.

19 Q Okay? Have you given a statement to company  
20 investigators regarding the company's investigation into  
21 repair records?

22 A Yes.

23 Q All right. And how many statements have you given  
24 to the company?

25 A Two.

1 Q And where did you give the first one?

2 A It was in this building.

3 Q At Emerson Street?

4 A Yes.

5 Q All right. And when did you give the Emerson  
6 Street statement?

7 A I have no earthly idea.

8 Q About a year ago, two years ago?

9 A Two or three.

10 Q Two or three years ago?

11 A (Nods Head).

12 Q And who was present when you gave the statement at  
13 the Emerson Street address?

14 A I cannot remember their names. I had been led to  
15 believe that they were from the State Investigators Office.  
16 I felt like -- We were led to believe that it was the State.  
17 We were just complying with State orders.

18 Q Okay. When you say State, do you mean like the  
19 government of Florida or --

20 A Right. We had no idea. I thought what I did then  
21 was this.

22 Q Okay. And I want to get -- see if I can get very  
23 clear on this. Are you speaking -- when you say "State," do  
24 you mean Southern Bell's state headquarters' people were  
25 there, or are you speaking about a State of Florida,

1 government, legislature or commission person being there?  
2 What was your understanding?

3 A We were led to believe that the State government  
4 had mandated this investigation and had hired an independent  
5 company to come in, an independent law firm to come in for  
6 that purpose.

7 Q Okay. And --

8 A And --

9 MS. HARTLEY: That's good.

10 Q Okay. So the people that you talked to, when you  
11 spoke to the Emerson Street investigators, you thought were  
12 connected or were State employees?

13 A Yes.

14 MR. KATTMAN: Well, excuse me. That's not what  
15 she said. I think she may have implied that at the  
16 beginning, but her answer just now, as I recall it,  
17 was that there was an investigation that had been  
18 mandated by the State, and that there was a -- the only  
19 people that she has clearly identified in her answer is  
20 that she understood that the company had hired an  
21 independent law firm to do this investigation,  
22 and that's who was present at the Emerson Street  
23 statement. That's my understanding.

24 MS. RICHARDSON: Mr. Kattman, I can have her  
25 statement read back. Do you have an objection you want



1 to place on the record?

2 MR. KATTMAN: My objection is that that question,  
3 your question encompassed facts that weren't in the  
4 record.

5 MS. RICHARDSON: Well --

6 MR. KATTMAN: as she explained it.

7 MS. RICHARDSON: -- she just said -- She just said  
8 "Yes" to my question. Now, if you have an objection we  
9 will deal with your objection.

10 MR. KATTMAN: My objection is that your question  
11 encompassed facts that were not in the record. You  
12 asked her something -- you presumed that there were --  
13 you asked her -- the way you posed your question was,  
14 "This is what you told me. Is that true?" And she  
15 said -- I don't know what she said.

16 MS. RICHARDSON: She said "Yes."

17 MR. KATTMAN: She may have said "Yes," but I'm  
18 telling you that's not what she said, so I'm -- my  
19 objection is your question included facts that were not  
20 in the record and assumed that those were accurate  
21 facts that she had previously testified to, and I'm  
22 telling you that's not what she said. And, therefore  
23 -- I don't know what her answer was; I don't care what  
24 her answer was -- my objection is your question assumes  
25 facts that weren't in the record.

1 BY MS. RICHARDSON:

2 Q Ms. Roberts, let's see if we can clear this up.  
3 Okay. There obviously is some question about what you're  
4 telling me.

5 A Okay.

6 Q And we are still not real clear, so I want you to  
7 think back just -- If you need to take a second to think  
8 back, to who was in the room. Were they male, female? How  
9 many of them were there when you talked to the people at  
10 Emerson Street?

11 MR. KATTMAN: And I might just, if I may: This is  
12 not a test. If -- There is no right or wrong answer,  
13 and you don't have to answer a question that you don't  
14 know the answer to. There are a lot of times people  
15 ask you questions in depositions and you just simply  
16 can't recall. That doesn't mean you failed here today.  
17 So I would strongly urge you to testify, tell the  
18 truth, and only answer with -- answer truthfully. So  
19 if you don't know, you don't know; and if you do know,  
20 you tell.

21 Q But you can also take time to think.

22 MR. KATTMAN: You can also take time to reflect  
23 and try to recall, certainly.

24 A There were more than one, and I'm possibly  
25 confusing them. I don't remember.

1 Q Okay. Was one of them an attorney?

2 A They all identified themselves as an attorney.

3 Q Okay. So all the people you spoke to in your  
4 first statement at Emerson Street were attorneys?

5 A Correct.

6 Q Okay. Did any of them identify themselves to you  
7 as working for the State of Florida?

8 A That was implied, not stated.

9 Q Okay.

10 A To my memory.

11 Q Did any of them identify themselves to you as  
12 working for Southern Bell?

13 A No.

14 MS. WILSON: Was there a court reporter?

15 THE WITNESS: No.

16 Q There was no court report present? Did they take  
17 your statement down in writing, or tape-record it?

18 A They took it down in writing. I'm not sure if it  
19 was tape-recorded.

20 MR. BEATTY: Would you consider asking the  
21 question whether any of the persons present  
22 represented themselves as being employed by an outside  
23 law firm?

24 BY MS. RICHARDSON:

25 Q Go ahead and answer that out loud. You have to do

1 it "Yes" or "No" because she can't take head nods.

2 A Yes

3 Q Yes. Okay.

4 MR. BEATTY: Thank you.

5 BY MS. RICHARDSON:

6 Q All right. Let me ask you about that first  
7 statement then at Emerson Street. What do you recall  
8 telling those individuals?

9 MR. BEATTY: I'm sorry. I apologize. Can you  
10 read

11 the question back, or restate it, please, because I  
12 just didn't hear it?

13 MS. RICHARDSON: Okay. I asked her what did she  
14 recall about -- what did she recall telling these  
15 individuals during the Emerson Street statement.

16 MR. BEATTY: I would object. It's attorney/client  
17 privilege and it's attorney/work product doctrine, and  
18 through her counsel I would request that she not  
19 respond to that question at all.

20 MS. RICHARDSON: All right. Then let me also make  
21 a statement for the record that she did not feel that  
22 these people were Southern Bell attorneys --

23 MR. BEATTY: She felt they were outside attorneys  
24 hired by Southern Bell.

25 MS. RICHARDSON: She did not say that.

1 MR. BEATTY: Yes, she did. Allow me just to voir  
2 dire her on this point.

3 Is it your belief, is it your recollection that  
4 the outside attorneys who were present during the  
5 Emerson Street interview were hired by Southern Bell?

6 THE WITNESS: (Nods Head).

7 MS. RICHARDSON: And you have to say "Yes" or  
8 "No" for the Court Reporter.

9 THE WITNESS: They were ordered -- Right.

10 MR. BEATTY: On that basis -- I'm sorry. Were you  
11 finished?

12 THE WITNESS: All I was going to -- I was under  
13 the impression that the lawyers had been hired by  
14 direct order of the State.

15 MR. KATTMAN: Hired by whom?

16 THE WITNESS: Southern Bell, but overseen by the  
17 State.

18 MR. BEATTY: With that, and indeed not  
19 withstanding that, I would request that the -- that  
20 this witness, through her attorney, not respond to  
21 that question because it is -- it would divulge  
22 information that is contained within the privileges,  
23 the attorney/client and the attorney/work product  
24 doctrine. Those privileges belong to the company and  
25 the company asserts its right not to disclose that

1 information.

2 MR. KATTMAN: And on that basis, but for an  
3 additional basis, and perhaps this additional basis is  
4 more pertinent at this point, I would instruct my  
5 client to take the 5th Amendment, if she so chooses, on  
6 what she told the company, or what she told those  
7 people, whoever they were, during that interview on  
8 Emerson Street.

9 BY MS. RICHARDSON:

10 Q Okay. Now, simply because you're the only one who  
11 can testify here today, okay, will you answer my question,  
12 "Yes" or "No"?

13 A I have to plead the 5th.

14 Q Okay. You're going to plead the 5th Amendment?

15 A (Nods Head).

16 Q Okay. Then let me ask you about the second  
17 statement you gave. Where did you give the second  
18 statement?

19 A In the building, top floor.

20 Q The Emerson Street building?

21 A Correct.

22 Q Okay. And about when was this statement given?

23 A I don't remember exactly. Two years ago, maybe.

24 Q Okay. And do you remember who was in the room  
25 with you when you gave that statement?

1           A     There were two lawyers. They were from Miami, a  
2 Miami law firm.

3           Q     Okay. Were they connected to Southern Bell in any  
4 way?

5           A     Again, we were led to believe that they were not  
6 happy with the first law firms and the answers that they  
7 got, or gave, or whatever, and they were redoing it; just a  
8 formality because this is what the State wanted.

9           Q     Okay. I guess we have to clarify this. Did you  
10 know whether or not these attorneys were working for  
11 Southern Bell when they took your statement?

12           MR. BEATTY: Or do you know?

13           MS. RICHARDSON: I think that's what I --

14           A     No.

15           Q     You don't know?

16           A     No.

17           Q     Okay. Did you believe at the time that they were  
18 representing Southern Bell when they were taking your  
19 statement?

20           MR. BEATTY: Or do you recall?

21           A     No.

22           Q     No? Okay. Did you believe that these attorneys  
23 were State employees?

24           A     I knew that they were not. I felt that they were  
25 an independent company. They identified themselves as an

1 independent company hired by Southern Bell, mandated by the  
2 State.

3 Q All right. And then I'm just going to ask you the  
4 same question I asked you last time: What did you tell  
5 these attorneys?

6 MR. BEATTY: Again, Southern Bell objects on  
7 the grounds that this is privileged, and to answer this  
8 question would disclose on the record privileged  
9 information that is pursuant to the attorney/client  
10 privilege and the attorney/work product doctrine. And,  
11 accordingly, because that privilege is owned, if you  
12 will, by the company, the company hereby asserts it,  
13 and with the indulgence of her counsel I would request  
14 that the witness not respond to that question.

15 MR. KATTMAN: And for that reason, and perhaps for  
16 the more important reason again that I identified  
17 earlier, I would instruct my client not to answer on  
18 the basis of primarily her 5th Amendment right to  
19 remain silent.

20 BY MS. RICHARDSON:

21 Q Okay. Ms. Roberts, are you prepared to answer my  
22 question?

23 A I plead the 5th.

24 Q Okay. I know it's really stressful. You're doing  
25 fine.



1 All right. Let me just talk about some easy stuff.

2 Your present position is maintenance administrator?

3 A Yes.

4 Q And how long have you held that position?

5 A I think it's close to 13 years.

6 Q Has all of that time been in Jacksonville?

7 A No.

8 Q All right. How long have you been in Jacksonville  
9 as an MA?

10 A A little over 10 years.

11 Q Okay. And the other three years then, where were  
12 you a maintenance administrator?

13 A Panama City, Florida.

14 Q And about what time were you in Panama City? What  
15 years?

16 A Until '83. January of '83 I moved here.

17 Q So about '80, '83 -- '80 to '83 you were in Panama  
18 City then?

19 A I was born and raised in Panama City.

20 Q Oh. Okay. I'm sorry. So you were maintenance  
21 administrator in Panama City --

22 A For about three or four years, yeah.

23 Q Okay. All right. Now, I'm going to ask you to  
24 think back, if you can. Who was your manager, your first  
25 level manager in Panama City? Can you recall?

1 A Not really. I think her first name was Glenda.

2 Q Glenda. Okay. Do you recall any other  
3 supervisors, manager type people in Panama City?

4 A Charlie Buckles.

5 Q Can you spell his last name?

6 A B-U-C-K-L-E-S.

7 Q All right. And besides Glenda and Charlie, are  
8 those the two you remember, or did you have anybody else?

9 A Tom Jones. You know.

10 Q Okay. And as many managers in Panama City that  
11 you can recall?

12 A There's a lot of them. Those are the ones that  
13 come to mind. I'm sorry.

14 Q That's okay. That's okay. All right. Let's  
15 start with Jacksonville, then. Who was your first manager  
16 when you came here to Jacksonville, your first level?

17 A Dave Woodruff.

18 Q Dave Woodruff. All right. And after Mr. Woodruff  
19 who was your first level manager?

20 A Larry Raulerson.

21 Q And after Mr. Raulerson?

22 A I never made it that high.

23 Q Who is your present first level manager?

24 A Dorinda Reeves.

25 Q All right. Who was it immediately before Ms.

1           Reeves?

2           A     Bill Bigbee.

3           Q     Bigsbee?

4           A     Bigbee, B-I-G-B-E-E. Bigbee.

5           Q     Okay. And do you recall going back beyond Mr.

6           Bigbee who the first level was?

7           A     Oh, sure. Gwen Brown.

8           Q     Just keep going back for me. Before Ms. Brown?

9           A     There were so many before.

10          Q     Do you recall any other --

11          A     Bufford. Roy Bufford.

12          Q     Roy Bufford. Okay.

13          A     Parker.

14          Q     Is it Mr. or Ms. Parker?

15          A     Mister.

16          Q     Mr. Parker?

17          A     I can't remember his first name. And that's it

18          for the major accounts numbers.

19          Q     And what about second level?

20          A     Well, Sam Bucho is presently my second level.

21          Q     Can you spell that?

22          A     B-U-C-H-O.

23          Q     Okay.

24          A     And Mike Heard has been in the past.

25          Q     All right.

1           A     Ben North. That's it for the MAC center.

2           Q     All right. And MAC is the Major Accounts Center?

3           A     Yes.

4           Q     What do you do in the Major Accounts Center? What  
5 does an AM do in the MAC center?

6           A     I have the capacity to do anything that needs to  
7 be done, or at least point it in the right direction and  
8 have it done to prepare -- or repair telephone lines or  
9 circuits.

10          Q     You deal with special circuits in the MAC center?

11          A     Some of them, yeah.

12          Q     All right. Do you get just regular trouble  
13 reports in the MAC center?

14          A     I do not get regular trouble reports in the MAC  
15 center. I get major account customers only.

16          Q     Can you identify some of the major account  
17 customers for me?

18          A     Large users only.

19          Q     Okay. So a company as big as Southern Bell then  
20 might be a major account?

21          A     Yes.

22          Q     Okay. How small going down -- Southern Bell is  
23 pretty big. About how small down would a major account be?

24          A     Well, our criteria varies these days. We can have  
25 four or five lines be a major account customer because it's

1 a large company. Like All State Insurance may have two or  
2 three lines over here, and four or five over there, but all  
3 of them, because they are All State, is a major account.  
4 Burger King, they only have one line. All of those are  
5 ours. I deal with all -- all variations.

6 Q Okay. So you don't really deal with residential  
7 troubles at all then?

8 A No.

9 Q Okay. How long have you been in the Major Account  
10 Center?

11 A Five or six years.

12 Q Okay. Since about what? '88, '89?

13 A '87.

14 Q '87? All right. And before 1987 you were still  
15 an MA. What were you doing as an MA in Jacksonville before  
16 '87?

17 A I was in the local test center.

18 Q And would that have been under Gwen Brown, Mr.  
19 Bigbee, Mr. Raulerson?

20 A No.

21 Q Who was your manager when you were in the local  
22 test center?

23 A Well, I think I had a lot down there, too.

24 However, I don't remember them. I don't remember them.

25 Q You don't remember? And how long were you in the

1 test center, from when to '87?

2 A From '83.

3 Q All right. And when you were an MA in the local  
4 test center did you deal with just plain old telephone  
5 service type problems?

6 A Yes.

7 Q So you dealt with residential and business --

8 A Yes.

9 Q -- or small business I guess I should say?

10 A Well, the Major Accounts Center did not exist  
11 before I came up. We created it.

12 Q Okay. So you dealt with all business when you  
13 were in the local test center?

14 A Sure.

15 Q All right. Are you aware of a requirement that  
16 the company repair out-of-service reports within 24 hours at  
17 least 95% of the time?

18 A Yes.

19 Q Okay. And how long have you known of that  
20 requirement?

21 A I was trained in Panama City and I knew it.

22 Q Okay. When you were trained in Panama City, do  
23 you mean like school room type training, formal -- some kind  
24 of formal company training for --

25 A Hands-on training. And school.

1           Q     All right. In terms of your responsibilities I  
2     guess in the local test center, let's start with that, as a  
3     maintenance administrator were part of your responsibilities  
4     to screen and test for trouble?

5           A     Yes.

6           Q     Okay. And what other kinds of activities did you  
7     do in handling the trouble report?

8           A     We were divided into different segments. Some of  
9     us screened. Some of us dispatched. Some of us worked at  
10    the board. Everything wasn't computerized then.

11          Q     All right. When you say, "worked at the board,"  
12    what does that involve?

13          A     Maps. Maps of the city.

14          Q     For dispatching service technicians to various  
15    troubles?

16          A     Yes. Correct.

17          Q     And what now we have mapper tracker to help with  
18    that?

19          A     Right. It plots every trouble and what area it's  
20    in now through the computer.

21          Q     Okay. And do you do those same kinds of  
22    activities now with the MAC center?

23          A     No. It's cradle to grave.

24          Q     All right. When you say "cradle to grave" then,  
25    explain how it's different in the MAC center from what you

1 did before.

2 A The customer has direct access to me, the tester,  
3 and --

4 Q So they don't have to call the 611?

5 A -- so they call me personally.

6 Q Okay.

7 A I can fix it where I sit with my access to the  
8 computers, or I can put it where it needs to go to get the  
9 correct dispatch. I can even call the man who bills and  
10 tell him where to go. Cradle to grave. I take the trouble  
11 and I see it through to the end.

12 Q So you open it and you close it out?

13 A I don't always open it. We have people who --  
14 other people who open troubles. But, yes, if they call me,  
15 I do, I open it and --

16 Q Okay. And then the difference between what you do  
17 now and what you were doing before in the local test center  
18 was if a customer, residential customer had a problem they  
19 would not call you directly, they would call somebody else?

20 A And still some of our business customers, they are  
21 all directed to call into a trouble reporting center.

22 Q Okay. The CRSABs?

23 A Correct. A ticket is made, but there are so many  
24 special circumstances with the large user to where they do  
25 have direct access. They don't always use it, and I'm so



1 glad.

2 Q Okay. So are you saying that some days you have  
3 trouble keeping up with all of the out-of-services for your  
4 MAC accounts?

5 A Yes.

6 Q Do you have any trouble with finding service  
7 technicians who have time to go out and deal with your MAC  
8 accounts?

9 A Oh, never. Never.

10 Q So there's no problem with force to loads for you  
11 right now?

12 A No.

13 MR. BEATTY: I would object to the qualification  
14 of, "right now."

15 Q Was there ever any problem with getting enough STs  
16 to handle all the trouble reports when you were working in  
17 the local test center?

18 A Let me take the 5th on that.

19 Q Okay. Have you heard the phrase "backing up the  
20 time," Ms. Roberts?

21 A Yes.

22 Q Okay. And what does that phrase mean to you?

23 A If a repairman were on the job, and so often this  
24 truly does happen, he has service restored a long time  
25 before he's calling me to close the trouble. It hasn't

1 always been that they could close the trouble themselves;  
2 they haven't always had the CAT units to do that.

3 Q That's a C-A-T unit?

4 A They would call us and tell us, "Oh, yeah, I had  
5 the trouble cleared out."

6 Q And I guess I need you to be a little bit more  
7 specific. You mean he had it cleared before the time, the  
8 point in time, the real time that he was calling you?

9 A Correct. You see, we always had a policy that  
10 once the trouble was cleared, his job did not end there. He  
11 had to routine, and oftentimes that meant climbing up a poll  
12 and making sure that the connections were secure, and things  
13 like that. That's time consuming. But yet he had service a  
14 long time ago.

15 Q Okay. And routine was a regular part of --

16 A The job.

17 Q -- of -- Okay. Were there any days that --

18 A It was his responsibility. He had a supervisor  
19 riding behind him, maybe a couple of days later, checking on  
20 the work that he had done. Had he not put fresh carbons in,  
21 or whatever was required, he was written up because he  
22 didn't do his job. So....

23 Q Were there ever any days when the supervisors  
24 would say, "Don't do any routine work today. We are backed  
25 up with troubles, so don't do them"?

1           A     There have always been occasions when an  
2 out-of-service is more important than a routine, yes.

3           Q     Okay. Do you know of any managers who have  
4 instructed their people, "Don't do any routines at all  
5 today," even though they may not have been that backed up?

6           A     No.

7           Q     Do you know of any service technician who has told  
8 you he was doing routine work when actually he was restoring  
9 service?

10          A     No.

11          Q     Okay. What's the longest amount of time that  
12 you're aware of that routining would take?

13          A     You could spend a whole day routining. It's  
14 according to how much C wire you've got.

15          Q     Okay. Is that a regular occurrence?

16          A     That happens often, yes.

17          Q     Okay. And -- Let me think a minute. Do you know  
18 of any service technicians that have closed out-of-service  
19 reports that were still out of service, but closed them to  
20 keep them from going over 24 hours, and then opened an  
21 employee originated report in order to do so-call routine  
22 work, which was really restoring service, if you understand  
23 that question?

24          A     I'll plead the 5th on that one.

25          Q     Okay. Did the process of routining and the

1 occasional no-routine days change when the CAT terminals  
2 came out?

3 A By the time the CATs were actually in place and  
4 being used, I was no longer in the local.

5 Q Okay. Do you know if service technicians were  
6 given instructions to report the service restoral under 24  
7 hours even though they hadn't really completed the work  
8 under 24 hours?

9 A I plead the 5th on that one.

10 Q Okay. Do you know of any service technicians that  
11 were told to meet the commitment regardless?

12 MR. BEATTY: Isn't that really the same thing?

13 A The 5th.

14 Q Thank you. Okay. What's a cause code?

15 A A cause code is an action taken, or -- excuse me.  
16 A reason why the action was taken.

17 Q On a trouble report you mean?

18 A Correct.

19 Q Can you give me an example of a cause code?

20 A They have changed over the years. I think 100,  
21 for example, today, in today's world is the "TelCo  
22 employee." We caused our own problem. 300 is equipment  
23 wear and tear. 800 I believe is an employee originating  
24 report.

25 Q Okay. That's good. Are there certain cause codes

1 that would exempt a trouble, an out-of-service trouble  
2 report from being counted against the company on that  
3 out-of-service over 24 hour requirement?

4 A They have evolved over the years. No. Not in  
5 today's world.

6 Q What about hurricanes? If it was out of service  
7 over 24 hours and it was caused by a hurricane, would that  
8 count against the company?

9 A At one time we were able to in some way declare  
10 like a national emergency.

11 Q Um-ha. (Affirmative Response).

12 A If something devastating happens like that. But  
13 that hasn't been so for eight years or better.

14 Q Okay.

15 A To my knowledge.

16 Q Okay. Did you ever have a manager tell you, "We  
17 are going to use specific cause codes because they would  
18 help meet the out-of-service index"?

19 A Plead the 5th.

20 Q All right. We talked about your understanding of  
21 backing up the time as being the time the service was  
22 restored. Have you ever heard this used in any other  
23 context, "backing up the time"?

24 MR. BEATTY: That seems to me to be at least  
25 potentially a violation of her 5th Amendment

1 privilege.

2 MS. RICHARDSON: She hasn't claimed the 5th  
3 Amendment on the backing up the time I don't believe,  
4 Mr. Beatty.

5 MR. BEATTY: Excuse me. Excuse me. If you would  
6 just allow me to finish. She has claimed the 5th  
7 Amendment on the backing up the time. And if there is  
8 testimony with regard to anything other than the  
9 proper use of backing up the time, then it goes  
10 directly to her claim of the 5th Amendment on backing  
11 up time, and she has claimed the 5th on backing up  
12 time.

13 BY MS. RICHARDSON:

14 Q Okay. Well, let me just ask it one more time and  
15 have you respond. Okay. Just to make --

16 MR. BEATTY: Again, I think even the question is  
17 improper to the extent that she has already previously  
18 invoked. You don't have the right, I suggest, to even  
19 ask the question that could potentially vitiate her  
20 privilege on a topic previously articulated as being  
21 within the privilege.

22 MS. WILSON: She can ask the questions she wants  
23 to ask, and if she wishes to raise or invoke her 5th  
24 Amendment privilege --

25 MR. KATTMAN: And I would instruct her -- Oh,

1 well, you can just ask the question again and we will  
2 see where we are.

3 BY MS. RICHARDSON:

4 Q Okay. Do you know of any incidences of  
5 individuals backing up the time, clearing time, or closing  
6 time on a trouble report to meet the out-of-service-over-24-  
7 hour index?

8 A I plead the 5th.

9 Q All right. Do you know of any individuals who  
10 have changed a commitment time given to the customer, the  
11 time by which the company has assured the customer the  
12 service would be restored by, without contacting the  
13 customer?

14 A I plead the 5th.

15 Q Do you know what a 222 code is?

16 A I plead the 5th.

17 Q Have you heard the phrase, "building the base"?

18 A I plead the 5th.

19 Q Do you know what a "no access" is? When you  
20 status a report as "no access", what does that mean on a  
21 report?

22 A To me it means that if you cannot get inside -- if  
23 the problem is inside the premises, or inside the locked  
24 gate, or inside, you can't -- you can't get in. There's no  
25 way to fix it --

1 Q Okay. Is the customer notified?

2 A -- try as you might.

3 Q Is the customer notified about that?

4 A Yes.

5 Q Does that require a dispatch to the premises?

6 A A redispatch. Oh, yes.

7 Q Originally someone has to go out in order not to  
8 get in then?

9 A Right.

10 Q Do you know of anyone who has no accessed a report  
11 without dispatching it?

12 A I plead the 5th.

13 Q Do you know of anyone who has no accessed a report  
14 without talking to the customer?

15 A The 5th.

16 Q Do you know of any manager who has stasured  
17 out-of-service reports as "no access" in order to meet the  
18 out of service over 24 index?

19 A The 5th.

20 Q Can you tell me what a "test okay" is?

21 A It's exactly what it implies, the line tests okay.

22 Q So there really isn't any trouble on the line?

23 A Correct.

24 Q All right. So if I have a "test okay," based on  
25 your training, and based on your experience, would it be



1 proper for me to close it out as an out-of-service?

2 MR. BEATTY: Objection to the form of the  
3 question.

4 MR. KATTMAN: You can answer the question if you  
5 know the answer or --

6 A No.

7 Q Okay. Do you know of any individuals who have  
8 taken "test okay" reports and closed them out as out of  
9 service?

10 A I plead the 5th.

11 Q Do you know anybody, any employee that's used  
12 someone else's employee code to status a report?

13 A The 5th.

14 MR. BEATTY: I'm sorry. Was that the 5th?

15 THE WITNESS: Yes.

16 MR. KATTMAN: Yes.

17 MR. BEATTY: Okay.

18 BY MS. RICHARDSON:

19 Q What is an exclude? If you exclude a report, what  
20 are you doing? What happens?

21 A There's a lot of situations where you would  
22 exclude a report.

23 Q Okay. Can you give me an example or two?

24 A I can give you -- yes. Where I am now there are  
25 so many people who report their telephone lines that are not

1 authorized reporters. In other words, if you've got a PBX,  
2 the dial tone actually comes the PBX, it doesn't come from  
3 our central office, and you've got someone out there sitting  
4 at a desk that don't have dial tone that is supplied by the  
5 PBX, it's an excludable report because he should have went  
6 to his communications people, not us. But we do call them  
7 and advise them that, of that.

8 Q Okay. What about a third-party report?

9 A That is a third-party report.

10 Q That's a third-party report. Okay. Then outside  
11 of those instances that are proper exclusions, okay, the  
12 ones -- there are some cases where an out-of-service would  
13 be properly excluded, just as you just mentioned? That's  
14 what you're saying?

15 A There are many cases that it would be properly  
16 excluded.

17 Q All right. Do you know of anyone who has excluded  
18 an out-of-service report that wasn't covered under the  
19 proper excludes?

20 A The 5th.

21 Q Have you ever felt any intimidation or pressure to  
22 handle a trouble report in a manner that you felt was  
23 improper?

24 A The 5th.

25 Q Okay. Do you know of any employee who has filed a

1 grievance through the union because of their manager asking  
2 them to handle a trouble report in a manner that they felt  
3 was improper?

4 A The 5th.

5 Q Okay. Have you yourself ever had occasion to  
6 protest to a manager instructions that you received that you  
7 felt were improper?

8 A The 5th.

9 Q Have you ever been disciplined by the company for  
10 your handling of trouble reports?

11 A The 5th.

12 MS. RICHARDSON: Can we go off the record?

13 (Discussion held of record).

14 BY MS. RICHARDSON:

15 Q Okay. Ms. Roberts, have you ever received a  
16 written discipline, a B Form, from the company for your  
17 handling of trouble reports?

18 A The 5th.

19 Q All right. Ms. Roberts, I'm going to show you  
20 another document. This is Citizens' Third Set of  
21 Interrogatories that were filed on June 6th, 1991, Item  
22 Number 10.

23 Now, an interrogatory is a written question that public  
24 counsel has asked of the company. We send them a question  
25 in writing, and then the company sends us an answer in

1 writing. Okay? And essentially we ask them for  
2 information, or the names of employees who knew something  
3 about the things that we are investigating here, and the  
4 company responded with the names of employees that they said  
5 may have some information. Okay?

6 What I'm going to do is to go off the record now and  
7 let you read this information, discuss it with your  
8 attorney, if you want to, and then we will come back on the  
9 record. And the first question will be,

10 And then I'll have some  
11 other questions for you.

12 MS. RICHARDSON: Okay.

13 MR. KATTMAN: We are off the record?

14 MS. RICHARDSON: Yes.

15 (Brief recess).

16 MS. RICHARDSON: All right. We will go back on  
17 the record now.

18 BY MS. RICHARDSON:

19 Q

21 A Yes.

22 Q

23  
24  
25 A The 5th.

1 Q The 5th Amendment?

2 A (Nods Head).

3 Q Okay. Have you ever participated in sales for the  
4 company?

5 A No.

6 Q Have you ever been asked to help sell products or  
7 services for the company?

8 A The 5th.

9 Q Do you know of anyone who has ever won an award or  
10 a prize for sales for the company?

11 A The 5th.

12 Q Do you know of anyone who has ever recorded a sale  
13 of a service on a customer record without the customer's  
14 approval?

15 A The 5th.

16 Q Do you know of -- Do you know whether individuals,  
17 individual MAs that were helping to sell for the company  
18 kept a record of their sales time, or the time spent selling  
19 versus the time spent handling trouble reports?

20 A The 5th.

21 MS. RICHARDSON: Okay. Ms. Roberts, I want to  
22 thank you for rearranging your schedule to come down  
23 here and talk to us today, and I appreciate your being  
24 here. I appreciate the stress you have been under.  
25 There may be one or two questions from some of the

1           other people before we let you go.

2           BY MS. WILSON:

3           Q     Ms. Roberts, it appears that you have given two  
4           statements prior to this statement with regard to topics  
5           that have been discussed today. I think you may have talked  
6           about this already, but were you told the reason why your  
7           statement was being taken? Let's take, for example, the  
8           first instance.

9           MR. BEATTY: I would object on the basis -- my  
10          objection is that to disclose that would reveal  
11          communications from the interviewers, and that entire  
12          process is within the privilege of the attorney/client  
13          privilege and the attorney/work product privilege, and  
14          so as a result of that and on behalf of her counsel I  
15          request that she not respond to that.

16          MS. WILSON: I do not believe that is privileged  
17          information. I would disagree with you. If you are,  
18          in fact, going to instruct her not to answer the  
19          question as to what instruction she was given as to  
20          why her statement was being taken I believe it's  
21          irrelevant to the company claim for privilege. If you  
22          wish to do that, that certainly is within your right  
23          and we will take the matter down before the commission.

24          MR. KATTMAN: Well, I think I'll let her answer  
25          the question was she given any instructions. She can

1 say "Yes" or "No" to that question, and then what those  
2 instructions were I would advise her at this point not  
3 to answer.

4 THE WITNESS: Okay. So rephrase the question.

5 BY MS. WILSON:

6 Q I guess I'll ask you were you given any  
7 instruction with regard to why -- the reason why your  
8 statement was being taken?

9 MR. KATTMAN: "Yes" or "No." That's a "Yes" or  
10 "No" question.

11 MS. HARTLEY: Or, "I don't recall."

12 A I don't recall. I really don't recall.

13 MR. BEATTY: If you don't recall, that's fine.  
14 That takes care of it.

15 MR. KATTMAN: It wasn't necessarily a "Yes" or  
16 "No" question. I apologize to my client.

17 BY MS. WILSON:

18 Q You don't recall whether you were given any  
19 instructions as to whether or not -- as to why your  
20 statement was being taken?

21 MR. KATTMAN: It's already been asked and  
22 answered. She says she doesn't recall what  
23 instructions she was given.

24 A (Shakes head).

25 MS. RICHARDSON: And that's a "No"?

1           Q     But you were told that these individuals -- I  
2 believe it was your testimony that you were told that these  
3 individuals were acting under the auspices of the State?

4           A     I was lead to believe that.

5           MS. WILSON: I don't have anything else.

6           MR. BEATTY: I have nothing. Thank you.

7           MS. RICHARDSON: Mr. Kattman, did you have  
8 anything that you wanted to redirect?

9           MR. KATTMAN: No. I have no questions.

10           (Witness excused).

11           (Whereupon, the deposition was concluded at 11:30 a.m.)

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This is to certify that I, KATHYRN ROBERTS, have read the foregoing transcription of my testimony, Pages 1 through 43, given on May 5, 1993, in Docket No. 910163-TL and Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_

KATHYRN ROBERTS

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_

Print Name:  
Notary Public - State of Florida  
My Commission Expires:

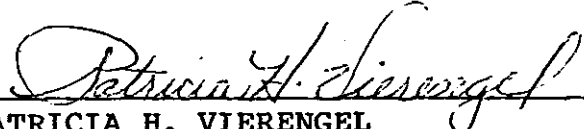
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F L O R I D A )  
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C O U N T Y O F D U V A L )

CERTIFICATE OF OATH

I, the undersigned authority, certify that  
KATHYRN ROBERTS personally appeared before me and was duly  
sworn.

WITNESS my hand and official seal this 10th day  
of May, 1993.

  
PATRICIA H. VIERENGEL  
Notary Public - State of Florida  
My Commission expires: 5/31/93.

1 STATE OF FLORIDA)  
2 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

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

7 I FURTHER CERTIFY that this transcript,  
8 consisting of 43 pages, constitutes a true record of the  
9 testimony given by the witness.

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

15 DATED this 4<sup>th</sup> day of June, 1993.

16 *Patricia H. Vierengel*

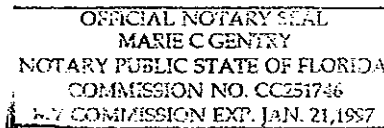
17 PATRICIA H. VIERENGEL  
18 Court Reporter  
19 Telephone: (904) 725-8657

20 STATE OF FLORIDA )  
21 COUNTY OF DUVAL )

22 The foregoing certificate was acknowledged before  
23 me this 4<sup>th</sup> day of June, 1993, by PATRICIA H.  
24 VIERENGEL, who is personally known to me.

25 *Marie C. Gentry*

Print Name:  
Notary Public - State of Florida  
My Commission expires:



BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
: DOCKET NO.: 910163-TL  
Investigation into the integrity :  
of SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S repair service :  
activities and reports. :  
:  
In re: Investigation into : DOCKET NO.: 910727-TL  
SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S compliance : FILED: 04/28/93  
with Rule 25-4.110(2), F.A.C., :  
Rebates. :  
:

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DEPOSITION OF: WILLIAM VERNON HALTIWANGER

TAKEN AT THE INSTANCE OF: The Staff of The Florida  
Public Service Commission

PLACE: Southern Bell Offices  
3100 Emerson Street  
Jacksonville, Florida  
First Floor Conference Room

TIME: Commenced at 1:55 p.m.  
Concluded at 3:17 p.m.

DATE: 5 May, 1993

REPORTED BY: Patricia H. Vierengel  
Court Reporter.

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**ORIGINAL**

## A P P E A R A N C E S

1  
2 J. SUE RICHARDSON, ESQUIRE  
3 Office of Public Counsel  
4 c/o The Florida Legislature  
5 111 W. Madison Street  
6 Room 812  
7 Tallahassee, Florida 32399-1400

8  
9 JEAN R. WILSON, ESQUIRE  
10 Division of Legal Services  
11 Florida Public Service Commission  
12 101 East Gaines Street  
13 Tallahassee, Florida 32399-0863  
14 Telephone (904) 487-2740

15  
16 CARL S. VINSON, JR.  
17 Sr. Management Analyst  
18 Bureau of Regulatory Review  
19 Florida Public Service Commission  
20 Division of Research and Regulatory Review  
21 101 East Gaines Street  
22 Tallahassee, Florida 32399-0872  
23 Telephone: (904) 487-0509

24  
25 WALTER BAER  
26 Management Analyst  
27 Bureau of Regulatory Review  
28 Florida Public Service Commission  
29 Division of Research and Regulatory Review  
30 101 East Gaines Street  
31 Tallahassee, Florida 32399-0872

32  
33 STAN L. GREER  
34 Engineer  
35 Bureau of Networks and Engineering Studies  
36 Division of Communications  
37 Florida Public Service Commission  
38 101 East Gaines Street  
39 Tallahassee, Florida 32399-0866  
40 Telephone: (904) 488-1280

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

ROBERT G. BEATTY, ESQUIRE  
General Attorney  
BellSouth Telecommunications, Inc.  
Museum Tower Building  
Suite 1910  
150 West Flagler Street  
Miami, Florida 33130  
Telephone: (904) 530-5561

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

SHELBA HARTLEY  
2nd Executive Vice-President  
Communications Local 3106  
4076 Union Hall Place  
Jacksonville, Florida 32205  
Telephone: (904) 350-8372 or 384-2222

D. GRAY THOMAS, ESQUIRE  
of the law firm of  
Sheppare and White, P.A.  
215 Washington Street  
Jacksonville, Florida 32202  
Telephone: (904) 356-9661

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WITNESS

WILLIAM VERNON HALTIWANGER

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Examination by Ms. Wilson	63
Examination by Mr. Vinson	65
Examination by Ms. Richardson	66

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

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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.

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

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WILLIAM VERNON HALTIWANGER, JR.

appeared as a witness, and after being duly sworn by the court reporter, testified as follows:

EXAMINATION

BY MS. RICHARDSON:

Q Mr. Haltiwanger, would you please state your name and spell it for the Court Reporter?

A William Vernon Haltiwanger, Jr. And it's spelled H-A-L-T-I-W-A-N-G-E-R.

Q And what is your present position with the company?

A I'm a service tech.

Q Okay. And have you spoken to anybody other than your counsel, or counsel for the company about your deposition here today?

A Sure. Yes, ma'am.

Q All right. And who did you talk to?

A My wife. My first line boss. Shelba. My dad.

Q All right. And what basically did you tell them?

A I just told them that I had to go for a deposition hearing to the -- to talk about the rate cases investigation that was going on with the company, and basically I was, you know, not really foolish of what all is going on; that I just had to go give a deposition. That's basically it. And I think they are all probably as confused as I am about

1 what's going on as I am.

2 Q Okay. Did you talk about any specific instances

3 --

4 A No.

5 Q -- occurrences in the company or anything like  
6 that?

7 A No.

8 Q Have you given a statement to anyone in the  
9 company prior to this?

10 A To -- What was it? About a year ago? To the  
11 security when they called and they had their little  
12 investigation up there. I was called and asked questions up  
13 there.

14 Q Okay. And who was present when you gave this  
15 statement?

16 A Two attorneys, and a man from security, and I  
17 don't remember any of them's names.

18 Q Were they all Southern Bell employees?

19 A No. The two attorneys were -- The way I  
20 understood it, they were hired by the attorney -- by the  
21 company to do this, so I'm really not sure what the  
22 arrangement was. But they were not company employees, the  
23 way I was led to believe it.

24 Q But you were led to believe that they were  
25 representing the company?

1           A     The way I understood it was that the company was  
2 going to do its own in-house investigation with a private,  
3 outside firm to see if they could find out anything, and  
4 that's all I really understand about the way it was.

5           Q     Where did you give this statement?

6           A     At the Tower.

7           Q     Here in Jacksonville?

8           A     Here in Jacksonville.

9           Q     Okay. And you said that this was about a year  
10 ago?

11          A     I guess. It seems like it was a year ago or so.

12               THE WITNESS: Is that about right, Shelba?

13          A     I don't remember exactly the dates, but it seemed  
14 to be about a year ago.

15               MS. HARTLEY: Close.

16          Q     Was anyone else present besides these attorneys  
17 and the security person?

18          A     No.

19          Q     Did you talk to anybody about your statement after  
20 you got through with it?

21          A     Not specifically, other than that I had gone. You  
22 know, that --

23          Q     You didn't tell your wife what you had said?

24          A     Yeah. You know, what questions were asked. You  
25 know, my wife and that kind of stuff. But as far as, you

1 know, people outside my core family, no.

2 MR. BEATTY: Let me interrupt at this point and  
3 just indicate to you that, as you were told at the end  
4 of that interview, that interview was confidential, and  
5 I would again request that you keep it confidential  
6 from everyone, if you will, please.

7 THE WITNESS: Okay.

8 BY MS. RICHARDSON:

9 Q What did you tell your wife?

10 MR. BEATTY: To the extent that the interview that  
11 was taken of this witness was pursuant to the  
12 attorney/client privilege and attorney/work product  
13 doctrine, it remains privileged, and, therefore, with  
14 the indulgence of his counsel I would instruct the  
15 witness not to respond to that question

16 MS. RICHARDSON: Okay. And then I'll add my two  
17 cents worth on that. Once the information is divulged  
18 to a third party who is not connected with the company  
19 in any way, and even a third party connected to the  
20 company, confidentiality has been breached so that --

21 MR. BEATTY: That is not the law.

22 MS. RICHARDSON: -- the privilege no longer  
23 applies.

24 MR. BEATTY: That is not the law.

25 MS. RICHARDSON: Let me finish my statement, Mr.

1 Beatty.

2 So that the privilege no longer applies.

3 MR. BEATTY: Having said that, allow me to  
4 respond. That is not the law in Florida. And again,  
5 the privilege belongs to the company and only to the  
6 company. It is the company's to assert, and the  
7 company hereby asserts the privilege and again  
8 requests, through the indulgence of counsel, that the  
9 witness not divulge any of the substance of the  
10 interview.

11 MR. THOMAS: I might just add without  
12 elaborating on the points previously made, that there  
13 might also be a marital communications issue.

14 MS. RICHARDSON: We have no case docket against  
15 Mr. Haltiwanger personally.

16 MR. THOMAS: I understand.

17 BY MS. RICHARDSON:

18 Q Now, we have a question on the table. Do you need  
19 me to repeat it, Mr. Haltiwanger?

20 MS. RICHARDSON: I need his response. I mean, we  
21 have an objection, but we have no response from Mr.  
22 Haltiwanger at this point, and I don't know that you  
23 have given him any advice or not.

24 THE WITNESS: And the question I don't remember.

25 BY MS. RICHARDSON:

1 Q What did you tell your wife?

2 MR. BEATTY: The same objection.

3 A I do not -- I do not remember specifically what I  
4 told my wife. Okay? I don't remember the specifics. I  
5 talk to my wife quite a bit. I don't remember specifically  
6 what I said to her. If you want specifics, what did I say  
7 to her, I don't know specifically what I said to her.

8 Q And did you have any conversations with anyone  
9 else outside of your wife, or counsel, about that particular  
10 statement that you made?

11 A Other than that I had been there, no.

12 Q Okay. Have you been advised by anyone that you  
13 would not be disciplined based upon the answers you gave  
14 here today?

15 A Yes.

16 Q Okay. And has anyone advised you or made you  
17 aware of possible criminal penalties that could apply if you  
18 perjured your testimony here today?

19 A Yes.

20 Q Okay. You said you were a service technician.  
21 How long have you held that position?

22 A About 14 years, to the best -- to the best of my  
23 knowledge. I have been with the company for 20 and a half  
24 years, and six of those years were in the mail room, so I'm  
25 saying -- that makes it about 14 years outside, the best I

1 can figure.

2 Q Okay. And has all of that time been in  
3 Jacksonville?

4 A Yes.

5 Q And all in the same -- What is it, INM, or IMC?  
6 The same center?

7 A No.

8 Q Okay. Which center were you in?

9 A Well, the centers used to be separate. There was  
10 several small centers, and then they all come together. I  
11 worked for the center. The maintenance center was on Main  
12 Street when I started on Northside.

13 Q All right. And are you presently at this center  
14 at Emerson Street?

15 A I'm not at a maintenance center.

16 Q Where are you?

17 A I'm a home dispatch.

18 Q A home dispatch?

19 A I drive my truck to the house.

20 Q Okay. And then how do you get your dispatches to  
21 go out?

22 A On my computer.

23 Q The CAT, the Craft Access Terminal?

24 A Exactly. My boss is on Normandy Boulevard.  
25 That's where my little mailbox and where my immediate



1 supervisor is, is on Normandy Boulevard, but I physically  
2 report to my house.

3 Q Okay. Has that always been the case?

4 A No.

5 Q When did you start home dispatch?

6 A About six years ago, I think.

7 Q Okay.

8 A And that's a guess.

9 Q Before you started home dispatch, how did you get  
10 troubles?

11 A I called into the maintenance center. Well, I  
12 mean, before I was home dispatch, or before we had CAT  
13 terminals? Home dispatch and CAT terminals aren't one in  
14 the same.

15 Q Okay. Let's do home dispatch. Before there was  
16 home dispatch how did you get -- did you go into a center?

17 A I would go into the yard and be there at 8:00 and  
18 get a truck and call and get a report and go to my first  
19 job.

20 Q And would you just get a sheaf of written  
21 troubles? I mean they would be on paper tickets or  
22 something?

23 A No. I would call on the phone and they would  
24 dispatch me from the work center. I would call the  
25 maintenance center and a maintenance administrator would

1 dispatch me.

2 Q All right. Who is your present supervisor?

3 A Fred Abbott.

4 Q Is he your first level?

5 A Yes.

6 Q And is that two "Bs", two "Ts", A-B-B-O-T-T?

7 A I believe so, yes.

8 Q Okay. And how long has Mr. Abbott been your first  
9 level supervisor?

10 A Six months, or thereabouts.

11 Q Okay. And who was it before Mr. Abbott?

12 A Tony Antonello.

13 Q Can you spell that?

14 A A-N-T-O-N-I-E-L-L-O.

15 Q Okay. And approximately what time period was Mr.  
16 Antonello your first level? Do you know?

17 A They move around quite frequently. They pull what  
18 we call out in the field the T-Berry Shuffle. Just about  
19 every two years they turn the bucket over and you get -- so  
20 this would have been the second time I worked for Tony. The  
21 last time I worked for him was the second time, and this is  
22 probably the third time I worked for Fred. It's just kind  
23 of that type of situation. So for me to give you a  
24 specific, it's hard to say.

25 Q Okay. Well then, let me just do it this way: Can

1       you just recall the people, the first level managers that  
2       you have had? And just give me their names that you can  
3       recall.

4           A     Fred Abbott, Tony Antoniello, Berry Landcaster,  
5       Bill Joost.

6           Q     And that's J-O-O-S-T?

7           A     That's correct.

8           Q     Let's start back the other way. Cary Davis.

9           THE WITNESS: That's C-A-R-Y or --

10          MS. HARTLEY: Yes.

11          A     That's what it is, Cary Davis. B. D. Lewis, Less  
12       Wiley, Paul Hancock. I can't off the top of my head  
13       remember them.

14          Q     That's good. That's a good list. What about  
15       second levels? Who is your present second level manager?

16          A     Bob Hice.

17          Q     Bob Hice?

18          A     Um-ha. (Affirmative Response).

19          Q     And how long has Mr. Hice been your second level  
20       manager?

21          A     Between six months and a year. Somewhere in  
22       there.

23          Q     Okay. And who was it before Mr. Hice?

24          A     John Stokes.

25          Q     And that's S-T-O- --

1 A -K-E-S.

2 Q -K-E-S? And Mr. Stokes was your manager for  
3 about?

4 A Three or four years.

5 Q Three or four years. All right. And then let's  
6 just do the same. How many second level managers do you  
7 recall?

8 A Well, there was -- Okay. Bob. And then before  
9 him it was Gill Godfree. And Gill was my boss when I came  
10 over here from Northside, and I cannot remember who my  
11 second level was at Northside when I came over to Westside.  
12 Murphy was his last name, and that's all I can remember  
13 about him. And that's it.

14 Q That's the list?

15 A That's the list.

16 Q Who is your operations manager?

17 A Rupe.

18 Q Mr. Rupe.

19 A Not Mr. Rupe, Rupe.

20 Q As in Robert Rupe?

21 A No. Just --

22 Q Just Rupe.

23 MS. HARTLEY: If you met him you would understand.

24 BY MS. RICHARDSON:

25 Q Who is your general manager?

1 A Mr. Perry.

2 Q Is that Randy Perry?

3 A Randy Perry.

4 Q All right. And do you know who the union  
5 president is?

6 A Yes, I do. John Edenfield.

7 THE WITNESS: You didn't think I could remember,  
8 did you?

9 MS. HARTLEY: Right.

10 BY MS. RICHARDSON:

11 Q All right. And who is your union representative  
12 in your area? I mean based in your office?

13 A I don't know that there is one based in my office.  
14 I call Shelba.

15 Q Okay. Mr. Haltiwanger, have you ever heard the  
16 phrase "backing up the time"?

17 A Yes.

18 Q And what does that mean to you?

19 A In what way?

20 Q What's your understanding of "backing up the  
21 time"?

22 A It could -- There's a couple of things it could  
23 mean. Backing up the time if -- if I have cleared a trouble  
24 at a particular time but I have to stay on that job in order  
25 to complete the task and then showing the time to when I

1 actually had the trouble completed, that's been called  
2 "backing up the time".

3 Q Okay.

4 A If that's what you're asking for.

5 Q You said there were a couple of ways. What other  
6 way?

7 A Well, what this is all about, the way I understand  
8 it, is somebody asking you to back the time up in order to  
9 make a commitment; you know, to falsify, or to back it up.  
10 You know, the understanding I have of backing up the time is  
11 time cleared -- I mean trouble cleared and trouble  
12 completed. Okay. It's not necessarily one in the same. So  
13 --

14 Q Okay. Why would there be a difference?

15 A Because what time I actually restored service to  
16 someone's house and what time I leave their house is not  
17 necessarily one in the same.

18 Q Why not? I mean, what would you be doing?

19 A What would I be doing? LOPing a station, or  
20 replacing a station wire. Or if you have a station wire at  
21 your house that's shorted out, it's going to block the whole  
22 service. Or if your son stuck a piece of bubble gum in the  
23 jack upstairs, you have no dial tone.

24 If when I come to the house it's a simple matter of  
25 removing the protector and removing that one wire to restore

1 service to your house, you've got dial tone, but it's going  
2 to take me an hour to replace that wire. So I have given  
3 the customer service but I have been there replacing that  
4 wire for an hour. So I restored them service at 10:00, and  
5 -- I completed the job at 11:30, but I restored service at  
6 10:00.

7 Q And when you say "replacing the station wire" --

8 A Sure.

9 Q All right? -- can you have the station wire down  
10 and have dial tone?

11 A You don't have a station wire down.

12 Q When you're replacing it don't you have to take it  
13 down?

14 A Well, I have a station wire that runs to each jack  
15 in the house. Okay. And if I -- unless it's a loop prewire  
16 and you have to -- you know, and then you can still LOP it  
17 from that point on -- What's called "left off at the  
18 protector" is what LOP is.

19 Q Thank you.

20 A Okay. Do you know what a protector is?

21 Q I think so. It's that little thing on the outside  
22 of the house where all the wires run to it?

23 A Um-ha. (Affirmative Response). Okay. And all  
24 the jacks in the house don't necessarily have telephones in  
25 it. Okay. You don't have any jacks in the house that you

1 necessarily have a phone plugged into, and if that wire is  
2 running around the house, or if it's in the attic, or  
3 whatever the case might be, or if a rat has chewed that  
4 wire, or like I say, the kids slammed a door on an old cord  
5 that was plugged in, or whatever the case may be, and that  
6 wire is shorted out, you have no telephone service. And if  
7 I go to the protector and remove the defective wire and tie  
8 everything else back down, then the rest of the house has  
9 telephone service. So I'll spend the rest of my job there  
10 fixing that wire. It may take ten minutes or two hours to  
11 replace or fix that wire, but in the mean time that customer  
12 has had service the whole time I was there.

13 Q Okay. At the point that you reconnect those wires  
14 in the protector, that's the point the customer has dial  
15 tone?

16 A Yes.

17 Q Do you do a test on the line at that point?

18 A Generally you've got your meter there. You have  
19 killed -- You have taken everything loose and looked at  
20 everything with your meter in order to find that bad wire.  
21 So, yes, I have tested everything and I know which wire is  
22 bad.

23 Q Okay. And in the course of determining that the  
24 line has come clear and you have restored service, do you  
25 run a test to see that they do have dial tone and that



1 service has actually been restored at that point?

2 A Yes.

3 Q Okay. And then --

4 A Or you can run a test with -- I've got a test set  
5 that I carry with me. I'm talking about a little telephone.  
6 If I left that station wire off and I'm listening to it,  
7 when I'm lifting it off and my trouble goes clear and I have  
8 got dial tone, that is a test. That's a test set. Okay?  
9 That in itself, whether or not I have actually metered the  
10 line or not at that point in time, is -- What do you mean by  
11 testing the line? Test it with my test set? Test it with a  
12 trouble meter? Test it with a 965? What kind of test are  
13 you asking me that I run at that point in time?

14 Q When you get ready to do a closure report do you  
15 run a test through the computer on that line?

16 A I run the test with my 965 Dinotel. When I get  
17 ready to close out, my computer will automatically test. It  
18 will not let me close it unless the line is clean.

19 Q Okay. Would you have any reason to do that before  
20 you finished all this -- is it routine work that you're  
21 doing after you have restored the service?

22 A No. I'm replacing the wire that was originally  
23 causing the trouble, and then routine comes after that, if  
24 there is any routine to be done. The first thing is to get  
25 the customer dial tone, if you can. Okay. And the second

1        thing would be to repair whatever it was that was causing  
2        the no dial tone situation. And after you have done that  
3        then you would do any routine work that's necessary. And  
4        then after you do that you would make a final test if the  
5        line is clean. So you cannot go to one specific thing and  
6        say it's that when you run your test. You know.

7            Q        Okay. How do you keep track then of the actual  
8        time that service is restored?

9            A        Because I have got a watch on.

10          Q        Okay. Well, do you write it down as a mental note  
11        anywhere, or Post-A-Note, or put it on a piece of paper?

12          A        No. We have trouble tickets that we carry. When  
13        I plug into my computer I physically write it down on the  
14        ticket and it's got time completed and time restored and all  
15        that on there.

16          Q        Okay.

17          A        But everything is to the -- Everything as far as  
18        what we do is to the closest 15 minutes. Everything is in  
19        quarter hours anyway, so you're putting everything to the  
20        closest 15 minutes anyway, which is pretty -- You know, to  
21        remove a station wire that can give you trouble, you have 15  
22        minutes one way or another. That's pretty broad, to say did  
23        you do it at 9:57? I don't know if I did it precisely at  
24        9:57, but I know which 15 minute increment it fell into.

25          Q        I would like to ask you about routine work.

1 Routine work comes after you have done all the actual repair  
2 work on the job? Is that what you said?

3 A Yes.

4 Q What is routine work?

5 A Routine work is basically what the company terms  
6 as an irregular plant condition, something that's not spec.:  
7 a tree limb on a drop wire; a station wire not attached  
8 properly; carbons in the protector rather than gas  
9 protection. That type of stuff. Anything that's not  
10 necessarily the exact way that it's supposed to be. 101s on  
11 a drop wire. That type thing.

12 Q Okay. Is doing routine work a standard procedure?

13 A For the most part. I mean, it's part of my  
14 appraisal when they go and do a quality inspection. I will  
15 get defects for leaving things behind undone, unless it's  
16 things that are going to take an excessive amount of time,  
17 and then I write a little ticket, or we -- we have what's  
18 called an IPC hot line -- Irregular Plant Condition is what  
19 that term is.

20 Q Thank you.

21 A -- and we can either write up an IPC ticket, or we  
22 can call into the IPC hot line, and then when the load is  
23 light enough they will dispatch on IPCs just as they would  
24 on a trouble report.

25 If I were to have a three or four span drop wire

1 running through the trees and it needed to be rerouted, say,  
2 or trimmed, or whatever, it's going to take four or five  
3 hours to do it, and naturally when we have a heavy load they  
4 are not going to expect me to do that if it's not service  
5 affecting at that time. But they want me to come back and  
6 do it at some point in time so it doesn't eventually cause  
7 trouble, so they will keep these IPCs, and when the load  
8 permits they will dispatch them as troubles.

9 Q Okay. Employee reports, or Category 1 or --

10 A It's IPCs.

11 Q As IPCs?

12 A Yeah.

13 Q Okay. What's the longest period of time that it  
14 has taken you to do routine work?

15 A The longest period of time?

16 Q Yeah. That you can think of. Connected with a  
17 full service trouble report.

18 A Probably an afternoon. I mean a whole afternoon.  
19 It's, you know --

20 Q What's an average amount of time that you might  
21 spend routining a job?

22 A 5 minutes to a half hour if it's just the average  
23 job where you snip a couple of tree limbs off and reconnect  
24 a ground wire,. That type of thing, which is generally the  
25 stuff that generally pretty -- you know, half an hour -- 15

1 minutes to a half hour routine. If it's longer than that,  
2 if it's much longer than that they want you to write an IPC  
3 or have an IPC made up on it.

4 Q Okay. Have you ever taken out-of-service reports  
5 and closed them out and then opened an employee originated  
6 report just to complete routine work?

7 A No.

8 Q Okay. Have you ever taken an out-of-service  
9 report and closed it out in order to meet that 24 hour  
10 commitment time and then opened it as an EO report in order  
11 to complete the repairs?

12 A No.

13 Q Has anyone ever asked you to do that?

14 A No.

15 Q Do you know of anyone else who has done that?

16 A No.

17 Q Do you know of any other manager who has asked  
18 other STs to do that?

19 A No.

20 Q Would that be, in your opinion and your  
21 experience, proper to do that?

22 A No.

23 Q Mr. Haltiwanger, I'm going to give you an exhibit  
24 and we are going to title this Exhibit 1. It's entitled  
25 "Closing Repair Jobs," and this is a two-page exhibit that

1 was first produced in a deposition by Mr. Dowdy, D-O-W-D-Y,  
2 who was at one time a service technician or -- I think he  
3 was a service tech in West Palm. And we will pass this out  
4 and then we will go off the record and give you a chance to  
5 look at it.

6 (Whereupon, the instruments last above-referred to were  
7 marked as Commission's Composite Exhibit 1).

8 MR. THOMAS: Can we step outside to go over this  
9 instead of on the record?

10 MS. RICHARDSON: (Nods head).

11 (Brief recess).

12 BY MS. RICHARDSON:

13 Q Okay. All right. Mr. Haltiwanger, have you ever  
14 seen this document before today?

15 A No.

16 Q All right. On this document there are a series of  
17 little blocks, and do those blocks correspond at all to the  
18 information that you received on a CAT screen?

19 A Some of them do and some of them don't.

20 Q Okay. This says something about closing repair  
21 jobs, and paragraph one says, "When you first receive a  
22 trouble report in your CAT" -- is that the Craft Access  
23 Terminal that you use?

24 A (Nods head).

25 MR. BEATY: I object to the form of the question.

1 A There are three or four different types of CATs  
2 MR. THOMAS: When there's an objection go ahead  
3 and let us --

4 MR. BEATTY: I object to the form of the question.  
5 The document speaks for itself, and you're asking this  
6 witness to construe what the drafter of the document  
7 intended, and it causes him to speculate.

8 MR. THOMAS: I would also object just in that he  
9 has never seen this document and I don't know how he  
10 could be expected to know what it's intended to mean.

11 BY MS. RICHARDSON:

12 Q Okay. Now, Mr. Haltiwanger, you have been a  
13 service technician for 14 years for Southern Bell; that's  
14 correct?

15 A Um-ha. (Affirmative Response).

16 Q All right. And you have used a CAT terminal for  
17 how long?

18 A Well, like I say, about five or six years, to the  
19 best I can remember.

20 Q Okay. And were you trained in the use of a CAT  
21 terminal?

22 A Yes.

23 Q Okay. Then I would like to you look at paragraph  
24 three for me, and paragraph three states that if you were  
25 closing a repair job and you were at or had exceeded the due

1 date and time, or the 24-hour commitment time, you must go  
2 to another line, not the one you will be closing in order to  
3 close out the job. When you close out a job yourself, okay,  
4 do you ever have occasion to go to another line to close out  
5 a trouble?

6 A Go to another telephone line?

7 Q Um-ha. (Affirmative Response).

8 A Physical telephone line? If my customer happens  
9 to be talking on their telephone line, yes.

10 Q Is there any other reason that you go to another  
11 line instead of the trouble reporting line --

12 A No.

13 Q -- to close out?

14 A No.

15 Q All right. This also says, and it's underlined,  
16 "If you close out the job from the line you just repaired,  
17 LMOS," L-M-O-S, "will not recognize the time you backed up  
18 to meet the 24-hour commitment."

19 When you close out a report has it been your experience  
20 -- Let me stop and rephrase it. When you close out a report  
21 and you go to another line to do so instead of the trouble  
22 reporting line, in your experience will LMOS recognize the  
23 time that you have entered when you have restored service?

24 A I don't know what LMOS recognizes.

25 Q Okay.



1           A     LMOS is not my computer. I have got a CAT  
2 terminal. LMOS is the computer here. I don't have any idea  
3 what LMOS does or does not recognize.

4           Q     Does your CAT -- Does the information you feed on  
5 a trouble report through your CAT terminal get fed into  
6 LMOS?

7           MR. BEATTY: If you know.

8           A     I if I know? I don't know. I don't know if it's  
9 LMOS, or if it's a number of the other data bases we have.  
10 I don't know where my specific information feed or downloads  
11 to. I don't know if it's LMOS.

12          Q     Okay. When you go and close out a trouble report  
13 and you're closing it to an actual restoral time, but that  
14 actual restoral time is earlier than the time you're calling  
15 in because you have had this other work that you explained  
16 to me that you have to do on the trouble --

17          A     Right.

18          Q     -- will the system accept that earlier time?

19          A     It asks what time the trouble cleared. Yes.

20          Q     It does ask for it? And so even though present  
21 time might be 5:00 and you want to put in 4:00, it will  
22 accept the 4:00?

23          A     Yeah.

24          Q     Okay. And that's true whether you're calling in  
25 on the actual trouble reporting number?

1 A Yes.

2 Q And now this is a hypothetical question: if you  
3 received this document and read paragraph three, based on  
4 your experience what would your understanding be of that  
5 direction?

6 MR. BEATTY: I object to the form of the question.  
7 The question calls for speculation, number one.  
8 Number two, the question does not provide to the  
9 witness any information as to the time frame that this  
10 document was created, or the circumstances under which  
11 this document was created; so, therefore, to ask the  
12 witness to opine as to whether or not this document is  
13 or is not correct is to assume facts that are not in  
14 the record at all. Thus I object.

15 BY MS. RICHARDSON:

16 Q You can still answer the question.

17 A I don't remember --

18 MR. THOMAS: If you know.

19 A I don't remember the question.

20 BY MS. RICHARDSON:

21 Q Okay. Reading paragraph three, based upon your  
22 experience as an ST, what would you think they were  
23 directing you to do?

24 MR. BEATTY: Same objection.

25 A Is that what this is supposed to be, them

1 directing me to do something?

2 Q Um-ha. (Affirmative Response).

3 A I don't understand --

4 MR. BEATTY: I object. I object. Counsel is now  
5 testifying as to what the intent of the drafters of  
6 this document had when this document was prepared.  
7 And counsel is testifying as to his intent with  
8 respect to those others who would review this  
9 document. I suggest to you that counsel does not have  
10 the capability to do that in this record, and I would  
11 request that counsel cease and desist from that kind  
12 of activity.

13 BY MS. RICHARDSON:

14 Q Okay. Let's set up a hypothetical situation, Mr.  
15 Haltiwanger. Let's say that your manager created this  
16 document for your use.

17 A Okay.

18 Q Okay. And passed this document to you and told  
19 you that this was to be used for closing trouble reports  
20 using your CAT terminal.

21 A Okay.

22 Q And you read paragraph three. Now, based upon  
23 your experience, in the hypothetical situation what would  
24 your understanding be of paragraph three?

25 MR. BEATTY: Objection. The hypothetical

1           inadequately sets forth the facts under which this  
2           document was created. If you are going to pose a  
3           hypothetical that incorporates this document, I  
4           suggest to you that you have to also include the time  
5           frame that this document was created, the  
6           circumstances under which this document was created,  
7           and the intent of the drafter of this document. I  
8           suggest to you that to the extent that you haven't  
9           done that the hypothetical is erroneous, and to ask  
10          this witness to testify, to provide a response to it,  
11          is equally objectionable.

12                   MR. THOMAS: I would just instruct you to only  
13           answer it to the extent that you could possibly have  
14           knowledge of the answer that seems to be contemplated.

15           A     I have never been asked to close out -- Let me put  
16           it to you this way: I haven't been asked to close out from  
17           a different line because my CAT would not make a commitment,  
18           if that's what you are eventually getting at. If that's  
19           what you are asking me, have I been asked to close out from  
20           a different line in order to meet a commitment, no. Okay.  
21           And I have never heard of it. This is the first time I ever  
22           heard of anything like that in this paragraph, if that will  
23           answer your question.

24           BY MS. RICHARDSON:

25           Q     Okay. Has anyone ever instructed you to back up

1 the clearing time on a trouble report --

2 A Yes.

3 Q -- to meet a 24-hour commitment?

4 A Yes.

5 Q All right. And who was that?

6 A

7 Q All right. And what were his instructions to you  
8 as clearly as you can remember them?

9 A That I had -- I had missed a couple of commitments  
10 by 10 or 15 minutes, 20 minutes, whatever the case might  
11 have been, and why didn't I back my time up in order to make  
12 those commitments.

13 Q Okay. Has any other manager ever instructed you  
14 to do that?

15 A No.

16 Q Do you know if instructed any other STs  
17 to do that?

18 A I don't know.

19 Q Did you protest to that you didn't feel  
20 that was proper --

21 A Yes.

22 Q -- or did you have any protestation?

23 A I protested it.

24 Q Was that a formal protest, or just informal?

25 A I got angry and I told him I would not.

1 Q Okay. Were you disciplined because you refused?

2 A No. No.

3 Q Did you file any kind of grievance?

4 A No. He didn't tell me that anything would happen  
5 to me. It's just that he -- I told him I wasn't going to do  
6 it.

7 Q Okay. In your experience is this the only  
8 incident of an ST being requested to back up time to meet a  
9 24-hour commitment?

10 A Other than me, I couldn't tell you. I don't know.

11 Q Okay. Can you tell me approximately when this  
12 occurred?

13 A When he was my supervisor.

14 Q Do you have an approximate year when he was your  
15 supervisor?

16 A Maybe three or four years ago. Somewhere in that  
17 time frame.

18 Q Okay. Do you know why he asked you to do this?

19 A No, I don't.

20 Q Okay. Can you tell me what a cause code is?

21 A It is a code that reflects what caused a trouble.

22 Q All right. And what's the disposition code?

23 A It's what actually you did, what the problem was;  
24 not necessarily what caused it, but what physically the  
25 trouble -- whether it was a drop wire, or protector, or

1           whatever, and the cause code is the cause of the trouble,  
2           what caused it to go bad.

3           Q     Okay. Is flood a cause code?

4           A     Excuse me?

5           Q     Is flood a cause code? Can flood be used as a  
6           cause code?

7           A     Flood is the -- 420 is flood, or 430. Okay. The  
8           420 or the 430 is the cause code. The flood is what the  
9           cause code stands for.

10          Q     Is there a cause code for customer damage, if a  
11          customer damages his own equipment or line?

12          A     Well, there's a -- there's a 210 code. That code  
13          encompasses everything on the detariff side of the line.

14          Q     Okay. Is there a disposition code for detariff  
15          problems?

16          A     Yeah.

17          Q     And which ones do they cover?

18          A     Well, they cover maintenance -- covered by the  
19          maintenance plan and not covered by the maintenance plan,  
20          1200 and 1210s.

21          Q     Okay. And those are inside wire problems?

22          A     Right.

23          Q     Okay. Are there certain disposition and cause  
24          codes that would exempt an out-of-service report from that  
25          24-hour commitment?

1           A     Yeah. I have heard they would. I don't know that  
2 they will or not. I have heard that they would.

3           Q     Okay. Are you familiar with the requirement that  
4 the company repair out-of-service reports within 24 hours at  
5 least 95% of the time?

6           A     I didn't know what percent of the time. I knew we  
7 had a service over 24 that we were trying -- that we would  
8 try to make, but I didn't know what percentage.

9           Q     And has that been the case your entire 14 years as  
10 an ST?

11          A     As far as I can remember, yeah.

12          Q     Have you ever received instructions to use certain  
13 disposition and cause codes to effect that 24-hour  
14 commitment?

15          A     Have I ever received instructions from a  
16 supervisor?

17          Q     Um-ha. (Affirmative Response).

18          A     No.

19          Q     Okay. Have any supervisors ever pressured you to  
20 use say the customer action code, or a specific code on  
21 out-of-service reports?

22          A     No.

23          Q     Do you know of anyone who has used the excludable  
24 disposition and cause codes on out-of-service reports --

25          A     Yes.



1           Q     -- just to keep them from being counted in that  
2 24-hour commitment?

3           A     Yes.

4           Q     All right. Can you tell me about that?

5           A     When you say do I know anyone, I know not  
6 necessarily names specifically but I can remember times that  
7 -- when we were having to close out live, not on a computer,  
8 and an MA would make this -- if I tell -- she would ask me  
9 for my disposition and cause, and I would tell her, and she  
10 would say, "We need to show that to a 410 code." And I  
11 would tell her, "You show yours to whatever you want to show  
12 it to, I'm showing mine to a 300," or whatever the case was.  
13 And that would happen on occasion. And that's how I knew  
14 what the 410 code deal was about, and I assume that was for  
15 an out-of-service, but I didn't know that's what it was for  
16 at that point in time.

17          Q     All right. Based on your experience and your  
18 training did you feel like her action was proper or  
19 improper?

20          A     I didn't make a judgment. Like I said, I told her  
21 to show the code to whatever she wanted to show it to. She  
22 asked me for my disposition and cause, and I told her what  
23 it was. I have got to turn my tickets in, and I'm turning  
24 my tickets in with what I did; you show what you want to  
25 show.

1 Q Okay. Do you think she was just doing this on her  
2 own?

3 A I have no idea he.

4 Q No idea? Do you know if other STs had this same  
5 kind of conversation --

6 A I don't know.

7 Q -- with her?

8 A I don't know.

9 Q Do you know approximately what year, what time  
10 frame this was occurring?

11 A At the beginning -- I can just say it was back at  
12 the beginning of the point in time when we first got on to  
13 the CATs. Okay. Whatever time frame that falls in. I'm  
14 not --

15 Q Okay.

16 A Because they were --

17 Q Is it still happening?

18 A No.

19 Q When did it stop happening?

20 A It's been a long time.

21 Q Two years?

22 A Oh, yeah. At least.

23 Q At least two years? Okay. Do you know if a  
24 customer is due a rebate if their trouble goes out of  
25 service more than 24 hours?

1 A Yes.

2 Q And how long have you known that?

3 A How long have I known that?

4 Q Um-ha. (Affirmative Response).

5 A I guess the past year or two years or so they made  
6 it a point to tell us that this took place. But I have  
7 always told the customer to call the business office if they  
8 had a problem with their billing over 24. But as far as me  
9 knowing that there was going to be a rebate, you know,  
10 without any questions asked, probably a couple of years ago.  
11 I had never experienced a problem with that.

12 Q Okay. How did you find out about it?

13 A In a meeting.

14 Q Staff meeting, or the managers?

15 A No. Just the managers -- A meeting in the  
16 morning. They call you into the yard for a safety meeting,  
17 or whatever the meeting may be about. It covers lots of  
18 different things.

19 Q Okay. Do you know of any customer that was denied  
20 a rebate because of falsification of trouble records?

21 A No.

22 Q Do you know of any customer who was denied a  
23 rebate because those exempt cause codes were used?

24 A No.

25 Q I want to ask you a question about your routine

1 days again. Let's go back to that for a minute. Were there  
2 ever no routine days when your managers --

3 A We don't have routine days.

4 Q Oh, okay. Were there ever days when you were  
5 instructed not to do any routine today?

6 A Sure.

7 Q Okay. And on what occasions would that occur?

8 A The hurricane. Okay?

9 Q Okay.

10 A Anytime whenever they are sitting on five trillion  
11 troubles down here and, you know, a storm just went through,  
12 and, you know, they don't want you out there trimming little  
13 limbs off a drop wire. They want you clearing jobs,  
14 clearing trouble reports. Okay. Those kind of days when  
15 the trouble is extremely heavy. But it's been a while since  
16 we -- excuse me -- since they actually used the terminology  
17 "hit them and go," but that used to be what they say. Say,  
18 you know, "It broke loose this weekend, hit them and go."

19 Q And on the hit-them-and-go days was the company  
20 having trouble meeting that 24-hour commitment?

21 A I don't think necessarily they were, because  
22 legitimately most everything that you were going on on those  
23 days would be closed out to the 410 and 420 codes anyway  
24 because it was storm damage. It generally is storm damage  
25 in those cases. You're showing lightening codes, flood

1 codes, wind codes anyway. So they are -- You know, I don't  
2 think that there was any motivation to falsify codes to  
3 show. You're using the right codes in that situation  
4 anyway.

5 Q Okay. Do you ever have occasion to status a  
6 report as out of service?

7 A No.

8 Q It came to you as affecting service, and then do  
9 you have to restatus it?

10 A No.

11 Q What happens if you get an affecting service  
12 report and you get out there and you find there really is no  
13 dial tone, but it's an affecting service report. Do you  
14 just close it out anyway?

15 A What do you mean? An affecting service and a no  
16 dial tone? I don't understand.

17 Q All right. A service affecting report. In other  
18 words, it's not out of service. Maybe there was trouble on  
19 the line in terms of just noise. Is that an out-of-service  
20 condition?

21 A No -- Well, excuse me. It could -- It could be an  
22 out-of-service condition depending on the severity of the  
23 noise.

24 Q All right. Then it would probably be better if I  
25 just asked you what is "out of service"? Define it for me.

1           What do you define as an out-of-service trouble?

2           A     Unusable.

3           Q     Unusable.  Would that be no dial tone?

4           A     Yes.

5           Q     And would that be customer can't be called?

6           A     Not necessarily.

7           Q     Okay.  Then if it's -- What's the opposite of "out  
8           of service"?

9           A     In service.

10          Q     Okay.  Let's take in service and out of service.

11          Do you ever get sent on reports that are in service?

12          A     Every day.

13          Q     Okay.  Do you ever get a report where it's in  
14          service, status is in service when you get it, and you go  
15          out to the house and you find that it's really out of  
16          service?

17          A     I don't know the status of the trouble when I  
18          receive it one way or another, basically, and don't pay any  
19          attention to it one way or another anyway.  I get a trouble  
20          report and I look at what the customer reported, and what it  
21          tests, and I go try to take care of that.

22          And as far as it being statused, if it is even in my  
23          CAT to status, I don't remember ever paying any attention to  
24          it, what the status of it was.  If they are reporting one  
25          jack dead, that's what I'm going to take care of.  If they

1 are reporting no dial tone, that's what I'm going to take  
2 care of. And if they are reporting noisy, that's what I'm  
3 going to take care of. And whatever they statused it has  
4 never had much bearing on me personally. I don't care what  
5 it's statused. I'm going to take care of whatever they are  
6 dispatching me on.

7 Q Okay. Well --

8 A It may be on my CAT screen, it may be hidden on  
9 one of the lines in there, but I hit the same keys everyday  
10 and I see the same things float through everyday, and I  
11 don't -- to be real honest, I don't recall seeing anything  
12 in there tell me what the status is.

13 Q Let me give you a hypothetical situation here and  
14 see if we can work with me on this for just a minute.  
15 You've got an in-service report that you have been  
16 dispatched on and you're going out there and you find out  
17 there's no dial tone. You're aware that if it goes out of  
18 service over 24 the customer is due a rebate. Right now  
19 it's not an out-of-service report because you're working on  
20 a noise problem.

21 A Okay.

22 Q All right. You're out there, it's no dial tone.  
23 You have no way of restatusing it, and yet you close it out  
24 on your report and you closed it out over 24. Is there any  
25 procedure for making sure that the customer gets some kind

1 of rebate, or you restatus it out of service, or is there  
2 any training that you have had to deal with that kind of  
3 situation?

4 MR. THOMAS: Can you ask one question at a time?

5 MS. RICHARDSON: One question at a time. I'm  
6 sorry. I'm try to clarify and I'm getting it confused.

7 MR. BEATTY: Let me say this -- Before you do,  
8 just one second. I do object to the form of the  
9 question. It is speculative and it assumes facts that  
10 the witness has stated to the contrary, and that is  
11 with regard to his knowledge regarding the status of  
12 the trouble report when he first receives it. So I  
13 object to the form of the question.

14 MR. THOMAS: Could you please rephrase and ask one  
15 question?

16 BY MS. RICHARDSON:

17 Q Okay. You get an in-service report it's noise.  
18 In your opinion, if you get a report showing noise, is that  
19 an out-of-service report?

20 MR. BEATTY: Objection. It's been asked and  
21 answered.

22 A I don't know until I get there.

23 Q Let's go back to my hypothetical and let me ask it  
24 one more time. Okay? Mr. Haltiwanger, you have a noise  
25 report and you get dispatched on it, and you're going to



1 clear the trouble. You get out there and you find out that  
2 they actually have no dial tone at all and that he's really,  
3 the customer is really out of service, and you're unable to  
4 restore it within 24 hours. The customer is due a rebate.  
5 Is there any procedure that you have been given to deal with  
6 that situation?

7 A No.

8 Q Okay. Based on your training and experience, how  
9 would you handle that situation?

10 A I would close that job out and have the customer  
11 call the business office for a rebate if they felt they  
12 needed one.

13 Q Okay.

14 A Because my disposition and cause code would  
15 reflect what I did when I was there, and the business office  
16 could naturally look back and see what I did.

17 Q Okay. Would you have a place to enter a narrative  
18 at all?

19 A Sure.

20 Q Would you enter anything in a narrative on that  
21 kind of report?

22 A We have to enter a narrative.

23 (Brief interruption).

24 BY MS. RICHARDSON:

25 Q Okay. Have you ever been, or do you know of any

1 manager who has instructed an ST or an MA not to status any  
2 trouble reports as out of service?

3 A No. We don't status troubles. STs don't.

4 Q You never heard of that being done?

5 A No.

6 Q Do you know of anyone who has been instructed to  
7 improperly prepare a trouble report?

8 A I don't understand what you're asking me.

9 Q Okay. Let me show you a document, Mr.  
10 Haltiwanger. I'll introduce it then and we will go off the  
11 record and you can look at it. Okay? This document was  
12 filed by Southern Bell on April 1st, 1993 in the  
13 Consolidated Rate Case Docket made in Southern Bell's  
14 response to Preliminary Order PSC93063PCOTL entered on  
15 February 19th, 1993, and at Number 209 there is a  
16 Haltiwanger, William V. Jr., listed, and I'll let you look  
17 at the document. The first thing I'll ask is whether or not  
18 that's you, and then I'll ask you a couple of questions  
19 after that.

20 MS. RICHARDSON: Okay. We can go off the record.

21 (Discussion held off record).

22 MS. RICHARDSON: You ready to go back on?

23 BY MS. RICHARDSON:

24 Q Okay. I need to do one thing with our exhibit.  
25 The Closing Repair Jobs from Mr. Dowdy's deposition that I

1 introduced will be Exhibit Number 1.

2 All right. Is that your name listed on Line 209, Mr.  
3 Haltiwanger?

4 A Yes.

5 Q And under that listing there's a series of numbers  
6 after your name, one of which is number 11?

7 A Right.

8 Q Which indicates you may have some information  
9 about improper preparation of trouble reports or improper  
10 activity generally?

11 A I don't know what --

12 MR. BEATTY: I object. First of all -- There's no  
13 question pending, first of all. Secondly, if that was  
14 a question I object to the form of the question  
15 because it's repetitious.

16 Q My question --

17 MR. THOMAS: Can you repeat the question?

18 MS. RICHARDSON: Well, I was about to when he  
19 started, and he started his objection, so I didn't get  
20 a question on the table, but I was going to let him  
21 respond. So this is where we are.

22 BY MS. RICHARDSON:

23 Q My question to you is: What do you know about  
24 improper preparation of trouble reports?

25 MR. BEATTY: Objection. The question has been

1           asked and answered. And that was the preceeding  
2           question a moment ago.

3           A     Nothing.

4           Q     What do you know about improper activities  
5           generally?

6                     MR. BEATTY: Object to the form of the question.  
7           It's ambiguous.

8           A     I don't know what you're asking me. Improper  
9           activities. I don't know what you're asking me.

10          Q     Okay. Did you have a chance to read Southern  
11          Bell's response, paragraph two of this document?

12          A     No.

13          Q     All right. Then let's go off the record a second  
14          and give you a chance to read that.

15                     MR. THOMAS: Numbered paragraph 2 on Page 2?

16                     MS. RICHARDSON: Um-ha. (Affirmative Response).  
17                     (Brief recess).

18          BY MS. RICHARDSON:

19                  Q     Okay. Mr. Haltiwanger, on this list there is a  
20          number 17 indicating that you may have some information  
21          about intimidation or pressure. What do you know about  
22          intimidation or pressure?

23                  A     Well, I -- the -- The one I talked to you earlier  
24          about                     when he I guess -- I guess that would  
25          probably be it.

1 Q Okay. Do you know of any other incidences  
2 involving yourself or anyone else --

3 A No.

4 Q -- by a manager who intimidated or pressured an  
5 employee to improperly handle a trouble report?

6 A No.

7 Q Okay. Has the test center, anyone from the test  
8 center ever called you while you were working on an  
9 out-of-service trouble, told you that they had cleared that  
10 trouble and sent you on a new job?

11 A No.

12 Q Okay.

13 A Told me that they had cleared the trouble?

14 Q Yeah. That they had cleared it out and you had to  
15 move on to the next job?

16 A No.

17 Q Have you ever been disciplined for your handling  
18 of a trouble report?

19 A No.

20 Q Okay. Have you ever filed a grievance regarding  
21 the way you have been instructed to handle trouble reports?

22 A No.

23 Q Do you know of anyone else who has?

24 A No.

25 Q Do you know of anyone in the company who has filed

1 a grievance based upon instructions that they received from  
2 managers that they felt were clearly improper?

3 A No.

4 Q Do you know of any employee who has used another  
5 employee's code on a trouble report?

6 A No. You can't.

7 Q Okay. Do you know what a "no access" is?

8 A Yes.

9 Q Let me back up a minute. No, you can't use  
10 someone else's code. Has that always been the case, that  
11 you couldn't use someone else's code?

12 A As long as we have had CAT terminals.

13 Q What about before CAT terminals, was it easy or  
14 possible to use someone else's employee code?

15 A I don't know if we had employee codes back then.  
16 I had a name back then.

17 Q All right. Let's go back to "no access." What's  
18 a "no access"?

19 A Well, when the customer is not home and I need  
20 access to their house or their property to take care of  
21 their trouble report.

22 Q Okay. And do you let the customer know that you  
23 have been there?

24 A To the best that I can. There's a real world out  
25 there. There's dogs and numerous other things, but we make

1 that attempt, the best attempt I can. There's not always a  
2 reach number. There's not always access to their front  
3 door.

4 Q On the no accesses, do you know if a "no access"  
5 stops that 24-hour commitment clock?

6 A I have no idea. I don't know if it does or not.  
7 I really --

8 Q Okay. Have you ever had someone instruct you to  
9 use a no access code when you haven't been dispatched on a  
10 trouble?

11 A No.

12 Q Do you know of anyone who has no accessed trouble  
13 reports that were not dispatched?

14 A No.

15 Q Do you work cable failures?

16 A No.

17 Q Do you know of anyone who has falsified a customer  
18 trouble record?

19 MR. BEATTY: Objection. Asked and answered about  
20 three times.

21 Q You can still answer it.

22 A No.

23 Q All right. Have you ever been asked to help sell  
24 services or products for the company?

25 A Yes.

1 Q All right. And do you do so?

2 A No longer.

3 Q Since when?

4 A Since the Sand Lake deal.

5 Q And when was Sand Lake?

6 A It's been about two years now, I guess. I think.

7 Okay?

8 Q Okay. But about two years then?

9 A About two years is what -- my guess.

10 Q All right. Were you given any training for sales?

11 A Well, I have been, yes. I have been trained in  
12 sales.

13 Q Okay. As part of your service technician job, or  
14 did you go off and do special sales training?

15 A I was a yellow page salesman.

16 Q When was this? I have got you down for the mail  
17 room and I've got you down for service technician.

18 A Between the mail room and service tech, for about  
19 six months.

20 Q Yellow Pages. Okay. Did you receive any training  
21 for the sales that you were doing as a service technician?

22 A No.

23 Q Did you have a manager instruct you on recording  
24 the time that you spent on sales versus the time you spent  
25 on repairing troubles?



1 A No.

2 Q Did you actually make any difference in the time,  
3 recording of your time, the time spent on sales versus the  
4 time spent on trouble?

5 A No.

6 Q Okay. When you do work on inside wire  
7 maintenance, people have a maintenance plan, is there a  
8 special time reporting code you use for the work you do on  
9 inside wire maintenance?

10 A Yes.

11 Q And is that a detariffed code?

12 A Yes.

13 Q All right. Do you have a detariffed or non-  
14 regulated code for the sales work you do?

15 A I don't do sales work.

16 Q When you were doing sales work?

17 A No. Not that I know of.

18 Q Okay. Were you ever offered points, or awards, or  
19 prizes for sales?

20 A Yes.

21 Q Did you actually get an award or a prize?

22 A Yes.

23 Q A what was it, or what were these things? I don't  
24 know how many you've gotten.

25 A Pens, baseball caps. Little trivial trinkets.

1           Q     Okay. All right. Did you ever record a sale to a  
2 customer when the customer had not actually ordered the  
3 service or product?

4           A     No.

5           Q     Do you know of anyone who has?

6           A     No.

7           Q     When you were doing sales did you actually write  
8 the sales slip up yourself and get credit for the sale?

9           A     It seems to me we called the business office with  
10 our sales code.

11          Q     Okay. When you were doing sales, did you ever  
12 have occasion for a manager to pull you off ST duties and  
13 put you on doing nothing but sales?

14          A     No.

15          Q     Do you know of any other service tech that was  
16 pulled off and put on sales maybe for light duty, something  
17 of that nature?

18          A     It seems -- no. Not that I can specifically  
19 remember, no.

20          Q     Okay. Do you know of anyone who has sold -- let  
21 me rephrase this. Do you know of anyone who has recorded a  
22 wire maintenance plan sale on a customer without contacting  
23 that customer?

24          A     No.

25          Q     Okay. Have you ever had occasion when you

1 followed up a trouble ticket to see that the customer had  
2 more than one wire maintenance plan?

3 A More than one wire -- How could he have more than  
4 one wire maintenance plan? I don't understand.

5 Q Okay. Are you familiar with the old wire  
6 maintenance plan and the one l Sequence X Plan?

7 A Well, there's actually more than -- okay. There's  
8 wire maintenance TIP and the SEIX. Okay.

9 Q Have you ever seen a customer with more than one  
10 plan?

11 A I think on the CAT screen it will just say WMR, or  
12 W -- whatever it is. So that's all I see. Or else, "no  
13 maintenance contract." So I really don't have -- other than  
14 basically what I know, is either they do or they don't have  
15 it.

16 MS. RICHARDSON: Okay. Mr. Haltiwanger, I want to  
17 thank you for being here today. I think that's all  
18 the questions I've got. There may be a few on  
19 redirect, or whatever. Some of the other people around  
20 the table may have a few questions for you before you  
21 go, but I appreciate your coming.

22 BY MR. VINSON:

23 Q Mr. Haltiwanger, are you familiar with the report  
24 called the DCWS report, Delayed Craft Work Summary?

25 A I have heard the term DCWS, but I'm not sure what

1 it is.

2 Q So you wouldn't have any idea, or would you have  
3 any idea of how supervisors would use that report?

4 A No.

5 Q Do you know how supervisors perform assessments in  
6 the field of their STs work?

7 A Well, they came out with a brand new appraisal  
8 system. I'm appraised -- repeat reports, and they do a  
9 physical job inspection. They will pull random tickets and  
10 inspect my job and see what the quality of my work is. And  
11 there's a point system added up to evaluate me.

12 Q Okay. When they are pulling the random tickets to  
13 evaluate the quality, do you know how frequently that's done  
14 on an individual ST?

15 A Generally it's kind of always been -- I don't know  
16 if it's their set standard practice, but generally it's been  
17 two a month per ST is what it's based on.

18 Q When you say two a month, you mean two  
19 evaluations?

20 A They inspect two of my jobs that I went on for the  
21 month. Out of my trouble reports that I physically visited,  
22 they will visit two of those at random and inspect the work  
23 I did while I was there.

24 Q Okay. So they will actually go to the site?

25 A Exactly.

1           Q    Do you know of anything else that they are looking  
2 for other than the actual, I'd say the physical --

3           A    My repeat rate.

4           Q    Okay. But any site visits, are they measuring  
5 other parameters, such as the time spent?

6           A    In the past that's been the case. Right now it's  
7 not. Okay. Clearing time was a -- was part of my  
8 appraisal. It's not that way now.

9           Q    I would like to ask you a hypothetical question,  
10 realizing that hypothetical questions can get us in trouble,  
11 but let me try to frame it very clearly and simply. Would  
12 it be possible for you on a service call for an  
13 out-of-service trouble that's approaching the 24-hour point,  
14 in other words, it was called in nearly 24 hours ago, for  
15 you to clear it 10, 20 minutes early and then proceed to  
16 actually finish the work and clear it what would be after  
17 the 24-hour point?

18           MR. BEATTY: Objection.

19           MR. THOMAS: I think you need to rephrase it.

20           Perhaps he understands what you're saying, but I don't  
21 have a clue.

22 BY MR. VINSON:

23           Q    Let's assume that you are working on an  
24 out-of-service trouble report which was called in nearly 24  
25 hours ago. It's very close to the 24-hour mark.

1           A     I got you.

2           Q     Would it be possible for you to enter on your CAT  
3     that it's cleared maybe 10 minutes before that 24-hour  
4     point, and then go on and actually finish the work after  
5     that?

6           A     Would that be possible?

7           Q     Right.

8           A     Anything is possible.

9           Q     And then -- Let me ask you the other -- another  
10    question that might make it a little more clear. Would that  
11    cause you a problem for you then in pulling up your next  
12    job? Would it then, in other words, cause you a scheduling  
13    problem where you would be late for your next trouble?

14           MS. WILSON: Excuse me, Carl. Are you asking him  
15    if he needs to complete his routine work, what they  
16    were referring to as routine before? Is that what  
17    you're asking him?

18           MR. VINSON: Well, maybe the situation is very  
19    little routine work.

20           A     I still --

21           MR. THOMAS: If you understand.

22           A     I still don't understand what you're asking. I'm  
23    sorry. I don't quite get it.

24           MS. RICHARDSON: And unfortunately, I do, but that  
25    doesn't help with me.

1 MS. WILSON: If you do, go ahead.

2 MS. RICHARDSON: I don't know if I can make it any  
3 more clear either.

4 BY MR. VINSON:

5 Q If you intentionally reported it as cleared about  
6 10 or 15 minutes before you actually complete the work,  
7 you're almost done, and you're almost going to go over the  
8 24-hour mark, so you go ahead and show it as cleared and  
9 send it in. Okay?

10 Q Okay.

11 A I'm not going to send anything in until I'm  
12 completed with the job.

13 Q But this is a hypothetical. Would it be possible  
14 --

15 MR. THOMAS: If you know.

16 Q Okay. And then finish the work with everything  
17 entailed -- You know, in some situations we talked about  
18 routine work -- without throwing you off schedule-wise for  
19 your next trouble?

20 A No. I don't see it, because there's going to be a  
21 gap time from the time that I called when they -- you know,  
22 they are going to pull a -- can pull, or whatever, what I  
23 did the day before, and there's going to be a time frame in  
24 there I was on my CAT at 2:30 and I didn't pull up my next  
25 job until 3:30. Where were you for an hour, Billy?

1 Q Okay. That's exactly what I'm asking for.

2 A Okay.

3 Q Okay. Now that hour could you not report as  
4 routine work?

5 A No. No. My time -- My time in my computer -- my  
6 time is from job picking up, close out; picking up, close  
7 out. There's no gap between other than the time it takes to  
8 work, physically work my computer. There's not time that  
9 I'm off my computer unless I'm in a meeting or something  
10 like that.

11 I go on my job, I get the service restored. If there's  
12 routine to be done, I do it, and whatever else. I'm getting  
13 ready to say adios to the customer. I call back in on my  
14 computer. I tell it what I did, and it tells me where to go  
15 next. So there may be a five-minute gap between closing  
16 this job and going to my next one. But in your scenario  
17 there would be an hour gap, and that's hard to hide.

18 Q Could there be some situations where there might  
19 be just a 15-minute gap, very regular routine work?

20 A Well, there's situations I guess that could arise.  
21 I mean now it's a real world. There's all kind of  
22 situations. If call waiting comes in, I'm on line with a  
23 computer, call waiting knocks my computer down. Now the  
24 customer is on their line talking and talking I'm trying to  
25 wait on this customer, but I had already closed my job out



1 waiting to pull my next one up, but she's talking on the  
2 phone. There's going to be a gap there. There's all kinds  
3 of gaps like that.

4 Or, all of a sudden the dog runs around the house and I  
5 have got to run to my truck and go down the street and call  
6 in from another line. You know, let's face it, unless you  
7 have been out there. It's a real world out there. It's not  
8 --

9 MS. RICHARDSON: It's an exciting job.

10 Q I'm trying to get a picture of the real world so I  
11 can understand it.

12 A Sure.

13 Q Let me ask you another question based on some of  
14 the earlier questions we had. You mentioned a situation  
15 where you may be inside a house and you have a situation  
16 where you put the customer back in service as quickly as you  
17 can with the quickest action that you can take, and then  
18 there may be fixing the inside wire that may take another  
19 hour, and then you would have to report back -- your clear  
20 time back to where you really put the customer in service?

21 A Right.

22 Q Okay. At what point do you actually get the CAT  
23 in your hand and show it cleared? Is that the moment where  
24 you actually restored the service, or at the end?

25 A When I'm getting ready to leave.

1 Q So it would be after that additional work that  
2 took the extra hour --

3 A Right.

4 Q -- that you would actually do that?

5 A Right.

6 MR. VINSON: Okay. Those are all the questions I  
7 have.

8 BY MS. WILSON:

9 Q Can I ask you then: You have trouble tickets? Is  
10 that what they are called?

11 A Well, I write it down. We are not required to  
12 write it down. Okay. We did it for so many years, but I  
13 carry a ticket book and I -- when I pull my trouble up on my  
14 computer I write down the information in my book so I don't  
15 run the battery down on my computer.

16 Q Would you ever record information in your book  
17 prior to going to the CAT? In other words, instead of  
18 making just a mental note of when you actually cleared --

19 A Oh, sure. Sure. Sometimes.

20 Q Do you --

21 A Sometimes. Just depending on what I'm doing. I'm  
22 making notes on those all day long, you know, of different  
23 things. If I'm doing a pair change, what spare pairs I'm  
24 working on. I've got, you know, just different notes  
25 written all the time on them.

1           Q     But there's no company policy, or you have not  
2     been instructed to actually write down the time that you  
3     cleared a trouble?

4           A     No. We don't actually -- The tickets aren't ever  
5     turned in anymore. Okay? We don't turn our physical -- so  
6     everything I write down on that ticket is just for me.  
7     Okay.

8           Q     So it's acceptable for you just to make a mental  
9     note of when you cleared the trouble and rely on your  
10    memory, basically?

11          A     You know, generally what -- you know, you guys are  
12    getting at station wire and that type of trouble, and  
13    generally those type, when I can get the customer back in  
14    service, then it takes me a long time to actually fix the  
15    trouble. That's inside wiring type stuff. And 99 and  
16    9/10th percent of the time that's a trip to the protector  
17    and lifting off the station wire where the customer has  
18    service. Okay? So there's no mental note that needs to be  
19    taken on how long did it take. How long did it take to walk  
20    to the side of the customer's house and take the wire loose,  
21    the one that was bad?

22          Now I'm not -- mental notes? You know, it doesn't take  
23    a rocket scientist to remember I took a station wire off.  
24    You know what I'm saying? And I'm replacing it, and it only  
25    take 30 seconds to lift that station wire. I mean, it's not

1 --

2 BY MR. VINSON:

3 Q Let's say in your example you're using you do  
4 that, and then you are inside the house and up in the attic,  
5 like you said, and an hour or so passes, and, you know, you  
6 --

7 A But I know what time I was dispatched.

8 Q You did that 50 minutes ago, or was that a quarter  
9 of ten --

10 A I know when I was dispatched, don't I?

11 Q Okay.

12 A Okay. I have it written down what time I was  
13 dispatched.

14 Q So you're saying it would closely match the time  
15 that you arrived there? Is that what you're saying?

16 A Sure.

17 Q Okay. It will just take a few minutes to walk  
18 around to the side of the house?

19 A Depending on how long it took the customer to come  
20 to the front door. If there is a dog. Whatever the case  
21 may be. You greet the customer when they come to the door:  
22 "I'm here to work on your phone." You go to the protector  
23 -- "I'm going to check your line." You go to the protector  
24 and you lift the station wires off. If one of them is  
25 shorted out, you get dial tone, and everything else tests

1 clean. You tie it back down and you say, "Your trouble is  
2 in the house, ma'am." But she's got dial tone at that point  
3 in time.

4 Q I understand.

5 A Okay. And I mean, how long did that take? Three  
6 minutes, four minutes. You don't need a mental notebook to  
7 keep up with that.

8 And then if it's to the outside, that's a drop wire.  
9 You're not going to close it like that anyway because they  
10 are not going to get dial tone until you have taken care of  
11 the trouble. Okay.

12 MR. BEATTY: Anything else?

13 MS. RICHARDSON: I have just one other question  
14 that I neglected to ask.

15 BY MS. RICHARDSON:

16 Q Do you ever exclude reports?

17 MR. BEATTY: Objection -- I withdraw the  
18 objection. I withdraw it.

19 A Do I ever exclude reports?

20 Q Um-ha. (Affirmative Response).

21 A Yes. I call to have troubles excluded, yes.

22 Q Okay. Has it always been the case that you had to  
23 call to have them excluded?

24 A To the -- Yeah. The best I can remember.

25 Q Okay. And under what conditions do you exclude

1 the trouble?

2 A Customer reports a drop wire down, and I go there  
3 and it's a cable TV drop wire. That's excludable.

4 Q Do you ever exclude out-of-service reports?

5 A Well, yeah. That would be an out-of-service  
6 report if the drop wire was down and it turned out to be a  
7 cable TV dropped, then it would be an out-of-service if the  
8 customer is reporting a drop down. I would assume that  
9 would be an out-of-service report. I'm sorry. I assumed.

10 Q That's all right. That's all right. Let's take  
11 -- Would you ever exclude an out-of-service report where it  
12 was the phone line, the customer's phone line that was out  
13 of service?

14 A No.

15 Q Do you know of anyone who has?

16 A No.

17 Q Do you know of anyone who has ever instructed an  
18 ST to exclude those out-of-service telephone reports?

19 A No.

20 Q Have you ever been instructed to do so yourself?

21 A No.

22 MS. RICHARDSON: Okay. Thanks, Mr. Haltiwanger.

23 (Witness excused).

24 (Whereupon, the deposition was concluded at 3:17 p.m.).

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AFFIDAVIT OF DEPONENT

This is to certify that I, WILLIAM VERNON HALTIWANGER, have read the foregoing transcription of my testimony, Pages 1 through 66, given on May 5, 1993, in Docket No. 910163-TL and Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_

WILLIAM VERNON HALTIWANGER

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_

Print Name:  
Notary Public - State of Florida  
My Commission Expires:

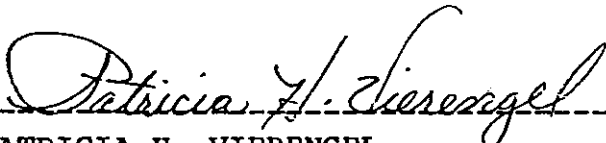
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F L O R I D A )  
:  
COUNTY OF DUVAL)

CERTIFICATE OF OATH

I, the undersigned authority, certify that  
WILLIAM VERNON HALTIWANGER personally appeared before me and  
was duly sworn.

WITNESS my hand and official seal this 10th day  
of May, 1993.

  
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PATRICIA H. VIERENGEL  
Notary Public - State of Florida  
My Commission expires 6/31/93.



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STATE OF FLORIDA )  
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COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

I, PATRICIA H. VIERENGEL, Court Reporter, DO  
HEREBY CERTIFY that I was authorized to and did  
stenographically report the foregoing deposition of WILLIAM  
VERNON HALTIWANGER;

I FURTHER CERTIFY that this transcript,  
consisting of 66 pages, constitutes a true record of the  
testimony given by the witness.

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

DATED this 7<sup>th</sup> day of June, 1993.

Patricia H. Vierengel  
PATRICIA H. VIERENGEL, Court Reporter  
Telephone: (904)725-8657

STATE OF FLORIDA )  
 :  
COUNTY OF DUVAL )

The foregoing certificate was acknowledged before  
me this 7<sup>th</sup> day of June, 1993, by PATRICIA H.  
VIERENGEL, who is personally known to me.

Ruth C. Grogins  
Print Name: Ruth C. Grogins  
Notary Public - State of Florida  
My Commission Expires: 11-30-95

CLOSING REPAIR JOBS

CORRECT FORMAT FOR BACKING UP YOUR TIME ON REPAIR JOBS

1. WHEN YOU FIRST RECEIVE A TROUBLE REPORT IN YOUR CAT, THE DATE RECEIVED WILL APPEAR ON PAGE 6 OF THE CUSTOMER MENU. THE DATE RECEIVED WILL ALSO APPEAR ON YOUR CAT WHEN YOU CLOSE THE JOB ON THE CLOSED TTN SCREEN. THIS IS THE TIME YOU WANT TO WATCH FOR THE 24 HOUR COMMITMENT.
2. THE DUE DATE AND TIME WILL ONLY APPEAR WHEN YOU FIRST RECEIVE THE TROUBLE IN YOUR CAT ON PAGE 7 OF THE TROUBLE MENU. IT DOES NOT APPEAR WHEN YOU CLOSEOUT THE TROUBLE. YOU WILL NEED TO KEEP A MENTAL NOTE OF THE DUE DATE AND TIME SO THAT WHEN YOU CLOSEOUT YOUR TROUBLE YOU CAN BACKUP YOUR TIME TO MEET THE COMMITMENT.
3. IF YOU ARE CLOSING A REPAIR JOB AND YOU ARE AT OR HAVE EXCEEDED THE DUE DATE AND TIME OR THE 24 HOUR COMMITMENT TIME YOU MUST GO TO ANOTHER LINE, NOT THE ONE YOU WILL BE CLOSING IN ORDER TO CLOSEOUT THE JOB. IF YOU CLOSEOUT THE JOB FROM THE LINE YOU JUST REPAIRED, LMOS WILL NOT RECOGNIZE THE TIME YOU BACKED UP TO MEET THE 24 HOUR COMMITMENT. IN ORDER TO MEET THE 24 HOUR COMMITMENT, YOU WILL NEED TO CLOSEOUT FROM A DIFFERENT WORKING LINE. IF YOU ARE NOT IN JEOPARDY OF MISSING THE 24 HOUR COMMITMENT, YOU CAN CLOSEOUT FROM YOUR JOB.

receive new job  
work on current job  
\* CLOSE JOB  
other

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\* CLOSE JOB  
close job-off duty  
return but don't  
close the job

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\* CLOSE OR RETURN JOB  
test ok  
return to cable  
return to co

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this trouble was:  
\* CLEARED  
not cleared

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request in progress

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cleared:  
\* CUSTOMER ADVISED  
customer not  
advised

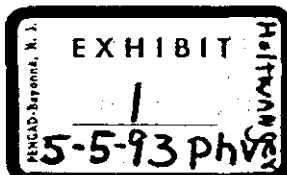
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close ttn is:  
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CUSTOMER REPT TIME:  
06-07-88 1100A

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READY TO TEST: MAKE  
LINE NORMAL. DROP  
OFF AFTER NEXT IF  
YOU ARE ON THE LINE.

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REMEMBER TO GO TO ANOTHER LINE IF YOU ARE NEAR, AT, OR HAVE EXCEEDED THE 24 HOUR COMMITMENT.

request in progress

THE TIME SHOULD

BE: 1045

\* AM

PM

4078443444 tested:  
test ok

the date is:

month: 06

day: 08

year: 88

enter the dis-  
position code:  
0380

YOU CAN CHANGE THE MONTH  
OR DAY TO MEET A COMMIT-  
MENT IF YOU WERE INCOM-  
PLETE AND CLEARED THE  
TROUBLE THE DAY BEFORE.

ready to enter  
cause information:  
use menus

\* INPUT CAUSE CODE

do you need special  
studies codes?

yes

• NO

enter cause code:  
210

do you want to  
enter narrative?

\* YES

no

FINISHED WORK ON  
THIS JOB AT: 1120A  
\* TIME IS INCORRECT  
time is correct

ABCDEFGHIJKLMNOPS

THIS IS WHERE YOU BACKUP YOUR  
TIME TO MEET THE COMMITMENT  
TIME AND THE 24 HOUR OUT OF  
SERVICE COMMITMENT.

JOB CLOSED OUT.

NEXT for main menu

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the matter of	:	DOCKET NO.: 910163-TL
	:	
Investigation into the integrity	:	
of SOUTHERN BELL TELEPHONE AND	:	
TELEGRAPH COMPANY'S repair service	:	
activities and reports.	:	
<hr style="border-top: 1px dashed black;"/>		
In re: Investigation into	:	
SOUTHERN BELL TELEPHONE AND	:	DOCKET NO.: 910727-TL
TELEGRAPH COMPANY'S compliance	:	
with Rule 25-4.110(2), F.A.C.,	:	FILED: 04/28/93
Rebates.	:	
	:	

---

DEPOSITION OF:	DEBORAH E. PHILLIPS
TAKEN AT THE INSTANCE OF:	The Staff of the Florida Public Service Commission
PLACE:	Southern Bell Offices 3100 Emerson Street Jacksonville, Florida First Floor Conference Room
TIME:	Commencing at 12:40 p.m. Concluded at 1:20 p.m.
DATE	5 May, 1993
REPORTED BY:	Patricia H. Vierengel, RPR Court Reporter

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A P P E A R A N C E S

J. SUE RICHARDSON, ESQUIRE  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street  
Room 812  
Tallahassee, Florida 32300-1400

JEAN R. WILSON, ESQUIRE  
Division of Legal Services  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0863  
Telephone: (904) 487-2740

CARL S. VINSON, JR.  
Sr. Management Analyst  
Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872  
Telephone: (904) 487-0509

WALTER BAER  
Management Analyst  
Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872

STAN L. GREER  
Engineer  
Bureau of Networks and Engineering Studies  
Division of Communications  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0866  
Telephone: (904) 488-1280

(Continued)

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

2                   ROBERT G. BEATTY, ESQUIRE  
3                   General Attorney  
4                   BellSouth Telecommunications, Inc.  
5                   Museum Tower Building  
6                   Suite 1910  
7                   150 West Flagler Street  
8                   Miami, Florida 33130  
9                   Telephone: (904) 530-5561

10                  NANCY B. WHITE, ESQUIRE  
11                  General Attorney  
12                  BellSouth Telecommunications, Inc.  
13                  675 West Peachtree Street  
14                  Suite 4300  
15                  Atlanta, Georgia 30375-0001  
16                  Telephone: (404) 529-5387

17                  SHELBA HARTLEY  
18                  2nd Executive Vice-President  
19                  Communications Local 3106  
20                  4076 Union Hall Place  
21                  Jacksonville, Florida 32205  
22                  Telephone: (904) 350-8372 or 384-2222

23                  JOHN F. KATTMAN, ESQUIRE  
24                  of the law firm of  
25                  Kattman & Eshelman, P.A.  
                  1920 San Marco Boulevard  
                  Jacksonville, Florida 32207  
                  Telephone: (904) 398-1229

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

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IT IS STIPULATED that this deposition was taken

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pursuant to notice in accordance with the applicable Florida

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Rules of Civil Procedure; that objections, except as to the

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form of the question, are reserved until hearing in this

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cause, and that reading and signing was not waived.

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IT IS ALSO STIPULATED that any off-the-record

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conversations are with the consent of the deponent.

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DEBORAH E. PHILLIPS,

appeared as a witness, and after being duly sworn by the court reporter, testified as follows:

EXAMINATION

BY MS. RICHARDSON:

Q Will you please state your name and then spell it for the Reporter?

A Deborah Elaine Phillips. D-E-B-O-R-A-H, E-L-A-I-N-E, P-H-I-L-L-I-P-S

Q Okay. And your address, please?

A 301 West Bay Street, 15BB1, Jacksonville, 32202.

Q And your phone number?

A (904)350-4725.

Q Is that your home address and phone?

A No, that's my work.

Q So would it be addressed to Southern Bell headquarters on Bay Street?

A It can be addressed to Southern Bell and just have my name on it.

Q Okay. What is your position with the company?

A I'm a service representative in the Business Sales and Service Center.

Q Business --

A Sales and Service.

Q -- Sales and Service? Have you discussed your

1 deposition here today with anybody other than your attorney  
2 or counsel for the company?

3 A No, I haven't.

4 Q Have you ever given a statement to a company  
5 investigator?

6 A Yes, I have.

7 Q Can you tell me when you made that statement?

8 A I don't remember the month, no. It was last year.

9 Q Last year?

10 A Um-ha. (Affirmative Response).

11 Q Did you give just one statement or more than one?

12 A Just one.

13 Q Just one. Can you tell me who was in the room  
14 last year when you made your statement?

15 A Unfortunately I cannot.

16 Q Can you tell me what position they held with the  
17 company?

18 A I believe it was security.

19 Q Someone from security?

20 A Yes.

21 Q Was there an attorney present?

22 A Yes.

23 Q Okay. Was there anybody else present?

24 A No.

25 Q Okay. You didn't have your own attorney there?

1 A No.

2 Q And do you have an attorney here today?

3 A Yes.

4 MS. RICHARDSON: And I'll ask him to put his  
5 appearance on record.

6 MR. KATTMAN: John Kattman, Kattman & Eshelman  
7 P.A., 1920 San Marco Boulevard, 32207; (904)398-1229,  
8 Jacksonville, Florida.

9 BY MS. RICHARDSON:

10 Q Okay. And do you have a union representative with  
11 you here today?

12 A Yes.

13 MS. RICHARDSON: And I'll ask her to put her  
14 appearance on the record.

15 MS. HARTLEY: Shelba Hartley, 4076 Union Hall  
16 Place, Jacksonville, Florida, 32205; (904)384-2222;  
17 Communications Workers of America, Local 3106,  
18 Executive Vice-president.

19 BY MS. RICHARDSON:

20 Q Okay. Has anyone advised you that you would not  
21 be disciplined for whatever answers you gave us here today?

22 A Yes.

23 Q Has anyone advised you of any possible criminal  
24 penalties that might apply if you perjured your testimony  
25 here today?

1 A No.

2 Q Okay. Let me take this time to just sort of give  
3 you some procedures here. If at any time you have a  
4 question that you want to ask your attorney and you want to  
5 go off the record to do that, all you have to do is just  
6 tell me that's what you would like to do, that you need a  
7 private conference, and we will go off the record and you  
8 can have your private conference.

9 If at any time you don't understand a question that I'm  
10 asking you and you want me to rephrase it, ask it  
11 differently, whatever, then just tell me, because you need  
12 to feel comfortable with the answers that you're giving here  
13 today. Okay?

14 A Okay.

15 Q How long have you been a service representative  
16 for the company?

17 A Since 1983.

18 Q Okay. Has all of that time been in Jacksonville?

19 A Yes.

20 Q Okay. And did you work for the company before  
21 1983?

22 A Yes, I did.

23 Q And what did you do?

24 A I was a maintenance administrator and a special  
25 clerk.

- 1 Q And where were you a maintenance administrator?
- 2 A 101 BellTell Way, Jacksonville.
- 3 Q That's Jacksonville still?
- 4 A Um-ha. (Affirmative Response).
- 5 Q Have you been in Jacksonville the entire time
- 6 you've worked for the company?
- 7 A Yes.
- 8 Q Okay. And how long were you an MA?
- 9 A Two years.
- 10 Q Two?
- 11 A Two years.
- 12 Q And can you tell me approximately which two years
- 13 those were?
- 14 A 1980 to 1982.
- 15 Q Okay. Who was your manager during that period of
- 16 time?
- 17 A My manager --
- 18 Q Um-ha. (Affirmative Response).
- 19 A -- or assistant supervisor?
- 20 Q Yeah. First level manager, assistant supervisor.
- 21 The one that had direct supervision of your --
- 22 A Dave Woodruff.
- 23 Q And was he the only first level manager that you
- 24 had?
- 25 A No. Originally when I first went into the

1 maintenance center, Lila Jenkins was my maintenance  
2 supervisor.

3 Q Would that also be maybe a Lila Bond?

4 A Yeah.

5 Q Is Jenkins and Bond the same?

6 A Yes. I think so. I think she got married.

7 Q And did you have any other first level managers  
8 then?

9 A No.

10 Q That's it? What about second level while you were  
11 an MA here?

12 A Dwight McGuinness.

13 Q Was there anyone else?

14 A Yes. I can't recall his name right now. Dwight  
15 was the longest.

16 Q Okay. If you can't recall --

17 A I can't recall his name.

18 Q Okay. What about presently? Who is your present  
19 supervisor?

20 A Margaret Sims.

21 Q And can you Sims for me?

22 A S-I-M-S.

23 Q Just one "M" then?

24 A Yes.

25 Q Okay. Is she your first level?

1 A Yes.

2 Q And do you have a second level supervisor?

3 A Wayne Skeleton.

4 Q I didn't catch the first name.

5 A Wayne.

6 Q Wayne?

7 A Skeleton.

8 Q Is that spelled just like a skeleton?

9 A Yes.

10 Q All right. Who was your first level supervisor

11 before Ms. Sims?

12 A Loretta Brown.

13 Q And how long was Ms. Brown your supervisor, or

14 from what year to what year about?

15 A This is '93. I don't --

16 MR. KATTMAN: If you don't know, you don't know.

17 A I don't know.

18 Q Okay. Do you remember any other first level

19 supervisors that you had while you were a service

20 representative?

21 A Sure. Mary Jackson.

22 Q All right.

23 A That's it.

24 Q All right. What about second level supervisors?

25 A Betty Young.



1 Q And who else?

2 A Mike Franks.

3 Q Franks?

4 A Yes.

5 Q And anyone else?

6 A That's all.

7 Q Okay. Do you know who your operation manager is  
8 right now?

9 A Don Moore.

10 Q Is that double "O-O-R-E" or --

11 A D-O-N, M-O-O-R-E. Yes.

12 Q How long has he been your operations manager?

13 A Since March.

14 Q Well then, who was it before Mr. Moore?

15 A Judy Sawyer.

16 Q Okay. And how long was she your supervisor, your  
17 operations manager?

18 A I assume the entire time I have been in the  
19 business office. I don't remember if there was anyone else  
20 before her.

21 Q All right. Do you know who your general manager  
22 is?

23 A I'm not sure I do. Bill Dresser.

24 Q Bill Drexler?

25 A Bill Dresser

1 Q D-R-E-S-S-E-R?

2 A D-R-E-S-S-E-R. Yes.

3 Q All right. Well, let's just finish the group out.

4 Do you know who your union president is? This is tough, I  
5 know.

6 THE WITNESS: Is it Gavin? No, not Gavin.

7 MS. HARTLEY: Edenfield.

8 A Edenfield.

9 Q All right. And who is your office union person,  
10 the person in your office?

11 A In my office?

12 Q Yeah. The union representative in your office.

13 A There are a couple. Shirley Arrington, Peggy  
14 Bammer.

15 Q All right. I need you to spell for me Arrington  
16 and Bammer.

17 A Bammer is B-A-M-M-E-R.

18 Q Just like it sounds. Okay.

19 A Um-ha. (Affirmative response). And Arrington is  
20 A-R-R-I-N-G-T-O-N.

21 Q Okay. What do you do as a service representative?

22 A Handle calls that come into the business office  
23 from customers who request new service; transfer of service;  
24 discussion of their bills; sell services and products that  
25 the company offers.

1 Q And have you had training for all of these  
2 different duties that you have?

3 A Yes, I have.

4 Q Is that like formal classroom training you have  
5 received?

6 A Most of it, yes.

7 Q Is some of it on-the-job training, also?

8 A Yes.

9 Q When you do on-the-job training, does someone with  
10 more experience sit with you and kind of work with you on  
11 it, or is it by evaluation?

12 A Supervisor.

13 Q A supervisor evaluates your performance?

14 A The supervisors train.

15 Q Okay.

16 A And then we sit down and do it.

17 Q Okay. And when you do sales, is there a certain  
18 script or something that you're supposed to follow?

19 A We don't have a written script, no.

20 Q Okay. Is part of the training package certain  
21 things that you are supposed to say to customers?

22 A You mean in as far as having a piece of paper and  
23 say this, this and this?

24 Q Um-ha. (Affirmative Response).

25 A No.

1 Q All right. Do you have sort of, even though it's  
2 not written down, a set approach that you take with a  
3 customer on sales?

4 A Our sales is based on needs based selling. When  
5 we speak with a customer we have information, if it's on an  
6 existing customer on record, and what our sales attempts is  
7 to make sure we are offering the customer something, or  
8 getting information from the customer so that we can offer  
9 them products that they will have need of.

10 Q Okay. And how do you determine whether or not  
11 they need it?

12 A It's based on questions that we ask them. We try  
13 to get them to talk with us to give us information, and  
14 based on our conversation with the customer.

15 Q Okay. Through that process have you ever felt any  
16 pressure to create a need for a customer, to encourage a  
17 customer to develop needs that they may not have had?

18 A I don't understand what you're asking.

19 Q Okay. Let's say -- Do you sell residential and  
20 business?

21 A Right now I just sell business.

22 Q Have you sold residential?

23 A Yes.

24 Q Let's take a residential customer, for example.  
25 You have a residential customer with just plain telephone

1 service, and that's it. Have you ever attempted to sell one  
2 of those customers a wire maintenance plan?

3 A Sure. If they don't have it.

4 Q Okay. How would you determine that they would  
5 need a wire maintenance plan?

6 A Say, "Mr. Customer, I notice that you don't have  
7 our wire maintenance plan. Have you had any problems with  
8 your service? If you have, do you know how to fix it or  
9 have someone who can?"

10 Q And if a customer told you, no, they didn't have  
11 it and they didn't want it, what would be your instructions?

12 A That's it.

13 Q That's it? You just --

14 A Or I'll ask them is there any particular reason  
15 why they don't.

16 Q Can't afford it. Don't want it.

17 A That's it. That's fine with me.

18 Q Okay. Based on your training and experience and  
19 just how you handle the job, do you feel that your sales has  
20 any aspect of pressured sales?

21 A No.

22 Q Okay. You don't feel any pressure, that you put  
23 any pressure on a customer?

24 A No.

25 Q Have you ever been given a list of customers who

1 did not have wire maintenance plans and told to go down that  
2 list and attempt to sell those customers a wire maintenance  
3 plan?

4 A No.

5 Q Have you ever participated in assumptive sales?

6 A Explain what you mean, please.

7 Q Have you ever heard the term, "assumptive sales"?

8 A No.

9 Q Have you ever heard the term "assumed sales"?

10 A "Assume" meaning I'm speaking with a customer and  
11 I just assume the sale?

12 Q Um-ha. (Affirmative Response).

13 A Yes, I have heard that term.

14 Q Can you explain to me how that is recorded and  
15 handled on a customer record?

16 A No, I cannot explain to you on how it's recorded  
17 and handled.

18 Q Okay. Explain to me then all of the effects of an  
19 assumed sale. How do you assume a sale?

20 A The way I would assume a sale is that if I'm  
21 talking to a customer and in this contact I have gone over  
22 everything with them, and they are in agreement with what  
23 I'm saying, then I will say to them, "Then shall we order  
24 this?" Or, "When shall we have this installed?"

25 Q Okay. And what if they don't give you any

1           indication that they definitely want it installed, or by a  
2           certain date?

3           A     They would have to.

4           Q     Okay. Before you would record it as a sale?

5           A     Yes.

6           Q     Do you ever assume a sale without talking to a  
7           customer?

8           A     No.

9           Q     Do you know of anyone who has?

10          A     No.

11          Q     Do you know of any who has been given a list of  
12          customers who don't have a wire maintenance plan and told to  
13          record a wire maintenance plan with those people without  
14          contacting them?

15          A     No.

16          Q     Do you know of people who have been given a list  
17          of customers without a wire maintenance plan and told to  
18          sell the wire maintenance plan?

19          A     No.

20          Q     Do you have a group of customers in Jacksonville,  
21          in your area here who are -- may have difficulty speaking  
22          English because they were foreign born?

23          A     In Jacksonville?

24          Q     Um-ha. (Affirmative Response).

25          A     Not that I have encountered.

1 Q Okay. So most of your people speak English and  
2 understand you very clearly when you speak to them on the  
3 phone?

4 A Yes.

5 Q Do you get the sense that most of the people  
6 understand the services that you are providing?

7 A Yes.

8 Q Are you instructed to explain to the customer  
9 exactly what the service provides to them, how it works and  
10 what -- how it will benefit them?

11 A Yes.

12 Q Okay. Are you instructed to tell the customer how  
13 to use whatever service you're providing?

14 A Yes.

15 Q Do you explain to the customer the cost of each  
16 individual service that you are providing?

17 A Yes.

18 Q Do the costs for these services show up on the  
19 monthly bill for the customer?

20 A They do.

21 Q Okay. Does the customer receive any kind of  
22 separate statement about verifying that he has ordered these  
23 particular services and that they will be billed?

24 A Yes, they do.

25 Q Okay. Does the company require a written



1 verification of order from customers?

2 A From customers?

3 Q Um-ha. (Affirmative Response).

4 A No. Or not that I know of.

5 Q Do you know of any customers who have complained  
6 that services had been added to their bills without their  
7 knowledge?

8 A I have had customers call in, yes.

9 Q Was that complaint directed toward you personally  
10 adding something to their bills, or just in general?

11 A Just in general.

12 Q Okay. And how have you dealt with those?

13 A I just review the records, depending on what it is  
14 that's on there, and ask if any family member could have  
15 possibly ordered it, and if not I remove it.

16 Q Do you speak to them about any possible rebate?

17 A It depends. If they say that they have not added  
18 it, then most of the time I will say, "Based on our  
19 conversation then I will adjust it back to the date of  
20 installation."

21 Q Okay. Have you been involved in any of the  
22 company rebates to customers who have said that they didn't  
23 have wire maintenance, they never ordered it, and want it  
24 taken off their bill, and the company has rebated it?

25 A Involved in what way?

1 Q Involved in the company's settlement with the  
2 Attorney General and some of the news reports you may have  
3 read in the newspaper?

4 A Any more than just the normal operation of my job?

5 Q Um-ha. (Affirmative Response).

6 A No.

7 Q As a service representative do you deal at all  
8 with trouble repair, repair of telephone service for  
9 customers?

10 A No.

11 Q As a maintenance administrator in Jacksonville in  
12 the early '80s, what were your duties?

13 A To close out trouble reports from the outside  
14 technicians; to dispatch them on troubles.

15 Q Okay. Did you also screen?

16 A No.

17 Q Did you test?

18 A Occasionally. Yes.

19 Q Okay. Back in the '80s when you were an MA, did  
20 service technicians have any ability to clear and close  
21 trouble on their own without calling in?

22 A No.

23 Q So any report that was closed would have had to  
24 come through a maintenance administrator like yourself?

25 A Yes.

1 Q Have you ever heard the term "backing up the  
2 time"?

3 A Yes, I have heard that term.

4 Q And what does it mean to you?

5 A I heard that term today. Backing up time to show  
6 that a trouble ticket was cleared sooner than it was.

7 Q Okay. Are you familiar with the requirement that  
8 the company clear out-of-service reports within 24 hours at  
9 least 95% of the time?

10 A On out of services you mean?

11 Q Um-ha. (Affirmative Response).

12 A Yes.

13 Q Were you aware of that back in '82 when you were  
14 an MA?

15 A Yes.

16 Q So when you speak to me about backing up clearing  
17 times, are you referring to backing up a clearing time to  
18 meet that out-of-service-over-24-hour commitment?

19 A No.

20 Q Okay. Then can you be more clear on what you mean  
21 by "backing up time"?

22 A At any time when a trouble or a ticket is passed,  
23 closing it out at a time now when it was -- actually it it  
24 should have been done sooner.

25 Q Okay.

1           A     I'm not speaking specifically in terms of any  
2 out-of-service, or regular service, or whatever; just  
3 backing up time basically.

4           Q     Okay. Do you know of anyone who has backed up a  
5 clearing time on a report when the service had not been  
6 restored in order just to meet the  
7 out-of-service-over-24-hours commitment?

8           A     No.

9           Q     Has anyone ever instructed you to do that?

10          A     No.

11          Q     Did Mr. Woodruff ever instruct you or another MA  
12 to back up that clearing time to show that it was completed  
13 within 24 hours?

14                   MR. BEATTY: Objection to the form of the  
15 question. It's compound.

16                   Answer, if you know.

17          A     He did not instruct me.

18          Q     Do you know if he instructed other people to do  
19 that?

20          A     No.

21          Q     Have you heard whether or not he instructed other  
22 people to do that?

23          A     No.

24                   Can I make a correction?

25          Q     Yes.

1           A     At the time I was not an MA. I was a dispatch  
2 clerk, if that makes a difference.

3           Q     Okay. Between '80 and '82 you were a dispatch  
4 clerk?

5           A     Yes.

6           Q     Or just under Mr. Woodruff you were a dispatch  
7 clerk?

8           A     Between '80 and '82. They became maintenance  
9 administrators after I left.

10          Q     After you left that particular center in  
11 Jacksonville?

12          A     Yes.

13          Q     All right. Then where were you an MA?

14          A     I was never an MA.

15          Q     I'm sorry. I thought you said you were. Let me  
16 take that back.

17                MS. WILSON: I thought she did, also.

18          A     So it is dispatch clerk?

19                MS. HARTLEY: I think it's because -- If I may  
20 clarify it for you -- that we had a group of people  
21 that were being treated as MAs that were dispatch  
22 clerks, and the union pursued that and they changed  
23 and grandfathered all of those people into an MA, and  
24 that was the reason. And that's why she feels like  
25 she was an MA, because most of them did, and they paid

1           -- at different times they were paid a differential  
2           for doing that work.

3           THE WITNESS: We did the same work but my title  
4           was not officially an MA.

5           BY MS. RICHARDSON:

6           Q     All right. So even though you were a dispatch  
7           clerk you were still functioning as a maintenance  
8           administrator?

9           A     Right.

10          Q     Okay. Do you know what a cause code is?

11          A     Yes, I do.

12          Q     All right. And what is a cause code?

13          A     The reason that caused the trouble.

14          Q     Can you give me an example of a cause code. Not a  
15          number, but generally what one would be?

16          A     A customer reported static on the line. A  
17          technician called in after he cleared his trouble and said  
18          whatever the code was that caused the static.

19          Q     Okay. Are there certain cause codes that would  
20          exempt an out-of-service report from being counted against  
21          the company in that out-of-service over 24 hours?

22          A     I don't know.

23          Q     Do you know of anyone who has used cause codes in  
24          a manner that you felt to be improper based on your training  
25          and experience?

1           A     No.

2           Q     Has anyone ever directed you to use specific cause  
3 codes that you felt did not apply to the trouble?

4           A     No.

5           Q     Have you ever heard of that being done?

6           A     No.

7           Q     Have you heard of the phrase "building the base"?

8           A     No.

9           Q     Okay. Ms. Phillips, I'm going to show you a  
10 document that was filed by Southern Bell on April 1st, 1993  
11 in the consolidated docket, and it is Southern Bell's  
12 response to Preliminary Order Number PSC930263PCOTL entered  
13 on February 19th, 1993. The first thing that I'm going to  
14 ask is whether or not your name appears on this document at  
15 number 468 out of the 650 employees listed? Is that you?

16          A     Yes, it is.

17          Q     Have you had an opportunity to review this  
18 document?

19          A     Yes.

20          Q     Okay. Next to your name appears a series of  
21 numbers, and one of those numbers is the number 6. Okay?  
22 And then if you would look inside the document, number 6  
23 says something about building the base of out-of-service  
24 troubles. Okay? I would like to know what you know about  
25 building the base of out-of-service troubles.

1                   MR. BEATTY: Objection. It's been asked and  
2 answered.

3                   Q     You can answer the question.

4                   A     I don't know anything about building the base of  
5 out-of-service troubles.

6                   Q     Okay. Under your name also appears number 11, and  
7 that indicates that you may have some information about  
8 improper preparation of trouble reports, or improper  
9 activities in general. What do you know about improper  
10 preparation of trouble reports?

11                  A     Nothing.

12                  Q     Has anyone ever directed you to status or code a  
13 trouble report in a manner that you felt was improper based  
14 on your training and experience?

15                  A     No.

16                  Q     Do you know of any manager that has directed any  
17 dispatch clerk or MA to status a trouble report in a manner  
18 that you felt was improper?

19                  A     No.

20                  Q     Have you heard of that being done?

21                  A     When I was in the maintenance center?

22                  Q     Um-ha. (Affirmative Response).

23                  A     No.

24                  Q     How about when you were a service representative,  
25 have you heard of that being done?



1           A     I hear people talking, rumors, but no specific  
2 person, no.

3           Q     Okay. What are the rumors that you have heard?

4           A     Only about the investigation and what's going on,  
5 that we were under investigation because of people coding  
6 tickets incorrectly.

7           Q     Okay. In these conversations, are the  
8 conversations held with other employees of Southern Bell?

9           A     Just talk.

10          Q     Okay. Can you identify any individuals that have  
11 had these conversations with you?

12          A     No.

13          Q     Under your name also appears the number 12, and  
14 this is something to do with statusing troubles generally,  
15 including criteria for statusing out of service. What makes  
16 a trouble report out of service?

17          A     If the customer does not have dial tone, or if the  
18 line generally is so staticky that they cannot be heard and  
19 cannot hear it.

20          Q     Has that always been the criteria from the first  
21 time you started working in '80 all the way through?

22          A     I don't remember. I don't know.

23          Q     You don't know?

24          A     No.

25          Q     Okay. In terms of statusing, was it part of your

1 job as a dispatch clerk to status troubles out of service?

2 A No.

3 Q Were they already statused when they came to you?

4 A Yes.

5 Q Did you dispatch both out-of-service and service-  
6 affecting reports?

7 A Yes.

8 Q Was there any criteria that was different from  
9 dispatching an out-of-service as opposed to a service-  
10 affecting?

11 A Only that we dispatched on the out-of-service  
12 first.

13 Q Okay. In terms of statusing a report, you said  
14 they were done before they got to you. Did you ever have  
15 occasion to change a status of a report on closeout?

16 A Only if the technician gave me something different  
17 on the closeout codes. Only if he used something different.

18 Q Okay. Can you give me an example?

19 A No.

20 Q All right. Let's say it's a service affecting  
21 report and it wasn't statused out of service up front, and  
22 the technician gets out in the field and finds that this  
23 really is -- that the customer doesn't have dial tone. How  
24 would you handle that before you cleared and closed the  
25 report?

1 MR. BEATTY: Objection to form of the question.

2 It's speculative.

3 A The technician is responsible, or was responsible  
4 for giving us the codes to put on the ticket.

5 Q Okay. Would he give you an out-of-service code?

6 MR. BEATTY: Same objection.

7 A If it was out of service, yes.

8 Q Okay. When you say an out-of-service code, would  
9 that be a disposition code that you're talking about?

10 A I don't remember what we used, or what we called  
11 them, but if that's what it was, yes. It's been --

12 Q It's been --

13 A It's been a long time.

14 Q Okay. I realize it's been a long time and you're  
15 really having to reach into your memory for this.

16 Did you ever experience a process where most of the  
17 reports that you were dispatching were service affecting,  
18 and most of those reports were ending up being out of  
19 service statused after the closeout?

20 MR. BEATTY: Object to the form of the question.

21 It's compound.

22 If you understand the question --

23 THE WITNESS: Yes, I do.

24 A No.

25 Q Okay. Was it ever a policy or procedure just to

1 let the reports flow through as service affecting and not  
2 deal with them as out-of-services?

3 A No.

4 Q Was it ever a policy to wait until the end of the  
5 report to see if it could be cleared within 24 hours before  
6 statusing it out of service?

7 A No.

8 Q And Number 21 I believe is also by your name, Ms.  
9 Phillips, and let me read this because I want to get it  
10 correct. Number 21 says, "Wet and dry rules." What are wet  
11 and dry rules?

12 A I have no idea.

13 Q Are you familiar with auto screener?

14 A No.

15 Q Was there a mechanized testing program in the  
16 computer when you were working as a dispatch clerk?

17 A I don't remember.

18 Q Okay. Ms. Phillips, I'm going to show you a  
19 document that is titled "Citizens Third Set of  
20 Interrogatories dated June 6th, 1991. Item Number 3.

21 Basically, what an interrogatory is, it's a written  
22 question. We send a question in writing to the company, and  
23 the company sends us a written answer. Okay? What we did  
24 was we asked the company to give us the names of employees  
25 who had knowledge about recording out-of-service reports.

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When we go off the record you'll have a chance to read it and ask your attorney any questions about it that you may have.

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The last thing: This thing is folded and paper clipped this way because the company has claimed confidentiality for all the information that's behind it, so we ask that you not look at anything that's underneath it. Just for your information, we are contesting that before the commission, and may end up contesting that before the Supreme Court, but for right now it's confidential.

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MR. BEATTY: Just for the record, the company's record.

22

(Brief recess).

23

MR. KATTMAN: Okay. We are ready.

24

BY MS. RICHARDSON:

25

Q Okay.

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2 A

3 Q

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6 A I was not given any instructions not to status out  
7 of service. Basically, as I stated before, we didn't status  
8 the troubles. The troubles were already screened and sent  
9 around to us, and we closed out the ticket, and the only  
10 statusing process that we had was to close out codes that we  
11 were given to close out the tickets.

12 Q Do you know of any managers who instructed other  
13 maintenance administrators at that time not to status any  
14 out-of-services today?

15 A No.

16 Q Have you ever seen any signs or memos from  
17 managers saying, "Don't status anything out of service  
18 today"?

19 A No.

20 Q Has any other MA ever told you that they were  
21 instructed not to status any out-of-services today?

22 A No.

23 Q Have you ever heard of that being done?

24 A No.

25 Q As a dispatch clerk did you work with the "no

1 access"?

2 A Yes.

3 Q And do you remember what "no access" is?

4 A Customer is not there.

5 Q I'm sorry?

6 A The customer is not there.

7 Q The customer is not home?

8 A Yeah.

9 Q And if the customer is not home, what is the ST  
10 supposed to do?

11 A If he can't reach the customer he's supposed to  
12 turn it back in and say there's no access, and we replot the  
13 trouble and reroute it on there.

14 Q All right. And is he supposed to let the customer  
15 know he was out there?

16 A He's supposed to leave a tag.

17 Q Do you know if "no accesses" stop that repair  
18 clock, that 24 hour repair clock?

19 A I don't know.

20 Q You don't know? Did you ever have a "no access"  
21 where you hadn't dispatched anybody?

22 A Would you ask that again?

23 Q Yeah. Did you ever have a "no access" where you  
24 didn't dispatch an ST on a job?

25 A No access on a trouble?

1 Q Yeah. Um-ha. (Affirmative response).

2 A No.

3 Q Do you know of any manager who gave you  
4 instructions to "no access" without dispatching?

5 A No.

6 Q In terms of your work in sales, how do you code  
7 the time spent: tariffed, de-tariffed, regulated,  
8 non-regulated? Do you have a special code that you use?

9 A We don't code our time.

10 Q You don't code your time?

11 A Huh-ha. (Negative response).

12 Q How is your time kept? You're just a regular  
13 eight-hour employee?

14 A Seven and a half hours.

15 Q Seven and a half hours. Do you have to file any  
16 kind of time records or anything with the company?

17 A Only if we have exception time.

18 Q For administrative leave?

19 A Like I'm here today, this will be coded because  
20 it's not standard for the seven and a half hours.

21 Q Okay. Did you ever do sales when you were a  
22 dispatch clerk?

23 A No.

24 Q Were you ever asked to sell products or services  
25 while you were a dispatch clerk?



1 A No.

2 MS. RICHARDSON: Okay. Ms. Phillips, I think I'm  
3 through, unless somebody spurs my memory. I think I  
4 have asked you all the questions I have. I want to  
5 thank you for coming here today. There may be some  
6 other questions coming from the rest of the members,  
7 or people around the table.

8 BY MS. WILSON:

9 Q Ms. Phillips, you stated here today that you had  
10 previously given a statement to Southern Bell security?

11 A Yes.

12 Q Did they tell you why they were taking your  
13 statement?

14 MR. BEATTY: Objection to the form of the  
15 question. The question elicits information that is  
16 privileged to the extent that it is information  
17 communicated to or from -- or to the witness from the  
18 lawyers, or from persons working on behalf of lawyers.  
19 Accordingly, it is privileged pursuant to the  
20 attorney/client and attorney/work product documents,  
21 and with the witness' lawyer's indulgence I would  
22 request that the witness not respond to the question.

23 MR. KATTMAN: I'm going to allow her to answer  
24 whether there were instructions given, yes or no. But  
25 beyond that, based upon the objection posed by the

1 company's attorney, I would advise her not to answer.

2 A No, there were no instructions given.

3 MS. WILSON: Thank you.

4 MS. RICHARDSON: Mr. Beatty?

5 MR. BEATTY: No.

6 MR. KATTMAN: No questions. Thank you.

7 (Witness excused).

8 (Whereupon, the proceedings were concluded at 1:20 p.m.)

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This is to certify that I, DEBORAH E. PHILLIPS, have read the foregoing transcription of my testimony, Pages 1 through 39, given on May 5, 1993, in Docket No. 91016-TL and Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_

DEBORAH E. PHILLIPS

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

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Print Name:  
Notary Public - State of Florida  
My Commission Expires:


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F L O R I D A )  
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COUNTY OF DUVAL)

CERTIFICATE OF OATH

I, the undersigned authority, certify that  
DEBORAH E. PHILLIPS personally appeared before me and was  
duly sworn.

WITNESS my hand and official seal this 10th day  
of May, 1993.

  
\_\_\_\_\_  
PATRICIA H. VIERENGEL  
Notary Public - State of Florida  
My Commission expires:

1 STATE OF FLORIDA)  
2 :  
3 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

4 I, PATRICIA H. VIERENGEL, Court Reporter, DO  
5 HEREBY CERTIFY that I was authorized to and did  
6 stenographically report the foregoing deposition of DEBORAH  
7 E. PHILLIPS;

8 I FURTHER CERTIFY that this transcript,  
9 consisting of 40 pages, constitutes a true record of the  
10 testimony given by the witness.

11 I FURTHER CERTIFY that I am not a relative,  
12 employee, attorney or counsel of any of the parties, nor am  
13 I a relative or employee of any of the parties' attorney or  
14 counsel connected with the action, nor am I financially  
15 interested in the action.

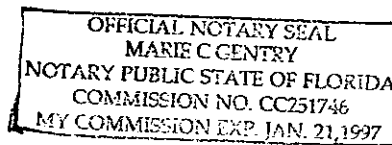
16 DATED this 4th day of June of 1993.

17 Patricia H. Vierengel  
18 PATRICIA H. VIERENGEL  
19 Telephone NO. (904) 725-8657

20 STATE OF FLORIDA)  
21 :  
22 COUNTY OF DUVAL )

23 The foregoing certificate was acknowledged before me  
24 this 4th day of June, 1993, by PATRICIA H.  
25 VIERENGEL, who is personally known to me.

26 Marie C. Gentry  
27 Print Name:  
28 Notary Public - State of Florida  
29 My Commission expires:



BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Investigation into the integrity : DOCKET NO.: 910163-TL  
of SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S repair service :  
activites and reports. :  


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In re: Investigation into : DOCKET NO.: 910727-TL  
SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S compliance : FILED: 04/28/93  
with Rule 25-4.110(2), F.A.C., :  
Rebates. :

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DEPOSITION OF: LEON J. METZ

TAKEN AT THE INSTANCE OF: The Staff of the Florida  
Public Service Commission

PLACE: Southern Bell Offices  
3100 Emerson Street  
Jacksonville, Florida  
First Floor Conference Room

TIME: Commenced at 3:30 p.m.  
Concluded at 4:30 p.m.

DATE: 5 May, 1993

REPORTED BY: Patricia H. Vierengel  
Court Reporter

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**ORIGINAL**

## A P P E A R A N C E S

1  
2  
3 J. SUE RICHARDSON, ESQUIRE  
4 Office of Public Counsel  
5 c/o The Florida Legislature  
6 111 W. Madison Street  
7 Room 812  
8 Tallahassee, Florida 32399-1400

9  
10  
11 JEAN R. WILSON, ESQUIRE  
12 Division of Legal Services  
13 Florida Public Service Commission  
14 101 East Gaines Street  
15 Tallahassee, Florida 32399-0863  
16 Telephone: (904) 487-2740

17  
18  
19 CARL S. VINSON, JR.  
20 Sr. Management Analyst  
21 Bureau of Regulatory Review  
22 Florida Public Service Commission  
23 Division of Research and Regulatory Review  
24 101 East Gaines Street  
25 Tallahassee, Florida 32399-0872  
Telephone: (904) 487-0509

16  
17  
18  
19  
20 WALTER BAER  
21 Management Analyst  
22 Bureau of Regulatory Review  
23 Florida Public Service Commission  
24 Division of Research and Regulatory Review  
25 101 East Gaines Street  
Tallahassee, Florida 32399-0872

20  
21  
22  
23  
24  
25 STAN L. GREER  
Engineer  
Bureau of Networks and Engineering Studies  
Division of Communications  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0866  
Telephone: (904) 488-1280

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

ROBERT G. BEATTY, ESQUIRE  
General Attorney  
BellSouth Telecommunications, Inc.  
Museum Tower Building  
Suite 1910  
150 West Flagler Street  
Miami, Florida 33130  
Telephone: (904) 530-5561

NANCY B. WHITE, ESQUIRE  
General Attorney  
675 West Peachtree Street  
Suite 4300  
Atlanta, Georgia 30375-0001  
Telephone: (404) 529-5387

SHELBA HARTLEY  
2nd Executive Vice-President  
Communications Local 3106  
4076 Union Hall Place  
Jacksonville, Florida 32205  
Telephone: (904) 350-8372 or 384-2222

D. GRAY THOMAS, ESQUIRE  
of the law firm of  
Sheppard and White, P.A.  
215 Washington Street  
Jacksonville, Florida 32202  
Telephone: (904) 356-9661

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I N D E X

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CERTIFICATE OF NOTARY	50

WITNESS

LEON J. METZ

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N O E X H I B I T S

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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 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 LEON J. METZ,  
2 appeared as a witness, and after being duly sworn by the  
3 court reporter, testified as follows:

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q And then would you state your name and spell it  
7 for the Court Reporter?

8 A Yes, ma'am. Leon, L-E-O-N, J. Metz, M-E-T-Z.

9 Q And your address?

10 A 7553 Atlantic Boulevard, Jacksonville, Florida.

11 Q And is that a business address?

12 A Yes, ma'am.

13 Q So it's Southern Bell?

14 A Yes, ma'am.

15 Q Did you give me a ZIP code on that?

16 A No, ma'am. I'm not sure what it is. It's  
17 322-something or other. It may be 05.

18 MS. HARTLEY: No, I think it's 11. The Southside  
19 Telco is 11.

20 THE WITNESS: Okay. We will go with 11.

21 Q Do you have a phone number there?

22 A Yes, ma'am. Area code 904-725-9618.

23 Q Okay. And are you represented by counsel here  
24 today?

25 A Yes, ma'am.

1 MS. RICHARDSON: I'll ask your counsel to put his  
2 appearance on the record.

3 MR. THOMAS: I'm D. Gray Thomas of Sheppard &  
4 White, 215 Washington Street, Jacksonville, Florida,  
5 32202, here on behalf of Mr. Metz.

6 MS. RICHARDSON: Okay. And do you have a phone we  
7 can put on the record?

8 MR. THOMAS: 356-9661. Area code 904.

9 BY MS. RICHARDSON:

10 Q And, Mr. Metz, do you have a union representative  
11 here with you today?

12 A Yes, ma'am.

13 MS. RICHARDSON: I'll ask your representative to  
14 put an appearance on the record.

15 MS. HARTLEY: Shelba Hartley, 4076 Union Hall  
16 Place, Jacksonville, Florida, 32205; 904-384-2222,  
17 Communication Workers of America, Local 3106,  
18 Executive Vice-President.

19 BY MS. RICHARDSON:

20 Q Okay. Did you discuss your deposition here today  
21 with anyone other than your attorney, or an attorney for the  
22 company?

23 A No, ma'am.

24 Q Okay. Has anyone advised you that you would not  
25 be disciplined for whatever answers you gave here today?

1           A     I did receive a letter, I believe, that mentioned  
2     that.

3           Q     Okay. Has anyone advised you of possible criminal,  
4     penalties that could apply if you perjur your testimony here  
5     today?

6           A     No, ma'am.

7           Q     All right. Then let me just kind of give you some  
8     procedural things. If you have any questions at any time of  
9     me, any questions that I'm asking you that you don't  
10    understand, feel free to ask me to rephrase them or to  
11    explain.

12          A     Okay.

13          Q     Okay? If at any time you need to go off the  
14    record and ask your attorney for advice, or discuss  
15    something with your attorney, then we will stop, we will go  
16    off the record, and you'll have that opportunity.

17          A     Okay.

18          Q     Okay. Have you made a statement to a company  
19    investigator at any time?

20          A     Yes, ma'am.

21          Q     And when was this?

22          A     I guess about a year and a half, two years ago.  
23    Somewhere in that time frame.

24          Q     Okay. And where was this?

25          A     In the Southern Bell Tower, the 18th floor.

1 Q Jacksonville?

2 A Yes, ma'am.

3 Q And who was there?

4 A I don't remember.

5 Q Do you remember their positions, whether or not  
6 they represented the company or --

7 A There was an attorney and there was an employee of  
8 the security department, but I don't remember who they were.

9 Q Was this a company attorney?

10 A I think it was an outside attorney.

11 Q Okay.

12 A But it didn't -- I believe -- I could be wrong,  
13 but I think it was a company working -- another company  
14 working for our company.

15 Q Okay. So your understanding was they were  
16 representing Southern Bell?

17 A Yes, ma'am. I think so.

18 Q Okay. Who asked you to appear at that deposition?

19 A My supervisor, Paul Wagner.

20 Q Did Mr. Wagner explain to you why you were going?

21 A Nope.

22 Q Did you get any instructions?

23 A No, ma'am.

24 Q Okay. Did the attorney present tell you why they  
25 were taking your statement?

1 MR. BEATTY: Objection. Objection. Objection.  
2 At this point my objection is to the fact that an  
3 answer to that question would disclose, as counsel  
4 well knows, because we have been through this now  
5 numerous times, the subject matter of the interview,  
6 which is privileged and confidential pursuant to the  
7 attorney/client privilege and the attorney/work  
8 product doctrine. Accordingly, with the indulgence of  
9 this witness' counsel, I would request that the witness  
10 not respond to the question.

11 MS. WILSON: Are you instructing him not to answer  
12 the question?

13 MR. THOMAS: Yes.

14 MS. RICHARDSON: Okay.

15 MS. WILSON: On the basis of?

16 MR. THOMAS: On the basis of the attorney/client  
17 privilege and the work product doctrine as previously  
18 noted by counsel.

19 BY MS. RICHARDSON:

20 Q All right. Mr. Metz, just for the record, since  
21 you are the only one that can testify on the record --

22 A Yes, ma'am.

23 Q -- are you refusing to answer my question based  
24 upon your counsel's advice?

25 A Yes, ma'am. Based on his advice.



1 Q Did you talk to anybody after you gave a  
2 statement?

3 A Regarding it?

4 Q Um-ha. (Affirmative Response).

5 A No, ma'am.

6 Q Mr. Metz, what's your present position with the  
7 company?

8 A I'm a service technician.

9 Q And how long have you held that position?

10 A About 20 years.

11 Q Has that entire time been in Jacksonville?

12 A Yes, ma'am.

13 Q Was that your very first job with the company?

14 A No, ma'am. I was an assignment clerk in my first  
15 job.

16 Q And when was that?

17 A 1971.

18 Q Did you go from being an assignment clerk directly  
19 to doing service tech work?

20 A Yes, ma'am.

21 Q All right. Who is your present supervisor?

22 A Bob Minerd.

23 Q Can you spell his last name?

24 A M-I-N-E-R-D.

25 Q And is he your first level --

1 A Yes, ma'am.

2 Q -- supervisor? Okay. And how long has he been  
3 your first level supervisor?

4 A About six months now.

5 Q Who was it before Mr. Minerd?

6 A Paul Wagner. W-A-G-N-E-R.

7 Q Thank you. And how long was Mr. Wagner your  
8 supervisor?

9 A About three years I would guess. Something like  
10 that.

11 Q And can you kind of just go back in your mind?  
12 You have Mr. Minerd, Mr. Wagner. Who preceded them? How  
13 many first levels can you remember that preceded them? And  
14 they don't necessarily have to be in order unless you can  
15 remember them that way.

16 A There's been a lot. They change about every two  
17 to three years. Before Wagner -- I'm drawing a blank.

18 Q Okay. What about second levels? Who is your  
19 second level?

20 A Right now I believe it's Jim Keels or Bob Hice.  
21 We are in the process of changing. I'm not sure if it's  
22 been officially changed, but I think it's now Jim Keels.

23 Q And who was your second level manager before Mr.  
24 Keels?

25 A Bob Hice.

1 Q Bob Hice.

2 A Yes, ma'am.

3 Q And how long then has Mr. Keels been your manager?

4 A Just a very short time. Like I said, they are  
5 just now changing over.

6 Q Just now changing. So he may not yet be your  
7 manager?

8 A I think he is.

9 MS. HARTLEY: He is.

10 A I'm getting a nod.

11 Q And then Bob Hice. How long was Mr. Hice your  
12 manager?

13 A At least the last five years or so.

14 Q All right. And can you just kind of think back?  
15 Do you know of any other second level managers that you have  
16 had that you can recall?

17 A Not unless I go way, way back. Not any recently I  
18 can't. I guess if I had sat down and thought about this  
19 could have come up with a list, but I didn't. I'm sorry.

20 Q Who's your operation manager?

21 A Robert Rupe.

22 Q And do you know who your general manager is?

23 A No, ma'am.

24 Q Who is your union steward in the office, union  
25 representative?

1 A I guess Lyn Deloach.

2 Q Is that L-Y- --?

3 A L-Y-N-N.

4 MS. HARTLEY: one "N".

5 Q And Deloach.

6 A Deloach. Um-ha. (Affirmative response).

7 D-E-L-O-A-C-H.

8 Q Okay. Can you briefly explain your duties as a  
9 service technician?

10 A Well, I repair and install telephone service for  
11 residential and small business customers.

12 Q All right. And has that always been the case  
13 throughout the 20 years that you have been doing this?

14 A Yes, ma'am. Basically. I have been loaned to  
15 other departments, like the Cable Department, for short  
16 periods of time, maybe for a year in there, but essentially  
17 that's been my job.

18 Q And the year that you were in cable, was that  
19 working in major cable failures?

20 A No, ma'am. I just did routine work. Replacing  
21 terminals and....

22 Q Would any of your cable experience deal with  
23 out-of-service type troubles?

24 A No, ma'am. They didn't let me do anything like  
25 that. I was a rookie.

1 Q Okay. Have you ever heard the phrase, "backing up  
2 the time"?

3 A Yes, ma'am.

4 Q And what does it mean to you?

5 A Well, when I finish a job, we had two times that  
6 we kept, the time we completed the work and the time we  
7 restored the service. They weren't always the same. We had  
8 to, for instance, if I was replacing a drop wire, and I got  
9 the drop wire and the customer back in service, but I also  
10 had to go trim some trees, or some other routine work, by  
11 the time I finished it would be 30 minutes or an hour later  
12 than the time I had their telephone service restored.

13 Q Okay.

14 A And so I would back up the time that the service  
15 was restored, say at 4:00, although I didn't actually finish  
16 work until 4:30 or 5:00, something like that.

17 Q And generally, how much time does routine work  
18 take?

19 A There's -- Sometimes it can be extensive, but  
20 usually like a half an hour maybe.

21 Q Okay. Have you ever had routine work take you six  
22 hours?

23 A I could see where it could, but I can't recall a  
24 case where it has.

25 Q Okay. Would you do --

1           A     Normally that much routine we would have made what  
2 we call an irregular plant condition report to have that  
3 done. You know. Usually our workload is pretty heavy, and  
4 at a time when we don't have much work we go on things like  
5 that.

6           Q     And if you had routine work that was going to take  
7 you six hours, would you have to call in and get a manager's  
8 approval to take that much time?

9           A     I probably would, because if you're on something  
10 more than a few hours they usually check on you, come  
11 looking for you, page you or something like that.

12          Q     Okay. Is there any procedure dealing with that?

13          A     You would just run it by your first line  
14 supervisor. Things are a little -- We are in a little  
15 different mode now than we have worked in the past. We  
16 would tend to do more of that kind of work now and get it  
17 done than in the past we would have.

18          Q     Okay. And why wouldn't you have done that in the  
19 past?

20          A     We were more -- Our emphasis was more on  
21 production, getting the trouble fixed and putting routine  
22 work aside and getting on to the next customer's problem.

23          Q     And why was the emphasis changed?

24          A     I can't answer that, but we are in more of a  
25 quality mode today.

1 Q Customer service quality?

2 A Customer service quality. Um-ha. (Affirmative  
3 Response).

4 Q Okay. In your experience did you have more repeat  
5 troubles in the past when you were not doing as much routine  
6 work?

7 A I didn't personally, I don't think. I have always  
8 had a pretty low repeat rate.

9 Q Do you know if the emphasis on moving on to the  
10 next job rather than doing a lot of routine created more  
11 repeat reports for your team?

12 MR. BEATTY: I'm going to object to the from of  
13 the question. You're assuming facts not in evidence  
14 and you're seeking to restate his testimony  
15 inaccurately. He never said that there was no routine  
16 work done in the past. He said there is more routine  
17 work done today.

18 BY MS. RICHARDSON:

19 Q Can you answer my question?

20 A Could you say it again, please?

21 Q All right. Do you know if there were more routine  
22 -- more repeat reports in the past when the emphasis was on  
23 getting on to the next job?

24 A I don't really know because I don't analyze the  
25 repeat reports, but a lot of the routine work doesn't really

1       affect customer service. A lot of the things that we are  
2       supposed to do, putting decals on the lid, isn't going to  
3       make any difference whether the phone works or not. It's  
4       something we are required to do. So a lot of it is really  
5       not of a nature -- maybe I shouldn't say a lot of it, but  
6       some of it is not really of a nature to affect customer  
7       service. Things like trimming trees are more important  
8       because if you don't trim the tree off the wire the wire  
9       eventually goes bad.

10       Q     Would closing a hole in a cable, even though the  
11       customer has service, would that be routine work?

12       A     I don't know. I don't ever --

13       Q     Well, let me take a drop wire. Let's take a drop  
14       wire.

15       A     Okay.

16       Q     Okay. You've restored the drop wire enough that  
17       the customer has dial tone.

18       A     Okay.

19       Q     Have you given the customer service at that point?

20       A     Yeah.

21       Q     Okay.

22       A     Assuming -- You know, sometimes -- Sometimes you  
23       don't just have one simple little trouble. It's not just  
24       the drop wire. Okay? If the drop wire is bad you repair or  
25       replace the drop wire, and maybe they have a jack they want



1 fixed, too. So they could be out of service. The drop gave  
2 them no dial tone. You replace the drop wire. The kitchen  
3 phone is working, and she says, "Well, this back bedroom  
4 jack has a little bit of static in it, too." Well, I would  
5 consider that they are back in service when you got their  
6 kitchen phone working. And running a new wire back to their  
7 bedroom to get an additional jack, it's not routine work,  
8 but I would consider service restored at the time I got at  
9 least one of their phones working.

10 Q Okay.

11 A If that's -- That's where you were headed?

12 Q That's fine. That's fine. Let's say the problem  
13 is strictly in the drop wire.

14 A Um-ha. (Affirmative Response).

15 Q And whatever you have done you have fixed that  
16 part that would give dial tone, but there's still a hole in  
17 the wire itself. Would part of your work be to clean that  
18 hole up and make sure it's tight and clear?

19 A We would replace that.

20 Q Just replace it?

21 A Yes, ma'am.

22 Q Have you heard "backing up the time" in any other  
23 context?

24 A No, ma'am.

25 Q Do you know of anyone -- Let me preface this with

1 another question. Are you aware of the requirement that the  
2 company repair out-of-service reports within 24 hours at  
3 least 95% of the time?

4 A Yes, ma'am.

5 Q And how long have you known that?

6 A Quite some time.

7 Q Okay. All right. That's fine. Do you know of  
8 anyone who has backed up a clearing time in order to show  
9 that they have met that 24-hour commitment?

10 A No, ma'am.

11 Q Have you ever been instructed or asked by a  
12 manager to back up your clearing time to make sure you meet  
13 that 24-hour commitment?

14 A No, ma'am.

15 Q At one point when you were a service technician  
16 were you required to call in to a maintenance administrator?

17 A Well, maybe if I can expand on that just a little  
18 bit.

19 Q You may do that.

20 A Only when I really did meet the clearing time. As  
21 an example I gave you before where where I had routine work  
22 and that took long. Say the commitment was 4:00 and I had  
23 done 30 minutes routine and I had got done at 4:30, and if I  
24 had actually meet it. But if you're meaning, in other  
25 words, backing it up when it wasn't proper to do so, no,

1 ma'am.

2 Q And no one instructed you to do that?

3 A No, ma'am. In fact, I was told as a direct quote,  
4 "We are not asking to you lie. Do not lie."

5 Q All right. When did you hear this?

6 A When discussing the closeout times.

7 Q With whom?

8 A With my boss, or with the second level.

9 Q All right. And approximately what year, or what  
10 time frame did this occur?

11 A Say within the last five years.

12 Q Within the last five years. And was this a  
13 one-time occurrence or did this discussion happen more than  
14 once?

15 A We would -- Well, we would have meetings and  
16 discuss things like that at periods of time.

17 Q All right. And why would someone question, "Are  
18 you asking me to back it up"?

19 A Well, because we would be talking about the  
20 closeout times, and we would be instructed that if the time  
21 that you had the service restored was different from the  
22 time you finished the work, that -- to show two different  
23 times. And people would question that as, "Did you want us  
24 to" -- "are you trying to infer that we should do something  
25 wrong that we didn't really do? Say we met the commitment

1 when we didn't"?

2 And we were told, "No."

3 Q All right. Do you remember who told you that?

4 A Bob Hice told me that. And my supervisor, Paul  
5 Wagner told me that.

6 Q Okay. Do you know of any other managers or  
7 supervisors who did instruct their people to back up the  
8 clearing time just to meet that commitment?

9 A No, ma'am.

10 Q Have you heard of that being done?

11 A No, ma'am.

12 Q Okay. At this point, Mr. Metz, I'm going to  
13 introduce a document for the record and then we will go off  
14 the record and you'll have a chance to read it and discuss  
15 it with your attorney, and then when you're comfortable we  
16 will come back on the record. But I'll introduce it first.  
17 This is Citizens' Third Set of Interrogatories. An  
18 interrogatory is a written question that we mail to the  
19 company and then the company mails us a written answer back.

20 A Yes, ma'am.

21 Q All right. This is dated June 6th, 1991 and it's  
22 item number 1 in this entire set of questions. Our request  
23 generally asks the company to give us the names of employees  
24 who had some knowledge about falsifying completion times on  
25 repair records, and the company's response, which you will

1 get to read, but generally says, "The persons listed below  
2 may have some knowledge about this."

3 Okay. And the first question I will ask you when we  
4

5  
6 All right. And then the second thing I need to let you  
7 know is that this is folded and paper clipped in the way it  
8 is because the company has claimed that this information is  
9 confidential, and presently that confidentiality claim is  
10 before the Commission. We are contesting that claim because  
11 we don't think it's confidential, but the commission has to  
12 rule on it. And so until we get a decision we consider it  
13 confidential. So I ask that you don't look at any of the  
14 other information on here.

15 MS. RICHARDSON: Okay. We will go off the  
16 record now and you can read it and talk to your  
17 attorney about it.

18 MR. THOMAS: Let's step outside.

19 (Brief recess).

20 MS. RICHARDSON: Okay. Ready to go back to the  
21 record?

22 MR. THOMAS: Yes.

23 BY MS. RICHARDSON:

24 Q

25

1 A Can I look at that again?

2 Yes, ma'am.

3 Q

4 A

5 Q

6

7 A Um-ha. (Affirmative response).

8 Q What information do you have about that?

9 MR. BEATTY: Objection. It's been asked and  
10 answered.

11 BY MS. RICHARDSON:

12 Q You can still respond.

13 MR. BEATTY: Go ahead.

14 MR. THOMAS: Yeah, you can go ahead and answer.

15 A The only information I have is that we discussed  
16 it in meetings that we should always -- not always, I guess,  
17 but most of the time we should have two different times  
18 down. Usually we restore the service and we did our routine  
19 work. Sometimes you might have to do the routine work in  
20 the course of it, but usually you did that after getting the  
21 phone back on. So usually you could deduct that time. We  
22 had meetings and we discussed it, and that's about it.

23 Q Okay. Are you aware, or do you know of a customer  
24 is out of service more than 24 hours are they due a rebate?

25 A Yes, ma'am.

1 Q And how long have you known that?

2 A Again, quite a long time.

3 Q Okay. Do you know of any customer that has been  
4 denied a rebate because of improper statusing or handling of  
5 their trouble report?

6 A No, ma'am.

7 Q I would like to show you another document. This  
8 one was filed by Southern Bell on April 1st, 1993 in the  
9 Consolidated Rate Case Docket. It's Southern Bell's  
10 response to Preliminary Order Number PSC930263PCOTL entered  
11 February 19th, 1993. And again, Mr. Metz, the first thing  
12 I'll have you do is identify whether or not you were Number  
13 396 out of 650 individuals? And then if you are, I have may  
14 have one or two questions --

15 A Well --

16 Q -- about this.

17 MR. THOMAS: Look at it.

18 A That's not my middle initial.

19 Q Okay. So this may not be you then?

20 A It's possible. But that's a T. and my middle  
21 initial is J.

22 Q Okay. Have you ever felt any intimidation or  
23 pressure to do -- to handle the trouble report in a manner  
24 that you felt was improper based on your training and  
25 experience?

1           A     Yes, ma'am.

2           Q     And can you tell me about that?

3           A     Yes, ma'am.  When we would miss a trouble report  
4     by less than 30 minutes we would get a letter from our  
5     second level, and basically it said that you closed out this  
6     trouble and you missed the commitment by less than 30  
7     minutes, and the tone was almost like an admonition, like  
8     you did something wrong.  And when we would question that,  
9     you know, "I did it right."

10          They said, "Okay.  We want you to do it right, but we  
11     just want you to be careful, and if you were that close to  
12     making the commitment we want you to watch out and to try to  
13     get it, but we are not asking you to do anything wrong."

14          But I did feel, I hate to say pressure, but -- maybe a  
15     less strenuous word than that.  I did feel like an  
16     intimidation -- not even an intimidation, but it was implied  
17     that perhaps that's what they were looking for, but I was  
18     never told to do that.

19          Q     All right.  Were you the only ST that got these  
20     letters?

21          A     No, ma'am.

22          Q     And who sent these letters?

23          A     They would have come from Bob Hice, the second  
24     level.

25          Q     All right.  So he routinely sent these letters to



1 any ST that missed the out-of-service commitment by more  
2 than 30 minutes?

3 A Yes, ma'am. Well, no. If you missed it within a  
4 span of 30 minutes, say it was 6:00, between 6:00 and 6:30.

5 Q Okay. Did you discuss these letters with any of  
6 the other STs?

7 A Yes, ma'am.

8 Q And what did you collectively decide about the  
9 letter?

10 MR. BEATTY: Objection. Hearsay. It presumes --  
11 It causes the witness to speculate.

12 MR. THOMAS: It presumes that a collective  
13 decision was made, and I would ask that you rephrase  
14 the question.

15 BY MS. RICHARDSON:

16 Q What did you collectively discuss about these  
17 letters?

18 A Well, we would discuss that other people got them  
19 and they weren't entirely comfortable either, that they felt  
20 that it was an arm twisting, although the company denied it  
21 and said it was not.

22 Q Okay. Do you know if any of these STs, after  
23 having received these letters, changed their clearing times  
24 on reports to make sure --

25 A No, ma'am.

1 Q Okay. Did you or any of the other STs take a  
2 formal grievance for these letters?

3 A No, ma'am. I don't think it was, you know, it was,  
4 that serious a thing, but it just made you feel funny. Do  
5 you know what I'm --

6 Q Yeah. All right. Did you ever -- Were you ever  
7 disciplined?

8 A No, ma'am.

9 Q Okay. Do you know if any other ST was ever  
10 disciplined for missing a clearing time?

11 A Not that I know of.

12 Q Okay. Give me a minute. Do you know what a "no  
13 access" is?

14 A Yes, ma'am.

15 Q All right. What's a "no access"?

16 A That's when you go out and the customer is not  
17 home. There's a trouble condition inside and you need  
18 access to their premises to clear it.

19 Q And do you notify the customer that you have been  
20 there?

21 A Yes, ma'am. We try to reach a number if they left  
22 one on the report. And if we couldn't get them, then we  
23 would either like leave a card on their door or maybe leave  
24 a message on their answering machine, if that was working.  
25 Something like that.

1 Q Okay. And do you know whether or not that "no  
2 access" stops that 24-hour clock?

3 A No, ma'am, I don't.

4 Q Do you know of anybody who has no accessed a  
5 report without dispatching on it?

6 A No, ma'am.

7 Q Have you ever heard of that being done?

8 A No, ma'am.

9 Q Have you ever had any instructions to "no access"  
10 a report when you weren't dispatched?

11 A No, ma'am.

12 Q Have you ever had or know -- or do you know of  
13 anyone who has taken an out-of-service report, shown it as  
14 cleared within 24 hours when it wasn't, and then immediately  
15 opened an employee originated report to actually complete  
16 the service and close it?

17 A No, ma'am.

18 Q Have you ever --

19 A I have seen something similar to that where in the  
20 case of maybe like if routine work had to be done, or  
21 something incidental to the trouble.

22 Q Okay.

23 A But not the same thing, not the out-of-service  
24 condition.

25 Q All right. Have you ever heard of that being

1 done?

2 A Rarely. But I guess so. Yeah.

3 Q All right.

4 MR. BEATTY: Excuse me. I'm sorry. Point of  
5 clarification. Heard of what being done?

6 BY MS. RICHARDSON:

7 Q Well, let's go back to the original question then.

8 A Okay. Yeah.

9 Q All right. Taking an out-of-service report --

10 A Um-ha. (Affirmative Response).

11 Q Okay. -- showing it as cleared to prevent it from  
12 going out over 24 hours when it actually was not cleared --

13 A Okay. No, ma'am, I have not heard of that being  
14 done. I was alluding to my --

15 Q To your hypothetical; not mine?

16 A Yes, ma'am. I'm sorry.

17 Q All right. We got that cleared up. That's fine.

18 Do you ever exclude reports?

19 A No, ma'am.

20 Q Do you know what an "exclude" is?

21 A Yes, ma'am.

22 Q All right. Prior to 1992 -- Let's go back a few  
23 years.

24 A Okay.

25 Q Mid to late '80s. Okay. In that time frame was

1 it -- were you able to exclude reports in that time frame?

2 A I don't think so.

3 Q Okay. When you got the CAT system, were you able  
4 to exclude reports on the CAT?

5 A Not that I know of. The only thing we can do is  
6 we can reject a job, but it doesn't exclude it, I don't  
7 think. It just puts it in a hold status.

8 Q Is there any way for you to eliminate a report?

9 A Not that I know of.

10 Q Is there any way for you to take a  
11 service-affecting report and restatus it as out of service?

12 A No, ma'am.

13 Q Okay. Is it possible for you to record an  
14 extension of the appointment time on a report?

15 A To record an extension?

16 Q Yeah. For instance, your appointment -- the  
17 company has given the customer a time by which the service  
18 will be restored. Is that correct?

19 A Yes, ma'am.

20 Q All right. Now, that's -- Is that a different  
21 time than the clearing service restoral time?

22 A I don't understand.

23 Q All right. Let me see if I can make it clear,  
24 because this gets confusing.

25 A All right. The customer is given a commitment --

- 1 Q Yeah.
- 2 A -- to have the trouble report cleared.
- 3 Q Right. And let's say that's 4:00.
- 4 A Okay.
- 5 Q And you're dispatched at 3:55.
- 6 A Okay.
- 7 Q Okay. Now, you have actually cleared the trouble  
8 at 4:30.
- 9 A Um-ha. (Affirmative Response).
- 10 Q All right. So we have two different times.  
11 There's a commitment time by which time the company tells  
12 the customer, "We are going to clear it by this time," and  
13 then there's the actual time that you really cleared it.
- 14 A Okay.
- 15 Q Are those two different times on the report? Do  
16 they show up on a customer trouble record as two different  
17 times?
- 18 A I think they do, but that wouldn't be a report I  
19 would get, so --
- 20 Q All right. On your CAT --
- 21 A Um-ha. (Affirmative Response).
- 22 Q -- when you're working through, does your CAT tell  
23 you that the company has told the customer that it will be  
24 restored --
- 25 A Yes.

- 1 Q -- by a certain time?
- 2 A I'm sorry, I shouldn't answer before you finished  
3 asking me.
- 4 Q Okay.
- 5 A But the commitment time --
- 6 Q Okay.
- 7 A -- is what you're asking. Yes, ma'am.
- 8 Q All right. And that's showing?
- 9 A Yes, ma'am.
- 10 Q Now, when you clear a report out, are you clearing  
11 it at that particular commitment time, or is that just for  
12 you to know that you're supposed to have it done by then?
- 13 A Right. It's just for my knowledge.
- 14 Q All right. Now taking that commitment time --
- 15 A Okay.
- 16 Q -- do you ever have occasion to change that  
17 particular time?
- 18 A No, ma'am. I don't think I have the capability to  
19 change that time.
- 20 Q Okay.
- 21 A I never have had.
- 22 Q Do you use a "found okay" code?
- 23 A Yes, ma'am.
- 24 Q That's a disposition code?
- 25 A Um-ha. (Affirmative Response).

1           Q     All right. I guess for the record would you  
2           briefly tell me what a disposition code is?

3           A     It's a four-letter, four-digit code -- I'm sorry  
4           -- that identifies where you found the trouble, or what item  
5           of plant or equipment was causing the trouble, or in the  
6           case of a "found okay," that you found no trouble.

7           Q     So there might be a disposition code for a jack?

8           A     Um-ha. (Affirmative Response).

9           Q     There might be a disposition code for a protector?

10          A     Right.

11          Q     One for a drop wire, maybe?

12          A     Um-ha. (Affirmative Response).

13          Q     Okay. What's a cause code?

14          A     A cause code is a three-letter, three-digit code  
15          that identifies what caused the problem, such as corrosion,  
16          customer action, lightning.

17          Q     Okay. On those disposition and cause codes, are  
18          there certain codes that you can use that would exclude a  
19          trouble report from being counted against the company as a  
20          miss on that 24-hour commitment clock?

21          A     I think there are. Yes, ma'am.

22          Q     Okay. Would lightning be one, do you think?

23          A     Yes, ma'am.

24          Q     All right. Have you had a supervisor instruct you  
25          on using these excludable disposition and cause codes when



1       you felt they didn't apply?

2           A     No, ma'am.

3           Q     Okay. In the days when you were calling an MA to  
4       close a report before you had a CAT terminal --

5           A     Um-ha. (Affirmative Response).

6           Q     -- did you ever have an MA tell you, "We are using  
7       410 cause codes today"?

8           A     No, ma'am.

9           Q     Okay. Did you ever have an MA change a  
10       disposition or cause code that you gave her?

11          A     No, ma'am. Not that I -- I mean not that they  
12       would tell me. Of course, I have no idea what they actually  
13       type in because I'm just talking to them over the phone, but  
14       they would give me a hard time on the narrative sometimes.

15          Q     Okay.

16          A     "Oh, you can't put that in your narrative; you  
17       have to put so-and-so."

18          Q     Okay. Do you know of anyone who has ever used  
19       somebody else's employee code to a status a report?

20          A     No, ma'am.

21          Q     Do you know what "building the base" is?

22          A     No, ma'am.

23          Q     Do you know of anyone who has falsified a customer  
24       trouble record?

25          A     No, ma'am.

1 Q Has anyone ever asked you to falsify a customer  
2 record?

3 A No, ma'am.

4 Q Has anyone ever asked you to help sell products or  
5 services for the company?

6 A Yes, ma'am.

7 Q All right. And have you done so?

8 A Yes, ma'am.

9 Q Did you get any training to do that?

10 A No special training.

11 Q Okay. Just sort of your supervisor said go do it  
12 this way?

13 A Well, it was part of our job for many, many years  
14 that we would sell; when we sold phones we would attempt to  
15 sell extra phones, package plans, you know, trimlines,  
16 touchtone. All those kind of features.

17 Q What about wire maintenance plans?

18 A Those, when I'm thinking back to the other phone  
19 sales, that would have been back in the '70s, and wire  
20 maintenance is fairly new. I don't remember of ever trying  
21 to sell wire maintenance, except I would advise customers,  
22 you know, that -- what it covered, and maybe they would want  
23 to think about getting it while I was there at their house.

24 Q And if a customer ordered a service through you,  
25 how would you make sure that that got put on their bill and

1 it got added to their service list?

2 A If they ordered like touchtone?

3 Q Yeah.

4 A I think it's been a long time since I sold  
5 anything. It's been done a couple different ways, but the  
6 way I most clearly remember, we had -- it was an outside  
7 vendor I think that we would call and give them the  
8 information, and we would call in the sale to them, tell  
9 them the customer's name, and the phone number, and what  
10 service they wanted, and then they, I guess, processed the  
11 paperwork from there.

12 Q Okay. And did you get credit for the sales that  
13 you did?

14 A Um-ha. (Affirmative Response).

15 Q All right. And how did that credit appear? Was  
16 it bonus money, or prizes, or points?

17 A Again it's been different things at different  
18 times, but it used to be -- it used to be like bonus points.  
19 But I don't ever remember that it -- that I got any money  
20 for it. I don't remember anything financial. But I got a  
21 whole bunch of plaques at home for being salesman of the  
22 month and things like that, for whatever good those are.

23 Q Okay. A lot of at-a-boys, huh?

24 A Yeah.

25 Q When you were doing the sales part -- Let's start

1 over again with this question.

2 A Okay.

3 Q When you are out and you're working, do you have a  
4 time record that you have to keep for the company?

5 A Yes, ma'am.

6 Q And do you record your time spent on, say,  
7 regulated work? You do an outside drop wire work, for  
8 instance, does that get a regulated or tariff type code?

9 A Yes, ma'am.

10 Q And when you're doing inside work, like repairing  
11 a jack, is that a detariffed or unregulated code?

12 A Um-ha. (Affirmative Response).

13 Q Let's take it into sales, when you are doing  
14 sales.

15 A Well, okay. We don't do much anymore. It's been  
16 a long time.

17 Q Okay. When did you stop doing sales?

18 A That's hard for me to say a specific time. I just  
19 haven't -- I can't remember doing it any time recently  
20 within the last couple of years.

21 Q Was it just you that stopped, or did everybody  
22 stop at once or --

23 A I guess that we all did.

24 Q Do you know why STs are no longer doing sales?

25 A I think there was some question of ethics

1 involved.

2 Q Okay. Let's go back to my time recording.

3 A Yes, ma'am.

4 Q All right. Now, thinking back when you were doing  
5 sales --

6 A Okay.

7 Q -- did you use a different time report code for  
8 the time you spent selling as opposed to the time that you  
9 spent on regulated activities?

10 A I don't -- Well, I'm thinking back like maybe into  
11 the '70s and way back, but I don't remember doing that. But  
12 I don't -- Sales wasn't a significant thing. In other  
13 words, I didn't spend 15 minutes standing there talking to  
14 the customer. While I was installing the phone in the  
15 bedroom and turning the screwdriver I mentioned, "For  
16 another dollar a month you could have one in the living  
17 room." And they would say "Yes" or "No," and it was kind of  
18 like that. It was very incidental type.

19 Q Okay. Do you know of anyone who has recorded  
20 selling a wire plan to a customer when a customer did not  
21 actually order it?

22 A No, ma'am.

23 Q Have you heard of that being done?

24 A Just rumors.

25 Q Okay. Has anyone ever instructed you to do that?

1 A No, ma'am.

2 Q Have you ever been taken off your ST duties and  
3 put strictly on sales?

4 A I can remember one time for maybe two days that I  
5 did that, but I'm not sure if it might have been when I was  
6 doing light duty. I have had a couple ankle sprains over  
7 the years where the company has found light duty for me to  
8 do in the storeroom and things like that, so it may or may  
9 not have been while I was on light duty. But I would say  
10 maybe -- I can think of one time for about two days that I  
11 did spend on the phone doing sales work.

12 Q About what time period was this? Do you know?  
13 In the mid '80s, late '80s?

14 A The early '80s, maybe. Just a guess.

15 Q How did you do sales? Did they take you in a room  
16 and give you a phone or --

17 A Um-ha. (Affirmative Response).

18 Q Okay. And then what else would they give you?

19 A Like a phone book. Just cold calling.

20 Q Okay. And were you instructed to sell any  
21 particular type service or product?

22 A At that time, you know, then that I can -- those  
23 two days that I can remember, I think we were selling custom  
24 calling features mostly. Call waiting was just coming out,  
25 or was one of the big ones.

1 Q Were you given -- I'm sorry. Were you given any  
2 training to do this?

3 A No.

4 Q Okay. Were any other people in the room with you  
5 doing this?

6 A It's hard to remember. Maybe one other person.  
7 But it wasn't like a whole room full of people doing that.

8 Q Okay. And did you just record the customer and  
9 the number and what they ordered on some kind of sales slip  
10 or --

11 A I think so. It's so long ago I don't really  
12 remember how we recorded it, but that sounds about right.

13 Q Do you know who your manager was when you  
14 participated in this?

15 A No, ma'am.

16 Q Do you know of any ST that has filed a formal  
17 grievance because of any instruction they received that they  
18 felt was improper?

19 A No, ma'am.

20 MS. RICHARDSON: Okay. Mr. Metz, I think I have  
21 exhausted my questions for you. I want to thank you  
22 for being here today. I appreciate your coming. There  
23 may be a few questions from their end of the table  
24 before you go. Thanks.

25 BY MR. VINSON:

1 Q Mr. Metz, you previously mentioned --

2 MR. THOMAS: Can I have just a minute, please?

3 MS. RICHARDSON: You want to go off the record, I  
4 assume?

5 MR. THOMAS: Yes.

6 (Brief recess).

7 MR. THOMAS: Okay. We can go back on.

8 BY MR. VINSON:

9 Q Mr. Metz, I have two very simple, quick questions.

10 A Okay.

11 Q I believe you mentioned the auto reject feature  
12 briefly.

13 A Well, there's an auto reject when I push the  
14 button that says, "Receive a new job." If it retests "no  
15 trouble" it will auto reject. And then I have another thing  
16 I can select. If it doesn't auto reject but maybe I call  
17 the customer and they say, "My phone is working fine now,  
18 don't bother coming out," and it says "test okay, that puts  
19 the trouble back on hold, and then the main center handles  
20 it from there. I don't actually go on it.

21 Q So the auto reject says -- it conducts another  
22 mechanized line test?

23 A Um-ha. (Affirmative Response).

24 Q And if the result is it's okay, then it will  
25 automatically go back to the maintenance center for --



1           A     Yeah. It depends on a lot of variables.  
2           Sometimes they auto reject and sometimes they don't. I  
3           don't know what exactly makes it do that, or what the  
4           settings are.

5           Q     When you utilize -- When the auto reject is  
6           utilized, then does your next trouble pop right up on the  
7           CAT?

8           A     Yeah. It takes a couple of minutes to process it.

9           Q     It takes a couple of minutes?

10          A     Yeah. It takes two or three minutes. It has to  
11          look for the next trouble and test that line and so forth  
12          before it displays on your machine and then downloads.

13          Q     And the letters that you mentioned receiving if  
14          the 24-hour period was missed by less than 30 minutes, did  
15          you ever discuss those with the supervisor to get  
16          clarification or to --

17          A     Yes.

18          Q     Okay. Who did you discuss those --

19          A     Well, I would discuss them with my boss, and then  
20          also with the second level.

21          Q     Okay. Could you be specific as to the names?

22          A     Yes. Paul Wagner and Bob Hice.

23          Q     Okay. Let's start with Mr. Wagner. On how many  
24          occasions did you discuss this type of letter with him?

25          A     Just about every time I would get one. It would

1 make me kind of mad because I felt that they were saying I  
2 did something wrong and I know what I did was right, at  
3 least in my mind.

4 Q Is that what you would tell Mr. Wagner?

5 A Yeah. I -- Can I give you an instance?

6 Q Okay.

7 A I went -- was dispatched on a trouble that was  
8 clear across town at like a quarter to six. It was due by  
9 six. I pulled into the driveway five minutes after six. It  
10 was a very simple trouble to fix and I was done about 6:15,  
11 so I, you know, closed that out and went on my way. And  
12 about a week or two later I got one of those letters, and it  
13 really irritated me because I wasn't even at the lady's  
14 house at 6:00. So I know I couldn't have -- "I couldn't  
15 have had it fixed by then because I wasn't even there yet.  
16 I know I'm doing this right."

17 And they would say, "Okay. Well, we just want you to  
18 be careful. We are not" -- "We don't want you to lie, we  
19 just want you to be careful, you know, with what you put  
20 down."

21 Q That -- Was that Mr. Wagner's response about being  
22 careful?

23 A Yes. Yes.

24 Q Did he ever give you any other instance, a  
25 different response, any other elaboration on it?

1           A     No. Just they would -- Anything different? It's  
2     hard to remember a specific example, but we did discuss this  
3     several times. It would always be along those same lines.  
4     He would always say, you know, flat out, "We are not asking  
5     you to lie." He would make that statement, "So don't take  
6     it that way." But that's kind of how it made me feel.

7           Q     Okay. And the other manager you discussed this  
8     type of letter with was --

9           A     Bob Hice.

10          Q     Mr. Hice?

11          A     Yes.

12          Q     And what was his response to you?

13          A     It would be the same thing. And I didn't discuss  
14     it one on one with him. It would be like in a group  
15     setting. I would complain about that. That's only one time  
16     I ever mentioned it to him, was at a meeting, and I  
17     complained about that, that same letter, that I felt that  
18     there was a pressure there, and he said he would say no.

19          Q     He said -- I'm sorry?

20          A     He would say, no, it wasn't intended as pressure;  
21     that he's not asking me to lie; just to be careful. And  
22     then if there was routine work and I could have backed it  
23     up, give him the benefit of a doubt.

24          Q     Okay. I'm not sure I understand the last part --

25          A     Okay. If --

1 Q -- the phrase. If you could have backed it up?

2 A If I could have said five minutes to six instead  
3 of 6:15 because that was correct, then I should have done  
4 so.

5 Q Okay. So he was just instructing you just to be  
6 careful if it really was five to six --

7 A That's correct.

8 Q -- don't be sloppy with your timekeeping?

9 A Right.

10 Q He wasn't instructing you to change what really  
11 happened?

12 A That's correct.

13 Q Okay. I just wanted to make that clear.

14 MR. VINSON: Those are the only questions I have.

15 MR. BEATTY: Okay. I think that's it. Thanks,

16 Mr. Metz.

17 THE WITNESS: Thank you.

18 (Witness excused).

19 (Whereupon, the deposition was concluded at 4:30 p.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, LEON J. METZ, have read the foregoing transcript of my testimony, Pages 1 through 47, given on May 5, 1993, in Docket No. 910163-TL and Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

---

LEON J. METZ

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

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Print name:

Notary Public - State of Florida

My Commission expires:

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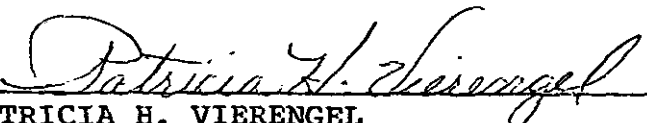
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CERTIFICATE OF OATH

COUNTY OF DUVAL)

I, the undersigned authority, certify that LEON  
J. METZ personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 10th day  
of May, 1993.

  
PATRICIA H. VIERENGEL  
Notary Public - State of Florida  
My Commission expires 5/31/93.

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STATE OF FLORIDA)  
:  
COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

I, PATRICIA H. VIERENGEL, Court Reporter, DO  
HEREBY CERTIFY that I was authorized to and did  
stenographically report the foregoing deposition of LEON J.  
METZ;

I FURTHER CERTIFY that this transcript,  
consisting of 47 pages, constitutes a true record of the  
testimony given by the witness.

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

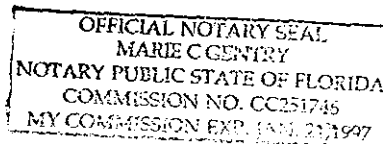
DATED this 4th day of June, 1993.

Patricia H. Vierengel  
PATRICIA H. VIERENGEL  
Court Reporter  
Telephone: (904) 725-8657

STATE OF FLORIDA)  
:  
COUNTY OF DUVAL )

The foregoing certificate was acknowledged before  
me this 4th day of June, 1993, by PATRICIA H.  
VIERENGEL, who is personally known to me.

Marie C. Gentry  
Print Name:  
Notary Public - State of Florida  
My Commission Expires:



BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Investigation into the integrity : DOCKET NO.: 910163-TL  
of SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S repair service :  
activities and reports. :  


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In re: Investigation into : DOCKET NO.: 910727-TL  
SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S compliance : FILED: 04/28/93  
with Rule 25-4.110(2), F.A.C., :  
Rebates. :

---

DEPOSITION OF: BARBARA C. WICHMAN,

TAKEN AT THE INSTANCE OF: The Staff of the Florida  
Public Service Commission

PLACE: Southern Bell Offices  
3100 Emerson Street  
Jacksonville, Florida  
First Floor Conference Room

TIME: Commenced at 4:35  
Concluded at 5:15

DATE: 5 May, 1993

REPORTED BY: Patricia H. Vierengel  
Court Reporter

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**ORIGINAL**



## A P P E A R A N C E S

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

JEAN R. WILSON, ESQUIRE  
Division of Legal Services  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0863  
Telephone: (904) 487-2740

CARL S. VINSON, JR.  
Sr. Management Analyst  
Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872  
Telephone: (904) 487-0509

WALTER BAER  
Management Analyst  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872

STAN L. GREER  
Engineer  
Bureau of Networks and Engineering Studies  
Division of Communications  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0866  
Telephone: (904) 488-1280

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

ROBERT G. BEATTY, ESQUIRE  
General Attorney  
BellSouth Telecommunications, Inc.  
Museum Tower Building  
Suite 1910  
150 West Flagler Street  
Miami, Florida 33130  
Telephone: (904) 530-5561

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

SHELBA HARTLEY  
2nd Executive Vice-President  
Communications Local 3106  
4076 Union Hall Place  
Jacksonville, Florida 32205  
Telephone: (904) 350-8372 or 384-2222

MICHAEL YOKAN, ESQUIRE  
of the law firm of  
Kattman & Eshelman, P.A.  
1920 San Marco Boulevard  
Jacksonville, Florida  
Telephone: (904) 398-1229

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I N D E X

Page No.

ERRATA SHEET

5

AFFIDAVIT OF DEPONENT

CERTIFICATE OF REPORTER

CERTIFICATE OF NOTARY

WITNESS

BARBARA C. WICHMAN

Examination by Ms. Richardson

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N O E X H I B I T S

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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.

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BARBARA C. WICHMAN,

appeared as a witness, and after being duly sworn by the court reporter, testified as follows:

EXAMINATION

BY MS. RICHARDSON:

Q All right. And then would you please state your name and spell it for the Court Reporter?

A Okay. It's Barbara, B-A-R-B-A-R-A, C Like "Charles", Wichman, W-I-C-H-M-A-N.

Q Okay. And your address, please?

A Room 138, 3100 Emerson Street, and I believe the ZIP here is 32207.

Q Okay. And your phone number?

A 393-9522.

Q Okay. And are you represented by counsel here today?

A (Nods Head).

MS. RICHARDSON: All right. And I would ask your attorney to put his appearance on record.

MR. YOKAN: Michael Yokan of the law firm of Kattman & Eshelman, P.A., Jacksonville, Florida.

BY MS. RICHARDSON:

Q And are you represented by a union representative here today?

A I am.

1 MS. RICHARDSON: And I'll her to put her  
2 appearance on the record.

3 MS. HARTLEY: Shelba Hartley, 4076 Union Hall  
4 Place, Jacksonville, Florida, 32205; (904) 384-2222,  
5 Communication Workers of America, Local 3106, Executive  
6 Vice-President.

7 BY MS. RICHARDSON:

8 Q Okay. Have you talked to anybody other than your  
9 attorney, or attorney for the company about your deposition  
10 here today?

11 A Just some of the other people who are also  
12 involved in this.

13 Q Okay. And what kinds of things did you talk  
14 about?

15 A We were worried about the questions we were going  
16 to be asked, and the problems that were happening here.

17 Q Okay. And did you discuss specific questions that  
18 were going to come up?

19 A Not really.

20 Q What specific problems did you talk about?

21 A Just having to come here and do this. That we  
22 were I think naturally anxious about it, wanting it to be  
23 finished with and get on with our work.

24 Q Well, hopefully you'll be out of here in about an  
25 hour.

1 A Okay.

2 Q Has anyone advised you that you would not be  
3 disciplined based upon your answers here today?

4 A Correct. I was advised of that.

5 Q All right. Did anyone tell you or advise you  
6 about the possible criminal penalties that could apply if  
7 you perjured your testimony here today?

8 A Well, I personally know if you give your word, and  
9 that this is like a court of law, so I'm sure that there  
10 would be repercussions.

11 Q Okay. Let me just procedurally tell you: If you  
12 have a question, or you don't understand something I'm  
13 saying, just tell me to repeat it, or say it differently, or  
14 say you don't understand and I'll be glad to try to work  
15 with you on that so that you're comfortable that your  
16 answers are to my questions. And if at any time you feel  
17 like you need to talk to your attorney off the record so  
18 that it's not recorded, okay, just let us know that you want  
19 to go off the record, and we will do that. Okay?

20 A Okay.

21 Q And do you have any questions at this point?

22 A No, I don't think so.

23 Q Okay.

24 A Can I go home?

25 Q Not quite yet. Almost, but not quite. Did you



1 give a statement to a company attorney or investigator at  
2 sometime?

3 A Correct, I did.

4 Q Okay. Do you remember when that was?

5 A Not really. Sometime within I would say the last  
6 three years, but I don't specifically remember at all.

7 Q Do you know where?

8 A It was down in the Tower, the Southern Bell Tower  
9 downtown.

10 Q Oh, in Jacksonville?

11 A Right. In Jacksonville.

12 Q Do you know who was there?

13 A I don't really remember their names.

14 Q Do you remember if they were with the company?

15 A Right. I remember they were Southern Bell, and  
16 attorneys.

17 Q Okay. And did you have a union representative  
18 with you then?

19 A No, I did not.

20 Q Did you have an attorney with you then?

21 A No, I did not.

22 Q Was your supervisor there?

23 A No.

24 Q Then the only people there were you and the  
25 attorney?

1 A Exactly.

2 Q Was there someone from security there?

3 A No. Not that I'm aware of. I truly don't know  
4 exactly who the two gentlemen were, but I assume that they  
5 were both attorneys. There were two gentlemen that I talked  
6 to, and I assumed they were both attorneys.

7 Q Did they tell you why they were talking to you?

8 A They said --

9 MR. BEATTY: Objection. Objection. Excuse me,  
10 please. I object to the form of the question. The  
11 answer would elicit testimony that is privileged and  
12 confidential pursuant to the attorney/client privilege  
13 and the attorney/work product privilege. Accordingly,  
14 I would, with the indulgence of counsel for the  
15 witness, request that the witness not respond to that  
16 question.

17 MS. RICHARDSON: Okay. And essentially, I guess  
18 just to put it on the record, that question is  
19 considered part of the company's, or part of the  
20 criteria for establishing that the privilege exists,  
21 which is why I'm asking it.

22 BY MS. RICHARDSON:

23 Q Now, I guess let me ask you a "Yes" or "No"  
24 question on that, or let me just repeat the question and  
25 then your attorney can give you whatever advice he wants to

1 give you and we will go from there then. Mr. Beatty's  
2 objection and my response.

3 Do you know why you were asked to give a statement?

4 MR. YOKAN: Can we go off the record for a  
5 moment?

6 MS. RICHARDSON: You may. You may do that.

7 (Brief recess).

8 MR. YOKAN: Could you read back the last question?  
9 (Whereupon, the question last above-referred to was read by  
10 the Reporter).

11 MR. BEATTY: I think an answer to that "Yes" or  
12 "No" would be appropriate.

13 A I didn't have real knowledge of what I know. I  
14 mean, I read the papers and -- but I was not specifically  
15 explained to why by anyone, no.

16 Q Okay. Did you talk about that statement to  
17 anybody else?

18 A No.

19 Q What's your present position?

20 A I'm a maintenance administrator.

21 Q And how long have you done that?

22 A Approximately ten years.

23 Q Has all of that time been in Jacksonville?

24 A Correct.

25 Q And what did you do for the company before that?

1 A I was a service rep for five years before that.

2 Q Is that in sales?

3 A Part of your job is sales.

4 Q Okay. And what's the other part of a service  
5 rep's job? What else did you do?

6 A You talk to the customer. You are the first point  
7 of contact when the customer calls the business office with  
8 any problem, or question, or wanting to get telephone  
9 service.

10 Q Okay. Did you ever handle trouble reports when  
11 you were a service rep?

12 A Not really.

13 Q Okay. Did you get any training in sales as a  
14 service rep?

15 A Oh, definitely.

16 Q Okay. When you were selling, what period of time  
17 would that have been? What years?

18 A It would -- I'm guessing '78 to '83.

19 Q Okay. Did you continue selling when you became a  
20 maintenance administrator?

21 A No, I did not.

22 Q Did anyone ask you at any point as an MA to help  
23 sell services or products to customers?

24 A No, they did not.

25 Q Were you aware of company sales programs where

1 points, or awards, or prizes were given?

2 A Yes. I was aware of that. Right.

3 Q Okay. Did you participate in any of those  
4 programs?

5 A No.

6 Q Why did you choose not to participate?

7 A My personality is such that I don't enjoy selling,  
8 and when I no longer had to do it in my job function, I did  
9 not choose to.

10 Q Did you enjoy selling when you were a service rep?

11 A No, I did not.

12 Q Why did you stop being a service rep then?

13 A I didn't like to try to sell things, and I -- I  
14 was more interested in the maintenance end of it. My  
15 interest I guess would be the reason.

16 Q Okay. Did you feel any pressure to meet a certain  
17 quota in sales?

18 A I felt that, as in any corporation, if part of  
19 your job was sales, that, yes, you were supposed to be  
20 selling.

21 Q Did you ever get counseled or spoken to by your  
22 manager about sales performance?

23 A Not really. I was always able to, you know, meet  
24 my objective. It was somewhat different then. It was more  
25 volume sales then, so much per order, so if you just worked

1 hard you could meet your objective.

2 Q Okay. Do you know of -- Throughout your entire  
3 experience either as a service rep or a maintenance  
4 administrator, do you know of any individuals who recorded a  
5 sale of a service to a customer without contacting that  
6 customer?

7 A I do not. No.

8 Q Have you heard of assumed sales?

9 A I have heard that terminology.

10 Q Okay. And what does it mean?

11 A To me specifically, my interpretation of what it  
12 means would be that you would sell somebody something  
13 without specifically explaining it to them and assume that  
14 you had made the sale to them. But that's just my  
15 interpretation. I don't have any Southern Bell definition.

16 Q Okay. And do you know of anyone who did assume  
17 sales?

18 A Not -- I do not have any knowledge of anyone who  
19 did personally.

20 Q Was assuming sales part of the training that you  
21 received as a salesperson?

22 A Not at the time I was a service rep. No, it was  
23 not.

24 Q Do you know if it was part of the training that  
25 any other MAs received?

1 A Not to my knowledge.

2 Q Okay. Did any other MAs or other employees speak  
3 to you about assumed sales?

4 A No.

5 Q Have you heard the -- heard whether or not boiler  
6 rooms were used to promote sales for the company?

7 A I don't have any knowledge of that terminology at  
8 all. I never heard that before.

9 Q Do you know of any customers who were sold both  
10 the TIP and the Sequence 1X Maintenance Plan?

11 A No. I don't have any knowledge of that.

12 Q Okay. Do you know of any customer who has  
13 complained that services were added to their bill without  
14 their knowledge?

15 A I had one specific customer within the last ten  
16 years that had call waiting on their bill and they were  
17 unaware of that feature.

18 Q And what did you do?

19 A Removed it from their line and got an adjustment  
20 on their bill.

21 Q Okay. When you were a -- No, you didn't do that.  
22 Okay.

23 Do you know of any employees who won fairly major  
24 awards or prizes for their sales efforts?

25 A Not specifically. There was a lady in our office

1 who got points for her sales. I do know that. But I didn't  
2 see anything incorrect about what she was doing. She  
3 explained it so thoroughly if I were the customer--I would  
4 have probably gone to sleep on the other end. So I don't  
5 have any knowledge of anyone doing it improperly.

6 Q Okay. Can you list for me, or tell me who your  
7 first level manager is at this time?

8 A My first level manager at this time is Basil Vann.

9 Q Okay. And how long has Mr. Vann been your first  
10 level manager?

11 A About a year.

12 Q And who was it before Mr. Vann?

13 A Brenda Mathis.

14 Q And how long has Ms. Mathis been your --

15 A Let's see. I have worked for Brenda probably  
16 about five years.

17 Q So from maybe '88 to '92?

18 A Yeah. That sounds about right.

19 Q And do you know who your first level was before  
20 Ms. Mathis?

21 A Let's see. Buddy Jones.

22 Q And any other first levels that you can remember  
23 while you were a maintenance administrator?

24 A Yeah. Tom Campbell. And I worked for Dave  
25 Woodruff. That's everybody I can think of.



1 Q Okay. And who is your present second level  
2 manager?

3 A Bruce Higgins. We just got him.

4 Q Okay. Who was it before Mr. Higgins?

5 A Jim Keels.

6 Q Okay. And Mr. Keels was your manager from  
7 approximately what year to what year?

8 A It was at the time that we merged, and that was  
9 two years ago in October. He became my second level.

10 Q So October of '91 then?

11 A Right.

12 Q Okay. And who was it before Mr. Keels?

13 A Dwight McGuinness.

14 Q And before Mr. McGuinness?

15 A Bob Hice.

16 Q And any other second level managers while you were  
17 an MA?

18 A Leonard Raulerson. That's who I started out with.

19 Q And who is your present operations manager?

20 A Is that Mr. Rupe?

21 MS. HARTLEY: Yes.

22 Q Do you know who your general manager is?

23 A (Shakes head).

24 Q Do you know who your union office representative  
25 is?

1 A Shelba. That's who I call.

2 Q Okay. All right. Have you ever heard the phrase  
3 "backing up the time"?

4 A Yes, I have.

5 Q All right. And what is your understanding of that  
6 phrase?

7 A Okay. My understanding of that phrase, there was  
8 a time before the men in the field had computer terminals  
9 when they would call to an MA and we input the information  
10 from them. If a repairman called, say, on Tuesday morning  
11 and he had actually restored the customer's service on  
12 Monday evening, then you backed up the time to when the  
13 customer's service was restored. But the actual final  
14 statusing would be the next morning because that's when he  
15 could call and reach a human being to be able to input that  
16 information.

17 Q Okay. Have you ever heard -- Well, let me preface  
18 this. Are you aware of a requirement that out-of-service  
19 reports be cleared within 24 hours at least 95% of the time?

20 A Right. I know that.

21 Q Okay. Have you ever heard of anyone backing up  
22 that clearing time to meet the 24-hour commitment?

23 A I personally have not.

24 Q Okay. Has anyone ever asked you to do that?

25 A No. Not me.

1 Q Has anyone ever given you instructions that you  
2 interpreted as asking you to do that?

3 A No. Not to me specifically, no.

4 Q Okay. Do you know of any other employee who has  
5 backed up clearing times to meet the 24-hour commitment?

6 A I have no personal knowledge of that, no.

7 Q Okay. Have any other MAs complained to you that  
8 they have been asked to back up the commitment times?

9 A No, not to me.

10 Q Have you ever heard any other MAs discussing the  
11 fact that a manager has asked them to back up clearing  
12 times?

13 A Not really.

14 Q Okay. Ms. Wichman, I'm going to show you a  
15 document that's titled Citizens' Third Set of  
16 Interrogatories, June 6th, 1991, Item Number 1. An  
17 interrogatory is a written question that we have mailed to  
18 the company and the company has mailed us a written answer.  
19 Okay? And we basically ask the company to tell us the names  
20 of employees that had information or knowledge about  
21 falsifying completion times on repair service forms, and the  
22 company answered with the names of some people that they  
23 said may have knowledge about these matters. All right.  
24 I'm going to let you read this document in a minute.

25 The first question I will ask you is whether this is



1 Q Ms. Wichman, this is also part of Citizens' Third  
2 Set of Interrogatories, and this one is Item Number 4, and  
3 we will do the same thing. We will go off the record in a  
4 minute, and then when we get back on the record

5  
6

7 response to Item Number 4.

8 (Brief recess).

9 BY MS. RICHARDSON:

10 Q

11 A

12 Q

13

14

15 MR. YOKAN: I have advised my client to take the  
16 5th Amendment regarding anything having to do with that  
17 code.

18 Q Okay. And then because you need to testify for  
19 the record, are you taking the 5th Amendment in response to  
20 any question I may ask you about the PSC222 code?

21 A Yes, I am.

22 Q Okay. Do you know whether or not a customer is  
23 due a rebate if his phone is out of service for more than 24  
24 hours?

25 A Yes, I do know.

1 Q And how long have you been aware of that?

2 A I don't know a specific day, truthfully. I would  
3 say at least eight years, but I can't remember a specific  
4 date when I knew that.

5 Q Okay. But about eight years?

6 A Yeah.

7 Q All right. Do you know of any customer who has  
8 been denied a rebate because of improper statusing or  
9 handling of trouble reports?

10 A No, I do not.

11 Q Has any customer ever complained to you that they  
12 weren't given a rebate?

13 A If I have the customer who complains to me that  
14 they have a specific problem and they are not going to be  
15 given an automatic rebate, I call the business office and  
16 get a rebate issued, and because I was a service rep I know  
17 that's what I need to do.

18 Q Okay. And you have always done that?

19 A Right.

20 Q Did anybody train you to do that?

21 A Not really.

22 Q Okay. Do you know if any other MA who maybe has  
23 not insured that a customer got a rebate when they should  
24 have?

25 A I don't have any personal knowledge of that, no.

1 Q All right. Do you know what "building the base"  
2 is?

3 A I have heard the term.

4 Q Okay. And what does it mean?

5 A Well, building the base would mean to make more  
6 things than what you started out with. I would think it  
7 would mean -- I don't really know.

8 Q Okay. Have you heard it used in reference to  
9 building the base of out-of-service troubles to meet the  
10 24-hour commitment?

11 A I have heard that, right.

12 Q Do you know if anyone has actually built the base  
13 in order to meet that out-of-service index?

14 MR. YOKAN: I would advise my client to invoke the  
15 5th Amendment regarding that subject matter.

16 Q Okay. And then you will need to do that for the  
17 record.

18 A Okay.

19 MR. YOKAN: State, "I invoke the 5th."

20 A I invoke the 5th.

21 MR. YOKAN: Thank you.

22 BY MS. RICHARDSON:

23 Q What's a "test okay"?

24 A When we receive a trouble report it has a test  
25 result on it, and a "test okay" is where there's no

1 measurable physical trouble that you can see on the line by  
2 that test result.

3 Q Okay. And is it -- Based on your training and  
4 experience, would it ever be proper to take a "test okay"  
5 and close it out as out of service?

6 MR. BEATTY: Objection to the form of the  
7 question. It calls for speculation.

8 A I'll invoke the 5th.

9 Q Okay. Do you know of any manager who has given  
10 maintenance administrators instructions to improperly code  
11 or status a trouble report?

12 A I have no specific knowledge of that.

13 Q Okay. And in your own experience personally, has  
14 any manager ever given you an instruction to improperly  
15 status?

16 A Not me, no.

17 Q Have you ever heard a manager tell people, "Don't  
18 status any more out-of-services today"?

19 A No.

20 Q Do you know what an exclude is?

21 A Yes.

22 Q And what happens when you do an exclude?

23 A I would think that it would cause the reports to  
24 not be counted in any indices.

25 Q Like the out-of-service-over-24 index?



1           A     Well, no. That would be a different situation.  
2     Exclude is -- I can give you an example.

3           Q     Okay. Okay.

4           A     A customer calls in and reports that he has a  
5     problem on line 2. After working with the customer you  
6     realize that his problem is really on line 3. You would  
7     exclude the report you received on line 2 and generate it on  
8     line 3.

9           Q     Okay.

10          A     So you actually do away with the report,  
11     basically.

12          Q     It just eliminates it altogether?

13          A     Well, it's still -- If you ran a history of the  
14     report you would see that exclude there, so it doesn't  
15     totally do away with it. But I think it just throws it out  
16     of all indices.

17          Q     Okay. So you have the capability then to actually  
18     generate the report from scratch?

19          A     But only -- It has to meet certain criteria to be  
20     allowed to do that. You have to be able -- You have to  
21     leave what they call a paper trail. For it to be done  
22     properly you have to say, "Wrong number reported, see..."  
23     and put the correct number.

24          Q     And that shows up in a narrative?

25          A     Right.

1 Q On that first report?

2 A Right.

3 Q Do you use a back date code?

4 A No, because exclude, you don't -- none of that  
5 criteria matters on an exclude. You don't show a screened  
6 line, or a cleared line, or a closed line. It's totally  
7 different than the procedure you would use to handle a  
8 regular trouble report. I don't know how to explain it to  
9 you.

10 On a regular trouble report you have specific things  
11 that you have to do. You have to have a screen line, a  
12 cleared line and a closed line. On an excludable report you  
13 simply have the final status line. You excluded it and gave  
14 your reasons why you did. You don't have to use codes with  
15 it.

16 Q Okay. But on the new report, the one that you're  
17 generating --

18 A Right.

19 Q -- on line 3, because line 1 wasn't the right line  
20 --

21 A You have to back the time up on that report to the  
22 same time as the original report was generated. Like if  
23 they reported line 1 at 2:00 p.m. on Friday, when you create  
24 the report on line 2 you have to back date it to 2:00 p.m.  
25 on Friday, the same as the original report. You have to

1 meet the same criteria on the report that you build as you  
2 did on the report that you excluded, the same commitment  
3 time, the same creation time.

4 Q Has that always been the case?

5 A To my knowledge that has always been.

6 Q Okay. And do you have a BKDT, or back date code,  
7 on this 2 report, this generated report?

8 A Yes, you do.

9 Q Okay. Have you always had that code?

10 A I can't remember when we specifically had to start  
11 putting that term BKDT, but to my knowledge it's always been  
12 the criteria that you had to use the same -- you had to  
13 recreate the second report as the first one was, just under  
14 the proper telephone number.

15 Q Okay.

16 A We didn't use that terminology, BKDT.

17 Q Do you know of anyone who systematically just  
18 generated that second report without back dating the date  
19 and time?

20 A I do not.

21 Q Do you know of anybody who excluded out-of-service  
22 reports?

23 A No, I have not. I have no knowledge of anyone  
24 doing that.

25 Q Okay. Do you know what a "no access" is?

1           A     It's when the repairman goes to the field and the  
2 customer is not home and he leaves the card that we have to  
3 come back.

4           Q     Do you know if "no access" stops that 24-hour  
5 repair clock on a report?

6           A     I believe it does.

7           Q     Do you know of anyone who has no accessed reports  
8 that weren't dispatched?

9           A     No.

10          Q     Do you know of anyone who has no accessed  
11 out-of-service reports in order to keep them from going out  
12 over 24 hours?

13          A     Absolutely not.

14          Q     What's the disposition code?

15          A     The disposition code is a four-digit code that we  
16 put that tries to explain what the resolution of the  
17 customer's problem was.

18          Q     Okay. And what's a cause code?

19          A     That is the other part of the disposition code.  
20 It explains what causes that to happen.

21          Q     All right. Are there certain disposition and  
22 cause codes that would exclude a trouble report from being  
23 counted against the company on that out-of-service over  
24 24-hour index?

25                   MR. YOKAN: I would advise my client to invoke the

1 5th Amendment regarding that question.

2 A And I would like to invoke the 5th Amendment.

3 MS. RICHARDSON: Does that apply to any follow-up  
4 questions to that one, too?

5 MR. YOKAN: If you're heading towards -- Yes, it  
6 would.

7 MS. RICHARDSON: Okay.

8 BY MS. RICHARDSON:

9 Q Okay.

10 A I invoke the 5th Amendment.

11 Q Do you know of anyone who has taken out-of-service  
12 reports that were about to go over that 24-hour time frame,  
13 closed them and then opened them as employee originated  
14 reports in order to complete the repair?

15 A Absolutely not.

16 Q Do you know of anyone who has recorded an  
17 extension of a commitment or an appointment time with the  
18 customer without contacting the customer?

19 MR. YOKAN: I would advise my client to invoke the  
20 5th Amendment on that question.

21 A I invoke the 5th.

22 Q Do you know what a CON code, C-O-N, or  
23 "carriedover no" code is?

24 A No.

25 Q Do you know of any employee who has used another

1 employee's code for statusing a trouble report?

2 A Absolutely not.

3 Q Have you ever been asked to do that?

4 A No.

5 Q Have you ever used anybody else's number?

6 A Absolutely not.

7 Q Do you know if anyone has ever used your number?

8 A I hope not. No, I have no knowledge of it.

9 Q Okay. Do you know of anyone who has falsified a  
10 customer record?

11 A No.

12 Q Have you ever filed a grievance with the company  
13 based upon instructions that you may have received from the  
14 supervisor that you felt were improper?

15 A No, I have not.

16 Q Do you know of anyone else who has?

17 A No, I do not.

18 Q Do you know of anyone who has filed an employee  
19 grievance related to pressure from supervisors, either while  
20 you were a salesperson or as a maintenance administrator?

21 A I have no personal knowledge, no.

22 MS. RICHARDSON: Okay. Ms. Wichman, I lost my  
23 last question, so what I'm going to do is to tell you  
24 thank you for being here.

25 THE WITNESS: Oh, good.

1 MS. RICHARDSON: If somebody jogs my memory I may  
2 get a chance to ask it before you go. But there may  
3 be some questions from someone else around the table.

4 MS. WILSON: I have no questions.

5 MS. RICHARDSON: I guess I just have to leave my  
6 last question unasked. Thank you.

7 (Witness excused).

8 (Whereupon, the deposition was concluded at 5:15 p.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, BARBARA C. WICHMAN, have read the foregoing transcript of my testimony, Pages 1 through 32, given on March 5, 1993, in Docket No. 910163-TL and Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

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BARBARA C. WICHMAN

Sworn to and subscribed before me this  
 \_\_\_\_\_ day of \_\_\_\_\_, 1993

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Print Name:

Notary Public - State of Florida

My Commission Expires:



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F L O R I D A )

CERTIFICATE OF OATH

COUNTY OF DUVAL)

I, the undersigned authority, certify that  
BARBARA C. WICHMAN personally appeared before me and was  
duly sworn.

WITNESS my hand and official seal this 4th day of  
June, 1993.

  
PATRICIA H. VIERENGEL  
Notary Public - State of Florida  
My Commission expires 6/30/93.

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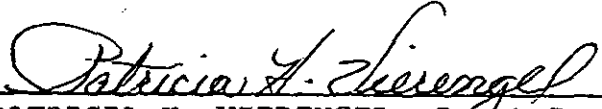
STATE OF FLORIDA)  
: CERTIFICATE OF REPORTER  
COUNTY OF DUVAL )

I, PATRICIA H. VIERENGEL, Court Reporter, DO  
HEREBY CERTIFY that I was authorized to and did  
stenographically report the foregoing deposition of BARBARA  
C. WICHMAN;

I FURTHER CERTIFY that this transcript consisting  
of 32 pages, constitutes a true record of the testimony  
given by the witness.

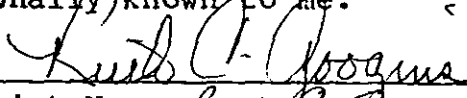
I FURTHER CERTIFY that I am not a relative,  
employee, attorney or counsel of any of the parties, nor am  
I a relative or employee of any of the parties' attorney or  
counsel connected with the action, nor am I financially  
interested in the action.

DATED this 7<sup>th</sup> day of June, 1993.

  
PATRICIA H. VIERENGEL, Court Reporter  
Telephone: (904) 725-8657

STATE OF FLORIDA)  
:  
COUNTY OF DUVAL )

The foregoing certificate was acknowledged before  
me this 7<sup>th</sup> day of June, 1993, by PATRICIA H.  
VIERENGEL, who is personally known to me.

  
Print Name: Ruth C. Gogins  
Notary Public - State of Florida  
My Commission Expires: 11-30-95

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :  
Investigation into the integrity : DOCKET NO.: 910163-TL  
of SOUTHERN BELL TELEPHONE AND :  
TELEGRAPH COMPANY'S repair service: :  
activities and reports. :  
-----: :

In re: Investigation into :  
SOUTHERN BELL TELEPHONE AND : DOCKET NO.: 910727-TL  
TELEGRAPH COMPANY'S compliance :  
with Rule 25-4.110(2), F.A.C., : FILED: 04/28/93  
Rebates. :  
-----: :

DEPOSITION OF: DERRALL R. WILCOX  
TAKEN AT THE INSTANCE OF: The Staff of the Florida  
Public Service Commission  
PLACE: Southern Bell Offices  
3100 Emerson Street  
Jacksonville, Florida  
First Floor Conference Room  
TIME: Commenced at 8:20 a.m.  
Concluded at 9:45 a.m.  
DATE: 6 May, 1993  
REPORTED BY: Patricia H. Vierengel  
Court Reporter

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**ORIGINAL**

## A P P E A R A N C E S

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

JEAN R. WILSON, ESQUIRE  
Division of Legal Services  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0863  
Telephone: (904) 487-2740

CARL S. VINSON, JR.  
Sr. Management Analyst  
Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872  
Telephone: (904) 487-0509

WALTER BAER  
Management Analyst  
Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872

STAN L. GREER  
Engineer  
Bureau of Networks and Engineering Studies  
Division of Communications  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0866  
Telephone: (904) 488-1280

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

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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.

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

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1 DERRALL R. WILCOX,  
2 appeared as a witness and, after being duly sworn by the  
3 court reporter, testified as follows:

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q Okay. And, Ms. Wilcox, would you please state  
7 your name and then spell it for the Court Reporter?

8 A First name is Derrall, D-E-R-R-A-L-L, Reynolds,  
9 R-E-Y-N-O-L-D-S, Wilcox, W-I-L-C-O-X.

10 Q Okay. And your address, please?

11 A 3100 Emerson Street.

12 Q Jacksonville?

13 A Jacksonville, Florida.

14 Q ZIP?

15 A I'm not -- I don't know the ZIP. I'm sorry.

16 Q And your phone number?

17 A 393-9505.

18 Q And are you represented by an attorney here today?

19 A Yes.

20 MS. RICHARDSON: And I'll ask him to put his  
21 appearance on the record.

22 MR. YOKAN: Michael Yokan, of the law firm of  
23 Kattman & Eshelman, P.A. in Jacksonville, Florida.

24 BY MS. RICHARDSON:

25 Q All right. And are you represented by a union

1 representative?

2 A Yes.

3 MS. RICHARDSON: I would request her to put her  
4 appearance on the record.

5 MS. HARTLEY: Shelba Hartley, 4076 Union Hall  
6 Place, Jacksonville, Florida, 32205; (904) 384-2222,  
7 Communication Workers of America, Local 3106,  
8 Executive Vice-President.

9 BY MS. RICHARDSON:

10 Q Okay. And have you talked to anybody about your  
11 deposition here today other than your attorney, or attorney  
12 for Southern Bell?

13 A No.

14 Q Okay. Has anyone advised you that you would not  
15 be disciplined for any answer you might give here today?

16 A Yes.

17 Q And has anyone advised you about the possible  
18 criminal penalties that might apply if you perjur your  
19 testimony here today?

20 A Yes.

21 Q Okay. Have you ever given a statement to a  
22 Southern Bell investigator or attorney?

23 A Yes.

24 Q And when was this?

25 A I can't tell you when. It was when I was in

1 Miami, but I don't remember exactly when it was.

2 Q A year ago, two years ago?

3 A Better than two years ago, I think.

4 Q And this was in Miami you said?

5 A Yes.

6 Q All right. Do you know who was in the room with  
7 you when you gave that statement?

8 A I don't remember.

9 Q Do you remember their positions?

10 A I think it was company attorneys and -- I'm not  
11 really sure. I don't remember.

12 Q Was your supervisor there?

13 A No.

14 Q Was a union representative there?

15 A No.

16 Q Okay.

17 A No, it wasn't.

18 Q Who asked you to go give the statement?

19 A Well, we received letters that we were supposed to  
20 go down; letters, and we were told -- you know, we were told  
21 that we had appointments to go down -- I think it was on  
22 Southwest 100th Avenue -- with the company. We were taken  
23 over there in a company car, on work time, and had to give  
24 statements. That was one of the times. I think it was two  
25 times. Once or twice. Two, maybe three times. I'm not

1 exactly sure how many times.

2 Q So you gave more than one statement?

3 A I think so.

4 Q Was it within the same general time frame, within  
5 like a week of each other?

6 A No. No.

7 Q How far apart were these?

8 A It could very possibly have been maybe within  
9 anywhere from nine months to maybe a year, six months. I'm  
10 not sure, because at the time I really didn't take it as  
11 seriously I guess as I am now, so that's why it really  
12 wasn't anything that I really thought about. Plus I have  
13 had a lot of changes and things in my life within that time  
14 period, so that was just really thrown out of my mind,  
15 really.

16 Q Okay. Do you remember if it was the same people  
17 that you spoke to on each of these occasions?

18 A No, it wasn't the same people each time.

19 Q Okay. Let's take, if you can think back to the  
20 very first statement you gave.

21 A Okay.

22 Q And is that the statement that you received the  
23 letter telling you you would go and give a statement to  
24 someone?

25 A I don't remember, because I'm not sure exactly how

1 we were notified. We were notified we were -- the times  
2 that we all went I was on company time and I went from maybe  
3 one office -- well, even -- it was never in the same office.  
4 We went to I think two different places, different times.  
5 You know. Just more like -- Really, it was -- I was under  
6 the impression it was just like an interview. It wasn't  
7 even -- it was a statement, but it wasn't taken seriously at  
8 the time, by me at the time, so, therefore, I didn't really  
9 take an interest. I just simply said what I had to say and  
10 that was it.

11 Q Well, did somebody make a recording of this, or a  
12 court reporter present?

13 A I don't think so.

14 Q You don't think so?

15 A I think it was handwritten, really.

16 Q But there was an attorney at that one you think?

17 A Yes.

18 Q All right. And then on the second one, the second  
19 time you had to give a statement, how were you told that you  
20 needed?

21 A Well, the second time when I had to give a  
22 statement I know it was at a time when I was going through a  
23 very difficult time with my son, and, therefore, it really  
24 -- I don't even remember -- I remember where I went, and I  
25 remember I had to stay like two hours over the time I was

1       supposed to get off from work, and I was very upset because  
2       I had a lot of things I needed to do, and I didn't really  
3       want to be bothered. I really didn't even want to go, but,  
4       you know, we had to go, and so that was it.

5             Q     And was there an attorney in the room then?

6             A     Possibly. I think so.

7             Q     You don't know?

8             A     I'm not sure. As I say, at that time I was -- I  
9       wasn't even -- I don't even remember half of the things I  
10      said because my mind was on a million other things elsewhere  
11      at the time.

12            Q     Okay.

13            A     I was going through a very bad time and it wasn't  
14      -- Southern Bell, and what was going on then, was secondary,  
15      very secondary.

16            Q     And was there another occasion when you gave a  
17      statement besides those two times?

18            A     I don't think so.

19            Q     You don't think so?

20            A     No.

21            Q     On either of these two occasions did anyone tell  
22      you why you were going down there to give a statement?

23            A     Well, yes, I knew why, because --

24                   MR. BEATTY: Please don't. At this point, based  
25      upon the fact that her further comments are going to

1 result in a disclosure of the substance of the  
2 interview, which is privileged, both of which  
3 privileged and confidential, subject to the  
4 attorney/client privilege and the attorney/work product  
5 doctrine, I would object. And with the indulgence of  
6 her counsel I'm instructing the witness not to further  
7 respond at this point.

8 MS. RICHARDSON: Okay. And the purpose of the  
9 question is to get information that would assist our  
10 opinion that this is not a privileged statement in  
11 terms of the company must demonstrate the purpose for  
12 the statement. And that the witness --

13 MR. BEATTY: The company has no obligation on this  
14 record to demonstrate anything except --

15 MS. RICHARDSON: -- and that the witness was aware  
16 of why she was giving a statement.

17 MR. BEATTY: To the extent that the witness was  
18 aware by virtue of what she was told during the course  
19 of the statement, or at any point in time by attorneys  
20 or persons working on behalf of the attorney, that  
21 portion of the statement is -- would be privileged as  
22 well. So, therefore, we again, with the indulgence of  
23 counsel, request that the witness not respond to that  
24 question.

25 MR. YOKAN: Can we get the question read back, or

1 restate it?

2 BY MS. RICHARDSON:

3 Q Did anyone tell you why you were going to be  
4 giving a statement?

5 MR. BEATTY: And she's responded to that part  
6 already.

7 MS. WILSON: She has?

8 MR. BEATTY: Yes.

9 BY MS. RICHARDSON:

10 Q All right. Then what was the purpose?

11 MS. WILSON: No, she hasn't.

12 Q -- of your giving a statement?

13 MR. BEATTY: Now it is that part that I object to.  
14 The question, "Did anyone ask you" -- "Did anyone  
15 instruct you as to why you were going to give a  
16 statement," to which an answer might be either "Yes"  
17 or "No", or, "I don't know," is not objectionable. It  
18 is the second question that I think is objectionable.

19 MR. YOKAN: Do I understand what you're asking is  
20 when they came to her and said, "We want you to give a  
21 statement," you're asking her, "Do you have any idea  
22 of why they came and asked you that"? Not based on  
23 what she was told, but based on what her thoughts  
24 were?

25 MS. RICHARDSON: All right. That's a good



1 question and I'll go with that question. And then I  
2 would like to also know what she was told as to the  
3 purpose of giving the statement.

4 MS. WILSON: What Mr. Beatty is saying, you can  
5 ask her the question, "Were you given any instruction  
6 with regard to why your statement was being taken" --

7 MR. BEATTY: "Yes" or "No."

8 THE WITNESS: Yes.

9 MR. BEATTY: And by whom were you given the  
10 instructions?

11 THE WITNESS: What are you asking me? Who told me  
12 that I was supposed to go?

13 MR. BEATTY: Yes.

14 THE WITNESS: My supervisor at one time I know  
15 said that you have to go down to -- at this date and  
16 this time to here to give a statement.

17 MS. WILSON: Was that the extent of your  
18 instructions?

19 THE WITNESS: Yes.

20 BY MS. RICHARDSON:

21 Q Okay. Did you talk to anybody about your  
22 statement after you gave it?

23 A No.

24 Q Either of the two statements you gave you didn't  
25 tell anybody about what you had said?

1           A     No. You know, we were instructed it was  
2 privileged -- you know, we weren't supposed to discuss it.  
3 You know, it wasn't something to go out and just discuss  
4 with someone.

5           Q     Okay. What's your present position with the  
6 company?

7           A     Maintenance administrator.

8           Q     And how long have you held that position?

9           A     From the conception of the title I would imagine.  
10 I'm not exactly sure when the title was in -- put into the  
11 system. It was -- It was a different title before, and then  
12 they just changed it, and I'm not sure exactly when.

13          Q     Early '80s, mid '80s?

14          A     Early '80s. I think early to mid '80s.

15          Q     What were you before you became an MA?

16          A     Repair Service Evaluator.

17          Q     Repair --

18          A     Repair Service Evaluator.

19          Q     And how long did you hold that position?

20          A     From the inception of that title.

21          Q     And that would be approximately --

22          A     The beginning of the '80s, I think. About '80,  
23 1980, mid '80, '81.

24          Q     How long have you been with the company  
25 altogether?

1 A 24 years and some months.

2 Q Okay. And what was your first position with the  
3 company?

4 A Directory Assistance Operator.

5 Q Okay. When you were a Repair Service Evaluator  
6 which IMC were you working in?

7 A Metro. Miami Metro Maintenance Center on 20th  
8 Street.

9 Q And how long were you in the Miami Metro? From  
10 1980 to about?

11 A Maybe '82 or '83.

12 Q All right. And where did you go after you left  
13 Miami Metro?

14 A North Miami Maintenance Center.

15 Q And how long from '83 to about when were you in  
16 North Miami?

17 A Until the office was closed. I think it was in  
18 1990 -- 199- -- '89 or '90. I'm not sure. Either late in  
19 '89 or early '90. I'm not sure exactly.

20 Q Okay. And from the Miami Metro MC when it closed  
21 where did you go?

22 A Coral Gables Maintenance Center.

23 Q So you were in Gables from somewhere '89, '90 to  
24 when?

25 A '90. March of '91 -- No. March of '92. I'm

1       sorry.

2           Q     Okay. And then in 1992 you came to Jacksonville?

3           A     Jacksonville. Yes.

4           Q     All right. Was your move to Jacksonville personal  
5       or was it company related?

6           A     Personal.

7           Q     Okay. Is a Repair Service Evaluator pretty much  
8       the same position as a maintenance administrator?

9           A     Yes, it is.

10          Q     All right. What do you do as an MA?

11          A     When the customer calls repair, the repair clerk  
12       takes the trouble report and sends it to the maintenance  
13       center. The trouble, I get the trouble report evaluated,  
14       see if there's anything that I can do to repair it, or if I  
15       have to send it out to another repairman, repair it or send  
16       it to the central office, or whatever.

17          Q     Okay. And do you also clear and close the report?

18          A     If I can, yes.

19          Q     All right. Do you ever clear and close reports  
20       for an outside technician?

21          A     Yes.

22          Q     All right. Is that -- Has that always been the  
23       case that you do that?

24          A     Yes.

25          Q     All right. And do you still do that since the STs

1 have their CAT terminals now?

2 A Well, if they have a problem with them, or some  
3 that don't have them, yes, we do.

4 Q Okay. And when you say you repair them yourself,  
5 how do you manage to do that with just your computer screen?

6 A Well, depending upon what the customer is  
7 reporting. If they are reporting simply that their touch  
8 tone isn't working and I check the computer and I see that  
9 it might not be on the line, or it might be reversed or  
10 something, then I either have the touch tone put on the  
11 line, or call the central office and have it reversed or  
12 taken care of, and, therefore, I can clear it myself without  
13 dispatching a repairman out to do it.

14 Q Okay. Who is your first level manager right now?

15 A Basil Vann.

16 Q And how long has Mr. Vann been your first level  
17 manager?

18 A Since April of '92.

19 Q All right. And who was it before Mr. Vann, or was  
20 he the first manager that you had?

21 A Here in Jacksonville, the first one, yes.

22 Q All right. And who is your second level in  
23 Jacksonville?

24 A Now? Mr. Bruce Higgins, about a month ago. Not  
25 quite a month.

1 Q All right. And who was it before Mr. Higgins?

2 A Jim Keels.

3 Q Did you have any other second level managers  
4 before Mr. Keels here in Jacksonville?

5 A Here in Jacksonville, no.

6 Q Do you know who your operation manager is here?

7 A That's Mr. Rupe, I think.

8 Q And then I would like to take you back -- Well,  
9 let's start with Coral Gables. Do you remember your first  
10 level manager in Coral Gables?

11 A Jenetta Davis. She was one of them.

12 Q All right. And who else did you have?

13 A Well, during that time period, Jessie Dyer.

14 Q And that's D- --

15 A -Y-E-I -- I'm not sure how she spells it.

16 Q D-Y-E-R sound about --

17 A I think something like that. Yes, something like  
18 that.

19 Q Do you remember anyone else?

20 A No. First level supervisors, no.

21 Q All right. What about second levels in Coral  
22 Gables?

23 A Rick Hagen I think is his name.

24 Q And do you know how to spell Hagen?

25 A H-A-G-E-N, I think. I'm not sure.

1 Q H-A-G-E-N, you think?

2 A Yes, I think so.

3 Q Did you have any other second leaving managers in  
4 Coral Gables?

5 A Well, when we first got there there was one that  
6 was leaving, but I don't remember his name.

7 Q Okay. Did you know who your operations manager  
8 was in Coral Gables?

9 A No, because we just had a new one coming in and I  
10 don't remember his name. I didn't get a chance to meet him  
11 before I left.

12 Q All right. And I believe you said you were in  
13 North Miami '83 to '89, approximately?

14 A Yes.

15 Q Can you tell me who your first levels were in  
16 north Miami?

17 A I can maybe tell you -- I can remember a couple of  
18 names. Jenetta Davis. That was the last one. John Cius,  
19 C-I-U-S.

20 Q Okay.

21 A Sylvia Lom-Ajam..

22 Q And that's L-O-M hyphen A-J-A-M?

23 A I think something like -A-M.

24 Q A-M?

25 A Sylvia Mosley. Off the top I think that's right.

1 Q Okay. What about second levels that you can  
2 remember in north Miami?

3 A Ronald Brent, B-R-E-N-T.

4 Q Is he the only one that you can recall?

5 A Yes. He was the only one.

6 Q Oh, he was the only one?

7 A Yes.

8 Q That's six years. So he was -- Okay. Do you  
9 remember an operations manager in north Miami?

10 A I had a few.

11 Q Okay. Do you know who they were?

12 A John Benedict. No, not really. I know a Mr.  
13 Grieco, but I don't remember his first name.

14 Q G-R-I-E-C-O?

15 A I think so. I'm not sure. I know there was  
16 another one but I'm not sure of his name now.

17 Q All right. And then I believe you also said that  
18 you were in Miami Metro in the very early '80s. Do you  
19 remember any of your first level managers from that period  
20 of time?

21 A Richard Bird.

22 Q And is that B-Y-R-D or B-I-R-D?

23 A B-I-R-D.

24 Q All right.

25 A Mike McHale.



1 Q M-C-H-A-L-E?

2 A Um-ha. (Affirmative Response). I can't remember  
3 any others. I'm not sure.

4 Q Do you recall any second level managers from Miami  
5 Metro?

6 A Ray Cosgrove.

7 Q All right.

8 A Juan Soto.

9 Q Juan --

10 A Soto.

11 Q S-O-T-O?

12 A Um-ha. (Affirmative Response).

13 Q Do you happen to recall an operations manager from  
14 that period?

15 A Not really. I vaguely remember, but I can't  
16 remember the name, no. I can't remember a name. Vaguely I  
17 remember the person, but I don't remember his name right off  
18 the bat right now. No.

19 Q Okay. Do you remember any of your union  
20 representatives from your time in Miami?

21 A I remember as far as -- Bob Kruckles.

22 Q Okay. Can you help me with the spelling of his  
23 last name?

24 A Kcruckels, K-R-U-C- --

25 MS. HEARTLEY: K-R-U-C-K-L-E-S.

1 A -K-L-E-S. Okay. I wasn't sure. John Sainz.

2 Q And that's S-A-I-N-Z?

3 A Um-ha. (Affirmative Response).

4 A No, I'm sorry. I remember Bob because he's  
5 president and we have been together for quite a while. John  
6 and I worked together on a lot of things, but right now, no.

7 Q Okay. Do you remember any -- or do you now  
8 presently who your union representative is?

9 A Yes. Shelba.

10 Q Shelba is your union representative?

11 A Yes.

12 Q Okay. Have you heard the phrase "backing up the  
13 time"?

14 A Yes, I have heard it.

15 Q And what's your understanding of that phrase?

16 A What -- Do I understand what it means?

17 Q What do you think it means?

18 MR. YOKAN: I have advised my client to take the  
19 5th Amendment regarding the whole line of questioning  
20 concerning backing up.

21 MS. RICHARDSON: Okay.

22 Q Can you tell me what a cause code is?

23 A A cause code is if you call in and says you can't  
24 be called and that we have -- No. A cause code. The reason  
25 for the problem for a report of trouble or whatever. Like

1 if it -- Just say the customer says they can't call out, and  
2 I say I can repair like a touch tone problem, and it's  
3 reversed. I don't know why the line went reverse, though.  
4 The cause would be unknown. I don't understand -- I don't  
5 know why it happened, so I have to put unknown.

6 MR. YOKAN: Can we go off the record for one  
7 moment? I'll be right back.

8 MS. RICHARDSON: Yes. Certainly.

9 (Brief recess).

10 MS. RICHARDSON: Mr. Yokan, did you want to make  
11 a statement?

12 MR. YOKAN: I'm not quite sure where we left off  
13 here.

14 MS. RICHARDSON: She was explaining the definition  
15 of a cause code, and that was where we left off.

16 MS. HARTLEY: She can explain.

17 MR. YOKAN: I think I'm comfortable with her  
18 explaining what her understanding of what a cause  
19 code is.

20 MS. RICHARDSON: That's was the last question, and  
21 that is what she was doing when you asked to go off the  
22 record.

23 MR. YOKAN: Okay.

24 MS. RICHARDSON: Okay. I need to go back and  
25 clean up one point.

1 BY MS. RICHARDSON:

2 Q Your attorney said the he was advising you to plead  
3 the 5th on anything having to do with backing up times, but  
4 since he can't testify for you I need you to make a  
5 statement that you're taking the 5th on any questions I  
6 might ask with regard to backing up times.

7 A Okay. I'm taking the 5th.

8 Q Okay. In terms of then a cause code, if I can,  
9 since we have had a break I would like to go back. You were  
10 telling me that a cause code would be an indication of what  
11 went wrong with the problem; is that correct?

12 A Right. Yeah, what caused -- What caused the  
13 problem, yes.

14 Q Okay. If a trouble is out of service for over 24  
15 hours is there some requirement by the company that a  
16 customer receive a rebate?

17 A Right. As far as -- From my understanding, it  
18 automatically -- when the report is given the time is  
19 automatically set in, and over 24 hours it automatically  
20 downloads to the business office. But there are times when  
21 they will call us, a customer says they were out of service  
22 from this date to this, and they will call into the  
23 maintenance center and ask. You know, get me, or whatever,  
24 and say, "Well, this customer says...." And I pull up the  
25 records and say, "Okay. Yeah. They called the report in

1 this date, this time, and it was cleared this date and this  
2 time." And they are given a rebate, yes.

3 Q Okay. Are you aware of the requirement that out  
4 out-of-service reports be cleared within 24 hours at least  
5 95% of the time?

6 A Yes.

7 Q Okay. And how long have you known of that  
8 requirement?

9 A Ever since I have been in the maintenance center.

10 Q And how long have you known of the rebate  
11 requirement?

12 A Ever since I have been in the maintenance center.

13 Q And do you know, are there certain cause codes  
14 that would exempt a report from being counted against that  
15 out-of-service-over-24 hour requirement?

16 MR. YOKAN: I would advise my client to take the  
17 5th Amendment regarding the use of codes -- the use of  
18 cause codes, any further questioning regarding that.

19 Q Okay. And then again?

20 A I'll take the 5th.

21 Q Okay. Can you --

22 MR. BEATTY: I'm sorry. Can I --

23 MR. YOKAN: Sure.

24 MR. BEATTY: I apologize. I need to go off the  
25 record for a moment.

1 Ma'am, do you mind if I talk to you for just a  
2 second?

3 MS. RICHARDSON: Let me put a statement then on  
4 the record about this.

5 MR. BEATTY: Sure.

6 MS. RICHARDSON: Ms. Wilcox, at any time that you  
7 personally feel that you need to go off the record to  
8 speak to your attorney and get some advice on how to  
9 answer, or how to approach questions, or whatever, you  
10 need to feel free to do that.

11 Also, at any time if you don't understand a  
12 question that I'm asking, okay, and you need me to  
13 rephrase it, or explain it further to you before you  
14 give me a response, also I want you to feel free to do  
15 that, because you need to feel comfortable with  
16 whatever answers you are giving me since we have got a  
17 court reporter and you are under oath. Okay?

18 THE WITNESS: Okay.

19 MS. RICHARDSON: Okay. We will go off the record  
20 now.

21 (Brief recess).

22 MS. RICHARDSON: All right. We are back on the  
23 record now.

24 MR. YOKAN: Yeah. Could you read back your last  
25 question to which we -- I advised my client to envoke

1           the 5th. I may have misunderstood what you asked.  
2           (Whereupon, the question last above-referred to was read by  
3           the Reporter).

4           MR. YOKAN: We will withdraw our invocation of the  
5           5th Amendment as to the definitional question you  
6           asked. If you would like the answer to your question,  
7           we would be happy to provide one.

8           THE WITNESS: Okay. What was the question again?

9           BY MS. RICHARDSON:

10          Q     Sure. Are there certain cause codes that would  
11          exempt an out-of-service report from being counted against  
12          that out-of-service index?

13          A     Yes. Like weather or something. You know, like  
14          if it was a weather condition and it was a major cable  
15          failure or something.

16          Q     Okay. Major cable failure? How many phones would  
17          have to be affected by that?

18          A     Well, a major cable failure, like if -- let's say  
19          doing road construction the city cut a major cable and you  
20          have -- there was one time like maybe hundreds of people  
21          were out of service. Okay. That is a major cable failure,  
22          and it takes time and, you know, to splice them back  
23          correctly and everything, so it could go over 24 hours doing  
24          that. But this is a major failure. This isn't just one or  
25          two. So, therefore, everybody is going to be rebated. It's

1 going to automatically happen. So that would be considered  
2 something like that, a major cable failure.

3 Q Okay. You know for a fact that the company is  
4 automatically going to rebate those people?

5 A Yes. Well, because I know, because I at one time  
6 worked and was involved in one and we had to make sure that  
7 everything -- you know, it was all coded correctly so that  
8 everything -- everyone could be rebated, and it all worked  
9 out. Yes.

10 Q Was that the Perine cable cut?

11 A No. It was one on Miami Beach at one time.

12 Q Okay. Do you know of any instances where that  
13 major cable failure code was used on small or minor cable  
14 failures?

15 A No.

16 Q Okay. Do you know of any use of these exempt  
17 cause codes to take out-of-service reports out of that out-  
18 of-service-over-24 index to exempt them?

19 A Repeat that now.

20 Q All right. Let me see if I can phrase it  
21 differently. Do you know of any time when a manager has  
22 insisted that the certain exempt cause codes that you have  
23 mentioned be used, whether they applied or not, because he  
24 wanted to be sure to meet that out-of-service-over-24 index?

25 A No.



1 Q Okay. Do you know of any improper use of these  
2 cause codes, these special exempt cause codes?

3 MS. HARTLEY: That's it --

4 MR. YOKAN: I would advise my client to take the  
5 5th Amendment regarding that particular question.

6 A And I take the 5th.

7 Q Okay. Do you know of any customer who was denied  
8 a rebate because of improper handling of customer trouble  
9 records?

10 A No.

11 Q Do you know what a 222 code is?

12 A Yes.

13 Q Okay. And what, generally, is a 222 code?

14 A When we feel within, say, an hour or so, if you  
15 committed it for, say, 5:00 today, say maybe it's an hour, an  
16 hour and a half or so before your commitment, if they feel  
17 we can't make the commitment we try to contact the customer.  
18 And if I can contact the customer and they -- I ask them,  
19 tell them, advise them that we are not going to meet the  
20 commitment, and is it okay if we come in the morning, or  
21 schedule for another time, and then they say "Yes," then we  
22 put the 222 in, you know, "Advised by Ms." whoever, you  
23 know, "changed commitment."

24 Q Okay. Do you know of anyone who has changed that  
25 commitment time without contacting the customer?

1           A     No.

2           Q     Okay. Let me introduce a document here for the  
3 record, and then if you need time we will go off the record,  
4 and you can take a look at it.

5                     This is Southern Bell's response to preliminary order  
6 number PSC930263PCOTL entered on February 19th, 1993, filed  
7 on April 1st, 1993 in the Consolidated Rate Case Docket.  
8 And, Ms. Wilcox, there is a Derrall R. Wilcox on Line 622  
9 out of 650 names, and I would like you to take a look at  
10 this name and see if that's you. And then if it is, then I  
11 would like to discuss the numbers and the information  
12 contained after your name.

13                   MR. YOKAN: Can we go off the record for just a  
14 minute now?

15                   MS. RICHARDSON: While you're off, if you would  
16 have her read paragraph 2 for the company.

17                   (Brief recess).

18                   MS. RICHARDSON: Okay. I think we will go back on  
19 the record now.

20 BY MS. RICHARDSON:

21           Q     Ms. Wilcox, I think by your name is a Number 5 and  
22 it indicates that you may have some information about  
23 changing commitment times generally. Okay. I would like to  
24 know what information you have about improperly changing  
25 commitment times.

1 MR. YOKAN: And I would advise my client to invoke  
2 the 5th Amendment regarding that question.

3 A Oh, I'm sorry. I take the 5th.

4 Q Okay. Has anyone ever told you not to status any  
5 out-of-services today?

6 MR. YOKAN: I would advise my client to invoke the  
7 5th Amendment regarding that question.

8 A I take the 5th on that question. I'm sorry.

9 MS. RICHARDSON: Let's go off the record for a  
10 second.

11 (Discussion held off record).

12 MR. YOKAN: We can go on the record. There's a  
13 misunderstanding on counsel's part in communication  
14 with his client, and he apologizes for that. As far as  
15 the question regarding the 222 code, we would be happy  
16 to answer that.

17 A Okay. That was the one I was telling you about  
18 where if you contact the customer, we change the commitment;  
19 but if I don't contact the customer, then I don't change the  
20 commitment. We can't change it, and we are supposed to  
21 leave it as it is. That's when we put the 222 there.

22 Q Do you know of -- Have you ever had a manager to  
23 tell you to use the 222 code on a commitment without  
24 contacting the customer?

25 A No.

1           Q     Have you ever had a manager tell you that even if  
2     you cannot contact the customer for any reason, you made an  
3     attempt but you just didn't get a hold of them, that you go  
4     ahead and change the commitment and put in a 222 code?

5           A     No.

6           Q     Do you know of anyone who has done that?

7           A     No.

8           Q     Have you heard of that being done?

9           A     No.

10          Q     Is part of your duties as an MA, and before that  
11     as a Repair Service Evaluator, to determine whether a report  
12     is out of service or not?

13          A     Only by the testing. You know, if I test the  
14     trouble for it and it tests as a trouble out of service,  
15     that's the only time. Other than that I just don't -- I  
16     can't just look at it and tell, no. I have to test the line  
17     first.

18          Q     All right. And is it a test only? Is that the  
19     only thing you look at to determine?

20          A     Okay. We have been given -- Well, the  
21     instructions say even if I -- if you say your line is real  
22     noisy, and I call you and you can't hear me and I can't hear  
23     you, and if it tests okay, but because sometimes the  
24     computer can't see the noise, can't test the noise, but if I  
25     can't hear you when I call you and you can't hear me, then I

1 can consider that out of service, yes, because you can't use  
2 your service.

3 Q Okay. And at what point do you status a report  
4 out of service?

5 A If the customer can't receive or make calls. Or,  
6 as I say, you can't hear over the noise in order to use your  
7 service, then it will be statused "out of service."

8 Q Okay. Are you supposed to status out of service  
9 before dispatch?

10 A Yes.

11 Q Has that always been the case?

12 A Well, we are now into a computer, where before  
13 when we did not have the computers, and now when we status  
14 it out of service it automatically -- the repairman sees it  
15 on his -- in his computer, and it's on his CAT and  
16 everything.

17 Before we had the paper copies and it didn't -- well --  
18 no. We weren't always -- no. Because you couldn't tell,  
19 you see, because we had to tell the repairman verbally, you  
20 know, "This is out of service." So I couldn't very well  
21 status it because it wouldn't make any difference to him  
22 because he never saw that paper.

23 Q Okay. Has anyone ever told you, any manager ever  
24 told you not to status out-of-services up front; to wait  
25 until they are closed out and status them out of service at

1 closing?

2 A Yes. Yes.

3 Q Okay. And who has given you this direction?

4 A Okay. In perspective as to why it was -- I was  
5 told this. Okay?

6 Q Um-ha. (Affirmative Response).

7 A It was -- I know one incident I can give you. It  
8 was a failure. The cable wasn't cut completely. It was  
9 like one of these things that like chewed it up and  
10 whatever. But everything was statused to the failure. So  
11 when we started calling the customers back and we started  
12 checking the service, if the customer says, "No, I wasn't  
13 completely out of service. You know, it was just noisy, but  
14 I could still use my service," I didn't status that one out.  
15 But we had to find out after everything was cleared and  
16 spoke with the customer. Then some would be statused out of  
17 service if they were completely out, and some we did not  
18 because they weren't completely out of service.

19 Q Okay. Is that the only occasion that you can  
20 think of?

21 A That's the only occasion that I can think of.

22 Q Okay. Do you know of any manager who used this as  
23 a policy in order to status out-of-services at the end so  
24 that if the report was over 24, it would be left as not out  
25 of service, and if it was under 24, repaired within 24

1 hours, then it could be statused as out of service?

2 MR. YOKAN: I would advise my client to envoke the  
3 5th Amendment concerning that question.

4 A I take the 5th Amendment concerning that question.

5 Q All right. Do you know what a "test okay" is?

6 A Yes.

7 Q All right. Can you define a "test okay" for me?

8 A If you report your service, call repair and report  
9 your service and you say -- well, a lot of people I think do  
10 it because on the computer you're only speaking with the  
11 computer, and so therefore you're not able to truly identify  
12 as exactly what your problem is, and so you just say, "No  
13 dial tone. I can't call out." And then when I call you,  
14 that's not really what your problem is. You have dial tone,  
15 you are able to call out, but you either wanted to ask the  
16 question, or you simply -- it was something else, something  
17 about one of your features, but it was okay, and I simply  
18 help you, then that's okay. The service is okay. So I can  
19 just talk with you, try and correct your problem, and close  
20 it out as a "test okay."

21 Q Okay. Based on your training and your experience  
22 with the company, you have had a number of years as an MA,  
23 in your opinion is it proper to close a "test okay" to an  
24 out-of-service?

25 A Is it proper to close it to an out-of-service if

1 it's okay?

2 Q If it's "test okay" is it proper to close them out  
3 of the service?

4 A Okay. For instance, you call repair. You get --  
5 Your phone is out of service, it's dead, but when the  
6 computer tests it it was a receiver off the hook at the  
7 time. You found that out when I call you. It's okay. Now,  
8 you know, if it was yesterday when you reported it and you  
9 didn't find it until today, so actually you were out of  
10 service when you called, so, yes, I can status it out of  
11 service because when you called you were out of service, but  
12 it's okay now. So I -- when the report came in it was out,  
13 so I status it, yes, it was, because for X amount of time  
14 you didn't have service. So you were out of service. I  
15 status it out for then, but I close it out now as cleared  
16 now, "test okay" now.

17 Q Okay. Do you know of anyone who has taken a batch  
18 of test-okay reports and deliberately statused all them out  
19 of service?

20 A I know of no one that has done that personally,  
21 no.

22 Q Do you know of Ms. D'Alessio and Lesco?

23 A I have heard of the at D'Alessio. I don't know  
24 the person. I have never worked with them or worked for  
25 them, but I have heard of the person, yes.



1 Q Do you know of a Mr. Falsetti?

2 A Yes.

3 Q Have you ever worked with Mr. Falsetti?

4 A Yes.

5 Q All right. Do you know some of the allegations  
6 Mr. Falsetti has been making about the company and the  
7 procedures the company has been using?

8 A I have heard of them.

9 Q All right. And what have you heard?

10 A I have heard that he said that we were not giving  
11 customers credit for being out of service, and a lot of  
12 things.

13 Q Okay.

14 A A lot of things.

15 Q Do you know of -- Well, let me ask you this: Did  
16 you ever have any conversations with Mr. Falsetti in any of  
17 your work environments?

18 A Yes.

19 Q You did?

20 A I worked with him for about two or three years.

21 Q Okay. Did you see yourself personally any  
22 evidence of the allegations that he has made against the  
23 company?

24 MR. YOKAN: I would object unless you can narrow  
25 that question down for her.

1 Q Okay. Give me a specific about one of the things  
2 that Mr. Falsetti told you that he thought was wrong in  
3 terms of handling a trouble report.

4 A Mr. Falsetti is a very bitter person. A lot of  
5 the things -- and as I say, I worked with Mr. Falsetti for a  
6 few years. A lot of the things that -- I would say 90%, 85%  
7 90% of the things that Mr. Falsetti said were the results of  
8 bitterness, very intense bitterness, not only towards the  
9 company, not only towards the managers, but also towards  
10 craft people that he worked with.

11 Q Okay. Let's take that 5%.

12 A Okay.

13 Q All right?

14 A That 5%, Mr. Falsetti's job was a little bit  
15 different from mine in some respects. Some of the things  
16 that he -- most of the things that he did -- a lot of the  
17 things that he did I didn't see, so therefore I can't in all  
18 actuality and all truthfulness say anything really about it.

19 Q Did you hear other maintenance administrators make  
20 the same type of allegations that Mr. Falsetti was making?

21 A No. No.

22 Q Do you know what it is to exclude a report?

23 A Yes.

24 Q What do you do when you exclude a report? What  
25 happens? How do you do it, and what do you do?

1           A     Well, if it's -- What kind of report would I  
2     exclude? Information report. If a customer simply called  
3     and wanted information, if it's -- if it has to do with  
4     their features and I can simply give you instructions as to  
5     how to work your features, but they are there on your line  
6     but you just don't know how to do them, use them, I give you  
7     instructions on how to use your features, and then I can  
8     exclude those reports because there was really no problem;  
9     it's just a lack of knowledge, and I help you and I can  
10    exclude those reports.

11           Q     Okay. Based on your training and experience is it  
12    proper to exclude an out-of-service --

13           A     No.

14           Q     -- report? Do you know of anyone who has --

15           A     No.

16           Q     -- excluded out-of-service reports?

17           A     No.

18           Q     Has anyone ever asked you to do so?

19           A     No.

20           Q     Do you know when a report is excluded, is it just  
21    eliminated from the system?

22           A     It's not eliminated from the system. It is still  
23    within the system. It's simply that it's closed out and  
24    there is no codes that closed it out. It's simply you  
25    excluded it. But you have your narrative as to what you did

1 is still there, and it's known. You can see that it was  
2 excluded, but I have to put a definite narrative as to why I  
3 did this.

4 Q Do you know of anyone who has used somebody else's  
5 employee code to status a report?

6 A No. I have heard people say that somebody used  
7 their code, but as far as knowing about it personally, no.

8 Q Has anyone ever directed you to use someone else's  
9 code?

10 A No.

11 Q Has anyone ever used your code?

12 A Not as far as I know. Nobody. No, as far as I  
13 know.

14 Q What's a "no access"?

15 A When the repairman goes to your home to repair the  
16 service and there's no one there, then he no accesses it,  
17 and he's supposed to leave a card telling you that he was  
18 there, and telling you to call back and set up another  
19 appointment.

20 Q All right. Do you know if that "no access" stops  
21 that 24-hour repair clock?

22 A It's supposed to.

23 Q It's supposed to? Do you know of anyone who has  
24 no accessed a report just to stop that 24-hour repair clock?

25 A No.

1 Q Do you know of anyone who no accessed reports  
2 without dispatching?

3 A No, I don't know anything about that.

4 Q Have you ever had a manager tell you not to close  
5 any reports without contacting him?

6 A (Shakes head).

7 Q Have you ever had a manager tell you not to close  
8 any out-of-service reports that were in jeopardy of going  
9 past that 24-hour clock without contacting him or her?

10 A No. Not really. Not -- not really, no. I mean,  
11 well, if for some reason I was told that, okay, it would  
12 have had to deal with -- and my -- okay. The reason I go  
13 back to cable so much is because that's basically where I  
14 work, so that's how I can tell you more about that. And if  
15 I was told to hold them, you know, it's because we wanted to  
16 make sure. You have to call -- If it's seventy customers, I  
17 have to call all seventy of them and make sure that it's --  
18 they are going to the right number, if it's testing okay,  
19 that it's going to the correct number. And so, therefore, I  
20 have to hold them all, don't close out one now and one  
21 later, and make sure everything is taken care of.

22 Q How long did you work cable?

23 A How long have I been in the maintenance center  
24 basically? Until I came here. Just about the whole --

25 Q The whole time in Miami?

1           A     Basically.  Cable or special circuits.

2           Q     Okay.  And is it usual then for cable reports to  
3 be left statused as not out of service until closeout?

4           MR. BEATTY:  Objection.  It's been asked and  
5 answered.

6           Q     You can still answer it.

7           A     Oh, okay.  Say it again now.

8           Q     Is it usual for cable reports to be left statused  
9 as not out of service until closeout then?

10          A     It used to be, because before the system was  
11 completely mechanized as it is now, and when it does -- now  
12 the computer statuses them all together, links them all  
13 together before we had to do it manually, so, therefore, you  
14 had to hold them -- hold everything until you are closing  
15 everything out at one time.  And once you have spoke with  
16 everybody, the ones that were not completely out of service,  
17 you hold them to the side, and you closed the majority of  
18 them.  If they are closing out of service, you status them  
19 out of service, and you close them all out together.

20          These that were not out of service completely, you  
21 close them out individually as not out of service, because  
22 if you close it altogether, it's going to link everything as  
23 out of service.  The ones that were not completely out, you  
24 don't want them statused out of service, so, therefore, you  
25 hold some of them.

1           This is the way it used to be. Now everything -- no  
2 matter what, even if they weren't completely out of service,  
3 it's going to link it altogether and it's going to close all  
4 now out of service.

5           Q     That's a bulk close procedure?

6           A     Yes.

7           Q     Using the tracker system?

8           A     Yes.

9           Q     Do you know of anyone who has used that tracker  
10 system to close out a bulk of cable failures to not out of  
11 service in order to help meet that 24-hour index?

12          A     No.

13          Q     Do you know of anyone who has gone out and created  
14 a cable failure just to generate a lot of out-of-service  
15 reports to help meet the index?

16          A     No. No.

17          Q     Do you know if it's possible if you've got these  
18 bulk cable failures and you've got two out-of-services on  
19 there, and you close out your lead trouble to a  
20 not-out-of-service, will that change the out-of-service, the  
21 two that were out of service to not-out-of-service? Do you  
22 know?

23          A     You mean now on the new system?

24          Q     Um-ha. (Affirmative Response). On the bulk close  
25 procedure.

1           A     I don't really think it would -- I haven't worked  
2 cable since I have been here, so it's been --

3           Q     Well think back when you were working cable.  
4 Would that have done that when you were working cable?

5           A     No. I mean -- Your lead trouble, if you're going  
6 to close the whole failure out?

7           Q     You do that by the lead trouble, right?

8           A     Yeah.

9           Q     You close the lead trouble and everything else  
10 attached closes out; right?

11          A     Unless you are going to hold some -- like I say,  
12 take some and put them on hold.

13          Q     And detach them?

14          A     Right. Now, the ones that are attached,  
15 everything will go if it's statused out of service or if  
16 it's not statused out of service. Everything that's on that  
17 lead trouble will go except for the ones you have on hold.  
18 So whatever status that lead trouble is in it will take.

19          Q     So if I don't detach those two out-of-services and  
20 I close my lead trouble to not-out-of-service, is that going  
21 to change those two out-of-services to not  
22 not-out-of-service?

23          A     It will take everything that's there.

24          Q     Okay. Do you know of anyone then who has had a  
25 policy of leaving the lead trouble as not-out-of-service on



1 bulk closes?

2 MR. BEATTY: I object to the form of the question  
3 as ambiguous.

4 MS. RICHARDSON: If you need to go off the record  
5 -- Again, I'll advise you, if you need to go off the  
6 record and discuss something with your attorney, then  
7 we can go off the record and we can discuss it.

8 MR. YOKAN: Could you repeat the question?

9 MR. BEATTY: And, also, are you asking it  
10 improperly? Is --

11 MS. RICHARDSON: That was not part of my question.  
12 I would like my question just as it was phrased to be  
13 answered.

14 MR. BEATTY: I am not trying to change it. I'm  
15 just asking the question whether it's correct --

16 MS. RICHARDSON: I would like my question just as  
17 it is. And if would find it if you can , Pat, and  
18 read it back to us.

19 (Whereupon, the question last above-referred to was read by  
20 the Reporter).

21 A No, I don't know anyone who had a policy of doing  
22 that.

23 Q Okay. Do you know of anyone who did that  
24 periodically?

25 A No. No, I don't.

1 Q Okay. Do you know of anyone who has given those,  
2 any manager who has given those instructions to a  
3 maintenance administrator?

4 A Do I know personally? No.

5 Q Have you heard of that being done?

6 A I heard that someone did it -- Well, someone -- It  
7 was like someone told somebody that somebody told them that  
8 they did it. It was passed down, but I don't know them  
9 personally, no.

10 Q Okay. And when you heard this, did you hear a  
11 name attached to it? Which manager was involved?

12 A This was --

13 MR. YOKAN: Can we make that which manager was  
14 allegedly involved since we are traveling on double or  
15 triple hearsay?

16 A Second level, or first level, or what?

17 Q Both. Whoever. Whatever names you can attach.

18 A I don't know as far as --

19 MR. BEATTY: I would object on the grounds of  
20 hearsay.

21 A Okay.

22 Q But you can still answer.

23 A Okay. was the first level supervisor.

24 Q Okay. Did you hear any other manager's name  
25 attached to that rumor?

1 A No.

2 Q Okay. Do you know what a CON report, a C-O-N, or  
3 "carriedover no" report is?

4 A I have heard of it. I don't know what it is  
5 because I have never been involved with them.

6 Q Okay. You have never had occasion to use one?

7 A No.

8 Q Do you use a future date request?

9 A It comes on the computer automatically. The  
10 customer calls in to give their report, if they, you know,  
11 they asked them -- and if you request a future due date,  
12 then it's automatically -- I don't put it on there, no.

13 Q What happens if a customer after the commitment  
14 has been set by the CRSAB and then you have already got the  
15 trouble, and then the customer decides that the commitment  
16 time isn't going to work, they have got to leave the house  
17 or something, do you get that call or does it that go to  
18 CRSAB?

19 A CRSAB

20 Q Have you ever then received a phone call from a  
21 customer where you had to change their commitment time at  
22 the customer's request?

23 A Only if I call the customer that we are going to  
24 miss the commitment, but them calling me directly,  
25 personally, no.

1 Q Okay. Have you heard the phrase, "building the  
2 base" of out-of-services?

3 MR. BEATTY: Objection. Asked and answered.

4 MS. RICHARDSON: I don't believe I've asked  
5 "building the base," but let me ask it again:

6 BY MS. RICHARDSON:

7 Q Have you heard the phrase "building the base" of  
8 out-of-services?

9 A It's been so long ago, very long ago. I don't  
10 know -- a lot of years.

11 MR. BEATTY: I withdraw that. I withdraw my  
12 objection.

13 MS. WILSON: He's withdrawing his objection. I  
14 don't think she did ask the question.

15 MR. YOKAN: The term did come up.

16 MS. WILSON: I don't believe she asked that  
17 question.

18 A It's been a lot of years ago, but I haven't heard  
19 it in so long I didn't even remember what it was. But, yes,  
20 I have heard of it before.

21 Q Do you know what it means, or did you have an idea  
22 of what it meant at the time that you heard it?

23 A When I heard it it was -- As I say, it was a long  
24 time ago and we all thought it was a joke, and, "Really.  
25 Yeah, right," and kept on with what we were doing. That's

1 it.

2 Q Did you find out later that it wasn't a joke?

3 A Not necessarily. Not necessarily. At the time  
4 that I heard it it was at a time when we had a couple of  
5 supervisors that -- How can I say what I'm trying to say? --  
6 weren't totally concerned with our working environment, with  
7 our work, with what we were doing, and so we heard it. We  
8 ignored it. We'd heard it again and we ignored it.

9 Q Okay. Did you hear it in the nature of -- Well,  
10 let me ask you this: Do you know whose names were attached  
11 to that?

12 A

13 Q

14 Was your understanding of "building the base" of  
15 out-of-services was to help achieve that over 24-hour index?

16 A He -- Well, see, the reason we ignored it-- the  
17 reason we heard it, and the reason we ignored it was because  
18 he used to always say things like he was trying to get his  
19 manager's I think like a bonus or something, and he used --  
20 and this is why we thought -- we ignored it because we  
21 thought he was, you know, just, okay is just trying to  
22 improve his bonus this time, this quarter, or whatever. And  
23 we just ignored it because we knew what he was going  
24 through. We said, "Oh, he's trying to pay his alimony," and  
25 we ignored it.



1       it. So I really don't know how they achieved their bonus,  
2       but we used to -- you know, we used to -- He was the only  
3       person I ever really heard. That's why I say it was so long,  
4       ago, because he's the only person I have ever really heard  
5       even make a comment like that.

6                Before '80 I had been in the maintenance center, and  
7       when the repair clerks was in there manually doing  
8       everything, and I had never heard it then, and we did  
9       everything manually. This was in the '70s, and I never  
10      heard it. The first, and my only time I have ever heard it  
11      was from him, and that's why most of the people that I  
12      worked with, we had been together for X amount of years and,  
13      you know, you go, "What is he talking about?" You know, and  
14      just let it go.

15             Q     Okay. Do you know of anyone who has falsified a  
16      customer trouble record?

17             A     As in -- What do you mean "falsify"? I don't  
18      understand.

19             Q     Deliberately improperly stated a customer  
20      trouble record?

21             A     Not that I know. No. Personally, no.

22             Q     Okay. Have you ever helped the company with  
23      selling products or services to customers?

24             A     Yes.

25             Q     All right. And were you asked to do that by

1 someone?

2 A Well, it was a campaign at the time going in. We  
3 were all -- It was a personal choice. You didn't have to.  
4 You know, if you wanted to get involved, we got involved,  
5 but it was a personal choice.

6 Q Okay. And about when were you selling them? What  
7 period of time?

8 A Was it '85, '86. Somewhere up in there. I'm not  
9 sure exactly.

10 Q Sort of mid to late '80s?

11 A Somewhere in there.

12 Q And are you still selling for the company?

13 A No.

14 Q Okay. Did you receive any training to do the  
15 sales?

16 A No. Not really, no.

17 Q No? Did you actually receive any prizes and  
18 awards?

19 A Yes.

20 Q What kind of things did you earn?

21 A A microwave, a VCR, a set of luggage. What else?  
22 I think a pair of curling irons.

23 Q Okay. When you were participating in sales did  
24 anyone ask you to keep track of the time that you spent  
25 selling, the amount of hours that you spent selling as



1       opposed to the amount of hours you were working as an MA, or  
2       on repair reports?

3             A     Um-ha. (Affirmative Response).

4             Q     I'm sorry? Yes?

5             A     Yes. I'm sorry. Yes.

6             Q     Okay. Did you have to use a special code number  
7       for that sales time that you had?

8             A     Well, we had -- Yes, because we had special codes  
9       for the sales, and let you know, you know, what times --  
10       when you were doing it on the clock, because I know some  
11       ladies took their's home and, you know, like after. When  
12       you couldn't get a lot of customers during the day they took  
13       it home, so they did not apply that, but they had to use the  
14       sales code for everything that they sold, yes.

15            Q     All right. And then you were doing this in what,  
16       north Miami, Coral Gables?

17            A     Yes. North Miami.

18            Q     North Miami. And which supervisor was assisting  
19       you with the sales part of your job?

20            A     Well, there was no one assisting me. It was  
21       simply, you know, my supervisor at the time I think was  
22       either Sylvia Lom-Ajam John Cius. I'm not sure which one,  
23       but it was probably one of those.

24            Q     Okay. Do you know of anyone who has added a  
25       service or a product to a customer's record without the

1 customer's permission?

2 A Yes. And they were fired.

3 Q And who was that?

4 A Names, I -- it was -- I don't remember the name.

5 It was two, three -- I think maybe three repairmen in the  
6 North Miami area that were fired that -- one was inside on  
7 light duty -- two were inside on light duty, and one was  
8 working outside. But as far as the names, I'm not sure. I  
9 can't remember the names, but they were fired I know.

10 Q Do you know of anyone other than these individuals  
11 that were fired?

12 A That I know personally? No. That's why I know  
13 about those three. I know that there were others, but I  
14 don't know -- You know, I didn't know them.

15 Q Did you ever spend time at a special phone section  
16 doing nothing but sales for the company?

17 A No. I just did it from right where I was.

18 Q Allr right. Working with customers on trouble  
19 reports and then --

20 A Or either sometimes like, you know, if it was real  
21 slow, you know, and they would say, "If anybody wants to,  
22 you know, take some time, you know, and do sales now, then  
23 you can." But I stayed where I was at my desk.

24 Q And what did they give you to help you do the  
25 sales? Did you get a list of customers, or pull a list up

1 on the screen?

2 A We pulled a list up on the screen like, you know,  
3 and a lot of customers that you work with sometimes during  
4 the day, some people take and keep a list of everything they  
5 do during the day and they just like call back from there.  
6 So you could just -- I know what I would do is I would like  
7 certain areas in my area where I lived, I would just pull up  
8 a group of numbers in the area that I lived in and would  
9 call when I wasn't busy. But, you know, everybody had  
10 different ways of doing that.

11 Q Okay. Do you know of anyone who sold a customer  
12 both the TIP Maintenance Plan and the Sequence 1X  
13 Maintenance Plan and billed them for both?

14 MR. BEATTY: I'm sorry. And do what?

15 A Repeat that.

16 Q And billed them both?

17 A Sold them both of them and billed them for both,  
18 or sold them one and billed them for both? I don't  
19 understand.

20 Q All right. Let's take both examples. Sold them  
21 both plans and billed them for both plans.

22 A Yeah. If you sell them both plans you're going to  
23 bill them for both.

24 Q Okay. Do you know of anyone who sold them one  
25 plan and billed them for both?

1 A No.

2 Q Do you know if the TIP Plan and the Sequence 1X  
3 Plan covered the same maintenance?

4 A No. They are two different things.

5 Q Okay. If you have the Sequence 1X Plan do you  
6 need the TIP Plan?

7 A Well, if you have the Sequence 1X, that combines  
8 both of them.

9 Q Okay. What if you billed separately, you billed  
10 for the TIP Plan, and you also billed an additional for the  
11 Sequence 1X Plan?

12 A No.

13 Q You don't know of that ever occurring?

14 A No.

15 Q Okay. Have you ever been disciplined by the  
16 company for your handling of trouble reports?

17 A No.

18 Q Okay. Have you ever had occasion to protest an  
19 instruction that you have received from a manager that you  
20 felt, based on your training and experience, was improper?

21 A Yes.

22 Q Okay. And can you tell me about that?

23 A Okay.

24 MR. YOKAN: Let me go off the record for a moment.

25 (Brief recess).

1           MR. YOKAN: I was confused and the witness was  
2 confused as far as what your question was. If the  
3 question is has she ever protested against an  
4 instruction given by a manager?

5           MS. RICHARDSON: Um-ha. (Affirmative Response).

6           MR. YOKAN: I mean, we have discussed --

7           MS. WILSON: Excuse me. I think the question was  
8 was she ever given instructions by any manger when she  
9 --

10          MS. RICHARDSON: Based on her training and  
11 experience that she felt she should protest. That's  
12 essentially it. I can have it read back, but she has  
13 already flipped her pages over.

14          MR. YOKAN: And I think we have covered a  
15 situation that leads one in relation to the other  
16 manager mentioned where the instruction just wasn't  
17 followed. I'm not -- Can you narrow it down? I'm not  
18 sure where you're going.

19          MS. RICHARDSON: She didn't indicate that she had  
20 protested that one.

21 BY MS. RICHARDSON:

22           Q     So I'm looking for any instruction that a manager  
23 has given you that based on your training and experience you  
24 felt was improper and you protested.

25           A     Protest as in --

1           Q     Tell him you won't do it, or take it to a higher  
2 supervisor, or take some action?

3           A     Other than the fact that maybe talk to another  
4 supervisor and say, "Well, you know, I don't really think  
5 this is right," or something like that. But I have never  
6 gone -- had to go beyond that point, no.

7           Q     Okay. Well, my follow-up question is: Have you  
8 ever filed a grievance?

9           A     No.

10          Q     Then tell me about the protest when you said you  
11 may have gone to another supervisor.

12          A     It wasn't really a protest. It simply -- okay.  
13 Just say, for instance, even now with the -- at one time if  
14 you called in about your features and I said we excluded  
15 them, and at one time we did not exclude them; we closed it  
16 out to a "test okay" because you talked with the customer  
17 and everything is okay. And it -- it -- They give points.  
18 We get, what, work points or whatever for --

19          Q     Evaluation points?

20          A     Right. And if you close it out as "okay", you're  
21 going through three steps. If you're excluding it it's  
22 basically just two. And we didn't feel like excluding it  
23 would have been proper. You know, we felt like we should  
24 have -- because it can take me five minutes, two minutes,  
25 maybe an hour to try to explain to someone how to do

1 something when therefore I'm -- this is the only thing I'm  
2 doing at the time, and if I exclude it it's as if I only  
3 took two seconds to do it when I may have taken an hour.

4 And there are other, you know, things like that.  
5 Therefore, it didn't require that you take it to one  
6 supervisor and they have -- turn around and they said, well,  
7 no, they redid the practice and this is the way the practice  
8 says it should be, so....

9 Q Okay. I guess I want to be a little more clear  
10 then on my question. In terms of receiving an instruction  
11 that you felt was clearly wrong, against company practice,  
12 okay, have you ever had occasion to protest to a higher  
13 level manager, or someone else in the company?

14 MS. WILSON: Excuse me. Why don't you ask her  
15 whether she ever received an instruction like that.

16 MS. RICHARDSON: Okay. Well, I think we have sort  
17 of borderlined that on some of the 5th Amendment  
18 privileges.

19 MS. WILSON: I don't believe she ever answered  
20 the question. You went outside and had a discussion  
21 with your client.

22 BY MS. RICHARDSON:

23 Q Have you ever received an instruction that you  
24 felt was clearly improper, or wrong, and felt that you had  
25 to protest it?

1 MR. YOKAN: We will take the 5th because the  
2 nature of the question overlaps with other things we  
3 have objected to before.

4 A I'll take the 5th on that one.

5 MS. RICHARDSON: All right. Ms. Wilcox, I have no  
6 further questions and I want to thank you for being  
7 here today, and I appreciate your time. Someone else  
8 around the table may have one or two questions before  
9 you go.

10 MS. WILSON: I have no questions.

11 MR. VINSON: Yeah.

12 BY MR. VINSON:

13 Q Ms. Wilcox, you mentioned the comments that  
14 said made in general that you thought he was joking  
15 about. Could you possibly give us a little bit more detail  
16 on what he was saying, what the content of his comments  
17 were?

18 A About -- What about? Building the data base? Is  
19 that what you're referring to.

20 Q Okay. Did he --

21 A I'm saying is that -- because I am not really  
22 understanding.

23 Q Earlier you made some comments that  
24 made -- said some things that you thought he was joking  
25 about, getting a big bonus and so forth --



1 MS. RICHARDSON: It is the data base.

2 Q -- and was that something that he was talking  
3 about, building the base?

4 A That's what we were discussing at the time, wasn't  
5 it?

6 MS. RICHARDSON: Yeah.

7 Q So he was saying that he was going to build the  
8 base in order to get a bigger bonus?

9 A No. She asked had I ever heard of the phrase,  
10 "building the data base," right? And I said that was the  
11 time, the only person I ever heard say that was him. You  
12 know.

13 Q Okay. When he was making these comments, was it  
14 in the context of giving MAs instructions of how to do  
15 something?

16 A No. He was just -- Well, this is when we were  
17 statusing everything. We were doing everything manually  
18 back in the mid -- the first '80s, and he would come out.  
19 He said, okay. -- And as I said, we all took it basically  
20 -- this was one of those times. This is when I worked with  
21 Frank Falsetti, you know, and we were all in an office  
22 together. And he would come out and we would all be in  
23 there and he would say, "Okay. We want to status as much  
24 out-of-service today as we can because we are going to build  
25 a data base."

1           "Yeah, right,                   is up for a bonus or  
2 something," and we just ignored it, because you can tell me  
3 -- I mean I know what basically I'm doing. Okay. And I  
4 know my job, hopefully very well. So if I have a supervisor  
5 that I don't feel, or we don't feel is doing -- I can't say  
6 not doing his job, but I can't even say -- but I can say I  
7 did what I knew I was supposed to do, and that's it. You  
8 know, and we go ignored him.

9           Q     Okay. A separate question. You mentioned that  
10 you had heard of some employees who added services through  
11 sales to customers' records without the customer's knowledge  
12 and that these employees were terminated?

13           A     Yes.

14           Q     But you didn't recall their names?

15           A     Right.

16           Q     Could I ask you if those names might have been Mr.  
17 Smith?

18           A     Smith?

19           Q     George Randall Smith? Does that ring a bell?

20           A     No.

21           Q     How about a Mr. Jones?

22                   MR. YOKAN: I was waiting for a Mr. Jones after  
23 Mr. Smith.

24           A     What's the first name?

25           Q     I don't recall the first name. I think one was

1 I'm not sure. It might have been. I'm not  
2 sure.

3 Q How about

4 A Yes.

5 MR. VINSON: Thank you. Those are all the  
6 questions I have.

7 MR. BEATTY: I don't have any.

8 MR. YOKAN: Counsel, I did want to clarify one  
9 thing. I hadn't had my cup of coffee and I didn't  
10 understand where one question was going. We would be  
11 happy to withdraw our invocation of the 5th insofar as  
12 if you would like the witness to define "backing up the  
13 time." As far as her use or experience in using it,  
14 the objection stands, or the invocation of the  
15 privilege.

16 BY MS. RICHARDSON:

17 Q Okay. Let's go back then and would you please  
18 tell me what you're understanding of that phrase, "backing  
19 up the time" is?

20 A If a repairman is on a trouble, okay, he's -- he's  
21 finished his job say at 4:30, 4:45, or whatever, and he  
22 would get off at 5:00 and he don't call them in and close it  
23 out. This was back when they were -- they were not on the  
24 CAT. You don't call and close it out until tomorrow  
25 morning, and you say, "Well, when was it cleared?"

1 He says, "Well, I cleared it yesterday at 4:30."

2 And then I'll back it up to a time cleared yesterday at  
3 4:30.

4 Or like with the cable failure, if the cable guys did  
5 -- a lot of times they were out all night and they cleared  
6 at 2:00 in the morning, and they didn't call in and close it  
7 out until the next day. And maybe the next day being after  
8 twelve because they had to go back and close up the pit or  
9 do everything -- all the other things, and then they finally  
10 called in to close out the failure. I'll say, "When it was  
11 it cleared?"

12 "It was cleared 2:00 this morning but I'm just closing  
13 it out now."

14 You put the cleared time as 2:00 that morning, say you  
15 are backing it up to when it was cleared, but it was closed  
16 out today at 12:30. So it cleared at 2:00 this morning but  
17 closed out today at 12:30.

18 Q Okay. Have you ever heard that phrase used in any  
19 other context with any other meaning?

20 A Backing up the time?

21 Q Um-ha. (Affirmative Response). Yes.

22 MR. BEATTY: I think the first answer was that, I  
23 would assume, based upon the question, would be "Yes"  
24 or "No"?

25 A Yes.

1           Q     Yes.  And what is the other meaning that you have  
2     heard given to that term, or that phrase?

3           MR. BEATTY:  It seems like this might be the area  
4     where --

5           A     Well --

6           MR. YOKAN:  Repeat the question, please.

7           MS. RICHARDSON:  Would you?

8     (Whereupon, the questions last above-referred to was read by  
9     the Reporter).

10          A     Have I heard it used in other context as to what  
11     the meanings were?  I can't say because I don't really know  
12     the whole situation as to what the person was talking about.

13          Q     And who was this?

14          A     There again we are going back to a time when  
15     things weren't -- were kind of shaky.

16          MR. YOKAN:  She would envoke the 5th Amendment as  
17     to persons that may have used that terminology in  
18     another meaning.

19          A     I envoke the 5th.

20          Q     Okay.

21          MS. RICHARDSON:  I would like to go off the record  
22     a second.

23                     (Discussion held off record).

24          MS. RICHARDSON:  We are back on the record.

25     BY MS. RICHARDSON:

1           Q     Ms. Wilcox, have you ever heard the phrase  
2     "backing up the time" to mean backing up a clearing time on  
3     an out-of-service report in order to meet that over-24-hour,  
4     index?

5           MR. BEATTY:   Just a minute.

6           MR. YOKAN:   I will instruct the witness to invoke  
7     the 5th Amendment to that and any other further  
8     questions dealing with backing up.

9           A     I invoke the 5th.

10          MS. RICHARDSON:   Okay.  I think we are through  
11     then.  Thank you.

12          (Witness excused).

13          (Whereupon, the deposition was concluded at 10:45 a.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, DERRALL R. WILCOX, have read the foregoing transcription of my testimony, Pages 1 through 68, given on May 6, 1993, in Docket No. 910163-TL and Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_

DERRALL R. WILCOX

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 1993.

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Print Name:

Notary Public - State of Florida

My Commission Expires:

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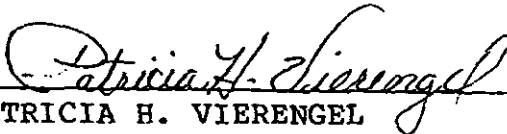
F L O R I D A )

:

CERTIFICATE OF OATH

COUNTY OF DUVAL)

I, the undersigned authority, certify that  
DERRALL R. WILCOX personally appeared before me and was duly  
sworn.

  
PATRICIA H. VIERENGEL  
Notary Public - State of Florida  
My Commission Expires 6/31/93



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STATE OF FLORIDA)  
:  
COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

I, PATRICIA H. VIERENGEL, Court Reporter, DO  
HEREBY CERTIFY that I was authorized to and did  
stenographically report the foregoing deposition of DERRALL  
R. WILCOX;

I FURTHER CERTIFY that this transcript,  
consisting of 68 pages, constitutes a true record of the  
testimony given by the witness.

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

DATE this 7<sup>th</sup> day of June, 1993.

Patricia H. Vierengel  
PATRICIA H. VIERENGEL, Court Reporter  
Telephone: (904)725-8657

STATE OF FLORIDA)  
:  
COUNTY OF DUVAL )

The foregoing certificate was acknowledged before  
me this 7<sup>th</sup> day of June, 1993, by PATRICIA H.  
VIERENGEL, who is personally known to me.

Ruth C. Goggin  
Print Name: Ruth C. Goggin  
Notary Public - State of Florida  
My Commission expires: 11-30-95

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the matter of :  
Investigation into the integrity :  
of SOUTHERN BELL TELEPHONE AND : DOCKET NO.: 910163-TL  
TELEGRAPH COMPANY'S repair service :  
activities and reports. :  
----- :  
In re: Investigation into :  
SOUTHERN BELL TELEPHONE AND : DOCKET NO.: 910727-TL  
TELEGRAPH COMPANY'S compliance :  
with Rule 25-4.110(2), F.A.C., : FILED: 04/28/93  
Rebates. :  
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DEPOSITION OF: LINDA G. MONIZ

TAKEN AT THE INSTANCE OF: The Staff of the Florida  
Public Service Commission

PLACE: Southern Bell Offices  
3100 Emerson Street  
Jacksonville, Florida  
First Floor Conference Room

TIME: Commencing at 10:20 a.m.  
Concluded at 11:20 a.m.

DATE: 6 May, 1993

REPORTED BY: Patricia H. Vierengel  
Court Reporter

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J. SUE RICHARDSON, ESQUIRE  
Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street  
Tallahassee, Florida 32300-1400

JEAN R. WILSON, ESQUIRE  
Division of Legal Services  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0863  
Telephone: (904) 487-2740

CARL S. VINSON, JR.  
Sr. Management Analyst  
Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872  
Telephone: (904) 487-0509

WALTER BAER  
Management Analyst  
Bureau of Regulatory Review  
Florida Public Service Commission  
Division of Research and Regulatory Review  
101 East Gaines Street  
Tallahassee, Florida 32399-0872

STAN L. GREER  
Engineer  
Bureau of Networks and Engineering Studies  
Division of Communications  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32399-0866  
Telephone: (904) 488-1280

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

ROBERT G. BEATTY, ESQUIRE  
General Attorney  
BellSouth Telecommunications, Inc.  
Museum Tower Building  
Suite 1910  
150 West Flagler Street  
Miami, Florida 33130  
Telephone: (904) 530-5561

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

SHELBA HARTLEY  
2nd Executive Vice-President  
Communications Local 3106  
4076 Union Hall Place  
Jacksonville, Florida 32205  
Telephone: (904) 350-8372 or 384-2222

MICHAEL YOKAN, ESQUIRE  
of the law firm of  
Kattman & Eshelman, P.A.  
1920 San Marco Boulevard  
Jacksonville, Florida 32207  
Telephone: (904) 398-1229

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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 the reading and signing was not waived.

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

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1 LINDA G. MONIZ,  
2 appeared as a witness, and after being duly sworn by the  
3 court reporter, testified as follows:

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q All right. Would you please state your name and  
7 then spell it for the Court Reporter?

8 A Okay. The whole name?

9 Q Um-ha. (Affirmative Response).

10 A Linda Gregory Moniz, M-O-N-I-Z.

11 Q Okay. And your address?

12 A 424 Pearl Street, Room 620.

13 Q And is that Jacksonville, Florida?

14 A Oh, Jacksonville, 32202.

15 Q And is that a Southern Bell Building?

16 A Um-ha. (Affirmative Response).

17 Q And a phone number?

18 A 366-3925.

19 Q Okay. And are you represented by counsel here  
20 today?

21 A Yeah.

22 MS. RICHARDSON: All right. I would like him to  
23 enter his appearance on the record.

24 MR. YOKAN: Michael Yokan of the law firm of  
25 Kattman & Echelman, P.A., Jacksonville,, Florida.



1 BY MS. RICHARDSON:

2 Q And are you represented also by a union  
3 representative here?

4 A Yes.

5 MS. RICHARDSON: And I'll ask her to put her  
6 appearance on record.

7 MS. HARTLEY: Shelba Hartley, 4076 Union Hall  
8 Place, Jacksonville, Florida, 32205, (904) 384-2222,  
9 2nd Vice-President, Communication Workers of America  
10 Local 3106.

11 BY MS. RICHARDSON:

12 Q Okay. Ms. Moniz, have you discussed this  
13 deposition today with anyone other than your attorney or an  
14 attorney for the company?

15 A No.

16 Q Okay.

17 A Just the people that are with me.

18 Q You mean Ms. Hartley and Mr. Yokan?

19 A Right.

20 Q Okay. Were you advised that you would not be  
21 disciplined for any answers that you give here today?

22 A Yes.

23 Q And I'll just caution you, the Court Reporter  
24 can't take down nods of the head.

25 A Oh, I'm sorry.

1 Q So as long as you nod and speak we are okay.

2 A All right.

3 Q Did anyone advise you of the possible criminal  
4 penalties that could apply if you perjured your testimony  
5 here today?

6 A Yes.

7 Q All right. Have you ever given a statement to a  
8 company investigator or attorney prior to today?

9 A Yes. Yes.

10 Q And when was this?

11 A It's a year ago it seems like. I'm not sure.

12 Q Okay. And how many statements did you give?  
13 How many times did you go?

14 A Two.

15 Q Two?

16 A Two or three.

17 Q Two or three?

18 A Um-ha. (Affirmative Response).

19 Q And where did you give these statements?

20 A Over at the Southern Bell Tower.

21 Q In Jacksonville?

22 A (Nods Head).

23 Q And who was in the room when you gave these  
24 statements?

25 A I don't remember his name.

1 Q Do you remember what position he was or --

2 A With security.

3 Q Someone with company security?

4 A Company security. Um-ha. (Affirmative Response).

5 Q Was there an attorney present?

6 A Yes.

7 Q Okay. And was your supervisor there?

8 A No.

9 Q Did you have an attorney there?

10 A No.

11 Q Did you have your union representative with you?

12 A No.

13 Q Okay. Was there anyone from -- Was there anyone  
14 not from the company present?

15 A At one of the -- Yeah, there were some outside  
16 attorneys, I believe.

17 Q Okay. Was that at the first one or the second  
18 one?

19 A The last one.

20 Q The last one?

21 A (Nods Head).

22 Q All right. And at the last one, the outside  
23 attorneys, do you know who they were representing?

24 A I really don't. No.

25 Q Did they tell you who they were working for?

1           A     Yes, they did. I really -- I don't remember if  
2 they were with the company or the -- I think there was  
3 somebody just to see if our people did their job.

4           Q     Okay. Do you know if they were connected by -- to  
5 Southern Bell in any way?

6           A     I think they told me they were outside the  
7 company.

8           Q     Okay. Do you know if Southern Bell had asked them  
9 to come and take your statement?

10          A     I don't know.

11          Q     You don't know?

12          A     They just called me and said be there.

13          Q     All right. Who called you?

14          A     My second level.

15          Q     And who was that?

16          A     Ray Futrill.

17          Q     You're going to have to spell his name.

18          A     I don't know how to spell his name. I'm sorry.

19          F-U- --

20                MS. HARTLEY: F-U-T-R-I-L-L.

21          A     F-U-T-R-I-L-L.

22          Q     Okay.

23          A     Somebody called him and told him.

24          Q     Did Mr. Futrill tell you why you were giving this  
25 statement?

1 A No.

2 Q In the first statement that you gave did the  
3 attorney, or the security person for the company tell you  
4 why you were giving the statement?

5 MR. BEATTY: Just "Yes" or "No", please, or you  
6 don't know.

7 A I guess I don't know. I don't remember.

8 Q Okay. That's fine.

9 A All right.

10 Q In the second statement that you gave, did the  
11 attorney tell you why you were giving the statement?

12 A Yes.

13 Q Okay. And what did they tell you?

14 MR. BEATTY: Objection. The question elicits  
15 privileged information based upon the attorney/client  
16 privilege and the attorney/work product privileges.  
17 Therefore, with the indulgence of her counsel I  
18 request that the witness not respond to that question.

19 MR. YOKAN: I think we have covered the ground,  
20 and it's my understanding she said the last meeting  
21 was with attorneys that she doesn't know if they were  
22 actually retained by Southern Bell or not, and they  
23 were there to do an investigation. Are you asking her  
24 to explain more than that?

25 MS. RICHARDSON: Yes.

1 MS. WILSON: I don't believe that was her answer.

2 MR. YOKAN: I believe that was the summation of  
3 several questions. As far as what the attorneys told  
4 her, it's my understanding that there was an  
5 attorney/client privilege because I believe all the  
6 attorneys were Southern Bell, so I instruct her not to  
7 answer that question.

8 BY MS. RICHARDSON:

9 Q Okay. Then, Ms. Moniz, just because you're the  
10 only one testifying here today, do you have information that  
11 is responsive to my question, yes or no?

12 A You lost me there.

13 Q Okay. Are you going to refuse to answer my  
14 question based upon your attorney's advice?

15 MR. YOKAN: I'm instructing you not to answer the  
16 question. You can say, "I'm not answering based upon  
17 my attorney's advice," and that's fine.

18 A Okay. I'm not answering based upon my attorney's  
19 advice.

20 Q Okay. This is all the legal stuff that goes on.

21 A Oh, I'm glad.

22 Q That's why you have your attorney here, to help  
23 you with that.

24 Okay. What's your position with the company?

25 A I'm an electronic technician.

1 Q And what does an electronic technician do?

2 A We work on the equipment that serves the customer.

3 Q All right. So you go and fix their phone set in  
4 the house?

5 A No. We are in the central, where everybody is  
6 connected.

7 Q Central office?

8 A That's it.

9 Q You're in the central office?

10 A Right.

11 Q Do you do frame work? Are you a frame attendant?

12 A I used to be a frame attendant. And now we are  
13 into the generics, the programming. When things go gown we  
14 get somebody out there to fix them. We really monitor  
15 things that go -- like if an office falls off, or goes down,  
16 we try to get somebody out there to fix it.

17 Q Okay. So is there a system of lights or something

18 --

19 A Alarms.

20 Q -- alarms that go off? And so you monitor the  
21 alarms and the lights?

22 A And we test lines and stuff.

23 Q And how often do you test lines?

24 A Well, we test trunks, which are bunches of lines.  
25 All day.

1 Q And how long have you held this position?

2 A Maybe three years.

3 Q All right. In Jacksonville the entire time?

4 A Right.

5 Q All right. And who is your present first level  
6 manager?

7 A Ron Morgan.

8 Q And has Mr. Morgan been your first level the  
9 entire time, the three years?

10 A No.

11 Q Okay. Who was your first level manager before Mr.  
12 Morgan?

13 A Romero Martinez.

14 Q And you're still an electronic technician under  
15 Mr. Martinez?

16 A Right. Um-ha. (Affirmative response).

17 Q And how long was he your first level?

18 A They transfer bosses every few months, so --

19 Q Did you have another --

20 A -- we need to -- Yeah. Ronnie Martin.

21 Q Okay.

22 A Bobby Allen.

23 Q Is that Bobby male? Mr. or Mrs.?

24 A It's a male, yes. He's from Mississippi, so  
25 that's his real name.



1 Q Bob Carroll. It's hard to remember.

2 A I'm thinking of their offices. I had -- what's  
3 Julio's name, with the beard? Brindell. Bob Brindell.

4 Q Okay. And who is your second level manager?

5 A Ray Futrill.

6 Q And how long has Mr. Futrill been your second  
7 level?

8 A Oh, about three years, I guess.

9 Q Okay. So just about the entire time you have been  
10 the electronic technician?

11 A Um-ha. (Affirmative Response).

12 Q And who is your operation manager?

13 A Rick Van Vrederode.

14 Q And can you spell?

15 A V-A-N, V-R-E-D-E-R-O-D-E.

16 Q Okay. All right. And what did you do before you  
17 were an electronic technician?

18 A I was a frame attendant.

19 Q You were a frame attendant. And how long were you  
20 a frame attendant?

21 A Oh, man!

22 MR. YOKAN: Can we have just one moment off the  
23 record? I think if we can do it right here. We just  
24 want to correct a name.

25 (Discussion held off record).

1 MS. RICHARDSON: Okay. Back on the record.

2 BY MS. RICHARDSON:

3 Q Go ahead and -- We were off the record, and so now  
4 you need to make a statement?

5 A Mike Heard is filling in for Rick Van Vrederode.

6 THE WITNESS: Is he acting?

7 MS. HARTLEY: Yes.

8 A He's acting operations manger.

9 Q Okay. And you were a frame attendant from what  
10 year to what year then?

11 A It was the early '80s until I became an electronic  
12 technician.

13 Q Okay. Was all of that time in Jacksonville?

14 A We travel. I was based in Jacksonville, but we  
15 went to Gainesville and different little towns around: the  
16 Newberries, and the Old Towns, and the Cross Cities, and all  
17 the little offices. We were doing a conversion.

18 Q Converting from what to what?

19 A They are going from like one system to another.  
20 We were just really verifying that the office equipment that  
21 they said was in there is in there.

22 Q Were you moving from the old switches to the new?

23 A To the new switches. Yeah.

24 Q Okay. Did you travel primarily just North Florida  
25 or did you have the entire state?

1 A No. Just North Florida.

2 Q Just North Florida. And that would be from what,  
3 West Palm north?

4 A Oh, we didn't even go to Orlando. We just went to  
5 Gainesville, Newberry, all the little towns. Lake City.

6 Q So all the Gainesville exchanges and all the Jax  
7 exchanges?

8 A Um-ha. (Affirmative Response).

9 Q Okay. What I would like you to do, if you can, is  
10 to tell me who your first level managers were while you were  
11 a frame attendant.

12 A Okay. John Pool. Lenora Revels.

13 Q And can you spell her last name?

14 A R-E-V-E-L-S.

15 Q Okay.

16 A I can't remember. Judy Beauchamp.

17 Q And can you spell --

18 A B-E-A-U-C-H-A-M-P.

19 Q All right.

20 A Okay. We had Jack -- When I was in detect. Jack  
21 Craig was in there, but he wasn't my boss, so I don't really  
22 think I had a boss. I don't remember. I don't remember,  
23 so....

24 Q All right. What about second levels, can you  
25 remember some of your second levels?

1 A Mike Heard was the second level.

2 Q Mike Heard?

3 A Um-ha. (Affirmative Response).

4 Q And do you remember any others?

5 A Jack -- Jim Edwards.

6 Q Is that it? Just Mike and Jim?

7 A As far as I can remember, yeah.

8 Q Did you have another operation manager during that  
9 period of time?

10 A I think -- no. I don't remember. I don't think  
11 we had.

12 Q So it was Mr. Mr. Van Vrederode the entire time?

13 A Um-ha. (Affirmative Response).

14 Q Okay. Do you know who your general manager is?

15 A I don't know. No.

16 Q Okay. Who is your union steward, your shop  
17 steward?

18 A Shelba.

19 Q Shelba?

20 A Hartley.

21 Q Okay. Okay. Ms. Moniz, I think I'm going to  
22 start by showing you a document that was filed by the  
23 company on April 1st, 1993 in the Consolidated Rate Case  
24 Docket, and it's Southern Bell's response to Preliminary  
25 Order Number PSC930263PCOTL entered on February 19th, 1993,

1 and I would like you, first of all, to let me know if you  
2 are the -- let me see, the Linda Moniz on line 413  
3 out of 650 names, and then if you are, then I have some  
4 questions based upon the information that's included here.  
5 Have you seen this document yet?

6 A Yes.

7 Q Do you need time to go off the record to review  
8 the document again with your attorney, or ask questions?

9 MR. YOKAN: It depends.

10 THE WITNESS: Am I supposed to read it?

11 MR. YOKAN: It depends on what your questions are.

12 Let's go ahead and go.

13 BY MS. RICHARDSON:

14 Q Okay. First of all, is that you? Is that your  
15 name?

16 A Right. Well, no. My initial is wrong.

17 Q Your initial is wrong. Okay. So this may or may  
18 not be you?

19 A Well, it may or may not be.

20 Q All right. Well, paragraph 2 of the document  
21 indicates that these individuals were interviewed during  
22 Southern Bell's internal investigation. Were you  
23 interviewed by Southern Bell during the internal  
24 investigation?

25 A Yes.

1 Q Okay. So there is a possibility that the name  
2 appearing here might be yours?

3 A Yes.

4 Q Or might not be?

5 A Um-ha. (Affirmative Response).

6 Q Well, let me go ahead and use this, and if you  
7 don't know the information then you don't know it.

8 All right. By your name appears a series of numbers.  
9 Okay. And if you want to look again by the name Linda  
10 Moniz. At least on the document appears a series of  
11 numbers.

12 A Okay.

13 Q And the first number that appears by your name I  
14 believe is a number 1?

15 A Okay.

16 Q And the document indicates that you may have some  
17 information about backing up clearing and closing times, and  
18 I would like to know what information you have about backing  
19 up clearing and closing times?

20 MR. YOKAN: I would advise my client to envoke the  
21 5th Amendment to that question.

22 A I'll take the 5th.

23 Q All right. By your name appears the number 2,  
24 "The use of cause codes, including exclude codes," and I  
25 would like to know what you know about using cause codes?

1           A     I'll have to take the 5th.

2           Q     All right. By your name appears the number 3,  
3 rebates for out-of-service over 24 hours, and I would like  
4 to know what you know about that topic.

5           A     Now, that I didn't -- I didn't know about that.

6           MR. YOKAN: Could you rephrase your question,  
7 please?

8           A     Yeah.

9           Q     I didn't want to cut her off. I was about to say  
10 something, but she looked like she was going to say  
11 something else, and I don't want to jump on your testimony,  
12 so I'm trying to let you finish your statement before I  
13 interjected something new.

14           I guess this is as good a point as any. If at any time  
15 you don't understand my question, or you want me to explain  
16 further, just ask me. Okay? If at any time you feel like  
17 you need to go off the record and speak to your attorney, or  
18 ask him a question, just say you would like to go off the  
19 record and we will do so. Okay?

20           A     I didn't know about the rebates.

21           Q     All right. Are you aware now --

22           A     I am now.

23           Q     -- that customers whose service is out of service  
24 over 24 hours are due a rebate?

25           A     Yes.

1 Q I'm sorry, I didn't hear that.

2 A Yes.

3 Q And when did you find this out?

4 A Oh, a couple of years ago.

5 Q All right. Do you remember how you found out?

6 A No. Not really. It just -- No. I just all of a  
7 sudden -- somebody mentioned it, and I said, "Oh, I didn't  
8 realize that."

9 Q Okay. It's more like general office --

10 A General office stuff.

11 Q A supervisor didn't hold a staff meeting then and  
12 announce it?

13 A No.

14 Q You didn't see a memo come across your desk  
15 announcing this?

16 A No.

17 Q So it was general discussion then among other  
18 employees?

19 A Right.

20 Q Do you know of anyone who has been denied a rebate  
21 because of mishandling or improper handling of trouble  
22 reports?

23 A No.

24 Q Okay. Do you know of any customers who have  
25 complained that they did not receive a rebate that they were



1 due?

2 A Not -- no.

3 Q Okay. By your name appears the number 6, and that  
4 indicates building the base of out-of-service troubles, and  
5 I would like to know what you know about that topic.

6 A Building the base. I guess that's what I'm not  
7 clear on as far as -- I don't understand building the base.  
8 I just --

9 Q All right. Let me ask you this: Have you ever  
10 heard the phrase, "building the base"?

11 A I have heard the phrase, yeah.

12 Q All right. And in what context have you heard it  
13 used?

14 A They weren't talking to me. They were talking to  
15 other people.

16 Q All right. Who was talking to other people?

17 A Just other managers.

18 Q Managers that supervise your activity?

19 A Different ones. They weren't mine.

20 Q Okay. Who were they?

21 A Oh, God, I don't remember.

22 MR. YOKAN: Can we go off the record for a moment?

23 (Brief recess).

24 MS. RICHARDSON: We will get back on the record.

25 BY MS. RICHARDSON:

1 Q Now your comment, or your response?

2 A Well, that was the problem. I have heard them  
3 talking about building the base. I wasn't aware of what the  
4 base is.

5 Q Okay. And I asked you, the last question was:  
6 Who did you hear?

7 A Okay. I'm --

8 Q That's all right.

9 A

10

11 Q

12 A

13 Q

14 A Yeah.

15 Q

16 A

17 Q

18 All right. And this conversation that you overheard,  
19 what did you hear?

20 A Oh, like you just hear them behind you. They  
21 said, "We got to build the base." But, you know, I didn't  
22 really feel like it concerned me.

23 Q Okay. In this context did you hear them talking  
24 about building the base of out-of-services in order to meet  
25 that 24-hour index?

1           A     I didn't hear that.

2           Q     Okay. Did you understand their conversation to  
3 mean that they were trying to meet that out-of-service over  
4 24-hour index?

5           A     I don't think I really -- I didn't hear them say  
6 anymore, you know, how they -- sometimes they get in a real  
7 hurry --

8           Q     Okay.

9           A     -- back there.

10          Q     When you heard this conversation did they indicate  
11 any further about how they were going to go about building a  
12 base?

13          A     No, because they will be behind you talking, and  
14 then they will go off somewhere else.

15          Q     Did you ever speak to any other maintenance  
16 administrators, or people that they managed, perhaps,  
17 referring to building the base?

18          A     No. I don't -- I don't think we were aware of it  
19 as far as a base per say.

20          Q     Okay. Do you know of the requirement that the  
21 company must complete out-of-service reports within 24 hours  
22 at least 95 --

23          A     I know now.

24          Q     And how long have you known that?

25          A     It's a long time now, but --

1 Q Two years, five years, ten years?

2 A Maybe ten years.

3 Q Maybe ten years?

4 A Yeah.

5 Q Do you know whether or not that affects your work  
6 as a frame attendant?

7 A I don't think it does.

8 Q Okay. Do you ever work with out-of-service  
9 troubles?

10 A Yeah, but -- I think we are pretty good. We are  
11 right on them. They are usually fixed as soon as we get  
12 them. I mean, we don't ever carry -- we don't carry  
13 anything over in the frame.

14 Q All right.

15 A They take a priority, and we are usually right on  
16 it.

17 Q All right. Have you ever had an out-of-service  
18 trouble longer than 24 hours to fix?

19 A Not that I'm aware of.

20 Q Okay. Have you ever had an MA from a maintenance  
21 center close out troubles that were out of service over 24  
22 hours to central office?

23 A I don't think it works that way.

24 Q Okay.

25 A I'm not aware of that.

1 Q All right. When you repair a trouble, how does it  
2 get closed?

3 A We send it back to them and tell them what we did.

4 Q All right. When you say, "send it back," do you  
5 mean you send it through the computer back to them --

6 A Right.

7 Q -- or you phone or --

8 A Oh, we just -- We have the people that type it in,  
9 but we just write it on there and they type it in and send  
10 it back to -- because I'm downtown, and we send it over  
11 here.

12 Q And in your office where you are do you actually  
13 clear and close a report?

14 A I don't at the office I'm in now.

15 Q Okay. When you were a frame attendant and you  
16 were putting the information on the computer, was part of  
17 the responsibility to actually clear that report out and  
18 close it right there?

19 A No.

20 Q Okay.

21 A They usually called us and said to, and then we  
22 would do it.

23 Q They called you that there was a trouble on line  
24 number --

25 A Yeah.

1 Q -- such-and-such, and then you would go and fix  
2 the line?

3 A Um-ha. (Affirmative Response).

4 Q That's a "Yes"?

5 A Oh, yes.

6 Q Okay. That's all right. Once you fixed it you  
7 sent it via the computer back to the maintenance  
8 administrator; is that correct?

9 A I'm having a -- it's hard to remember on the first  
10 floor, but we never work with paper except to get a location  
11 in the frame. Everything was by phone.

12 Q So you called the maintenance administrator?

13 A Yeah. Or they call us.

14 Q All right. And then would the MA actually clear  
15 and close the report then?

16 A Yeah.

17 Q All right. And then when you were talking to the  
18 MA, would you give them certain disposition and cause codes  
19 for closing that report?

20 A I don't think so.

21 Q Do you know what a disposition and cause code is?

22 A Yeah.

23 Q What's a disposition code?

24 A Well, we have a chart that we go by, and --

25 Q The MO job data?

1 A Yeah.

2 Q And what codes would you use for a central office  
3 codes, disposition codes?

4 A It's an 05.

5 Q And it's all just 05, a series of 05?

6 A Yeah.

7 Q Would you ever use a cable code for a central  
8 office failure?

9 A No.

10 Q Would you -- What kind of cause codes would you  
11 use for a central office failure?

12 A Defective.

13 Q The 300 code?

14 A Missing. Yeah.

15 Q Would you have ever used a customer action code  
16 for central office failure?

17 A No.

18 Q Would you ever use a TelCo employee code for  
19 central office failure?

20 A I don't know.

21 Q Would you ever use a "test okay" code for central  
22 office failure?

23 A For a failure?

24 Q For central office out-of-service.

25 MR. YOKAN: Do you understand the question?

1 A I don't think I do. Would I --

2 Q When you're closing, and you're reporting and  
3 you've talked to the maintenance administrator and you've  
4 worked on this particular out-of-service trouble.

5 A All right.

6 Q We have talked about it, and there's a specific  
7 series of disposition codes just for central office  
8 purposes?

9 A Yeah.

10 Q And I'm trying to determine --

11 A My problem is a lot of them we get undefined, but  
12 there's no problem, but we didn't do anything with them, and  
13 we tell them that they are okay.

14 Q So would you give the MA a certain code to use for  
15 closing it out to "okay," or would the MA just use it?

16 A They would use it.

17 Q They would determine whether or not to "okay"  
18 code.

19 All right. Let's go back to cause codes because I had  
20 gotten back off onto disposition. I'm sorry.

21 A All right.

22 Q On the disposition codes, there's the 0500 series.  
23 Is there a series of cause codes that are just for central  
24 office?

25 A I don't remember. I don't think so.



1 Q Okay. So it could be any --

2 A It would go the other way, yeah.

3 Q Any of the ones that apply --

4 A Yeah. right.

5 Q -- to the trouble?

6 All right. Do you know if there are certain  
7 disposition and cause codes that would exempt an  
8 out-of-service report from being counted in that  
9 out-of-service over 24 hours?

10 A No.

11 Q Have you ever had occasion where you have heard of  
12 someone taking a number of out-of-service reports and  
13 closing them to central office when they were not central  
14 office problems?

15 A No. Not -- I really don't.

16 Q Okay. What's a "test okay" report? I mean, I  
17 mentioned it, but what is one?

18 A It's no problem found. "Okay." That they retest  
19 the line and it looks good, and the customer is talking.

20 Q Okay. And occasionally some of your  
21 out-of-service reports you have found were really "test  
22 okay" reports?

23 A Um-ha. (Affirmative Response). Correct.

24 Q Have you ever known of anyone to take a test okay  
25 report and close it as out-of-service?

1 MR. YOKAN: I would advise my client to invoke the  
2 5th Amendment regarding that question.

3 A I take the 5th.

4 Q Okay. Has anyone ever instructed you not to  
5 status any out-of-service today?

6 MR. YOKAN: Could you repeat that question?

7 Q Has anyone ever instructed you not to status any  
8 out-of-services today?

9 MR. YOKAN: I would advise --

10 A I take the 5th.

11 Q Okay. By your name on this document appears a  
12 number 11, "Improper preparation of trouble reports, or  
13 improper activity generally." I would like to know what you  
14 know about that.

15 MR. YOKAN: I would advise my client to invoke the  
16 5th Amendment regarding that question.

17 A I take the 5th.

18 Q Do you know of anybody who used somebody else's  
19 employee code to status a report?

20 A Yeah. Yes.

21 Q All right. And who was that?

22 A My supervisor at the time.

23 Q And who was your supervisor at the time?

24 A

25 Q And why was using someone else's

1 employee code?

2 A I honestly don't know.

3 Q Why was statusing trouble reports?

4 He was a manager; right?

5 A Right.

6 Q Why was he statusing trouble reports?

7 MR. BEATTY: If you know.

8 A Why?

9 Q Yeah.

10 A I really don't know.

11 Q Was it part of his job function to status trouble  
12 reports?

13 A No.

14 Q Would it have anything to do with the conversation  
15 on building the base?

16 MR. BEATTY: Objection to the form of the  
17 question. She indicated already she does not know the  
18 reason.

19 Q It's all right, can you still answer.

20 A I lost you.

21 MR. YOKAN: Could you repeat the question?

22 Q Yeah. Would it have been -- Would it have had  
23 anything to do with your overhearing his conversation about  
24 building a base?

25 A I don't know.

1 MR. BEATTY: Objection.

2 Q Okay. By your name appears number 15, "Excluding  
3 or elimination of trouble reports," and I would like to know  
4 what you know about that?

5 A Okay. Yeah. What do you mean?

6 Q Okay. Do you know what an exclude report is?

7 A Yes.

8 Q All right. What's an exclude report?

9 A It's usually something that's not related to a  
10 repair trouble.

11 Q Okay. Then based on your work in the central  
12 office handling trouble reports, would you exclude a trouble  
13 report that came to you?

14 MS. HARTLEY: You want to talk to me?

15 THE WITNESS: Well, she's talking about my frame  
16 work.

17 MS. HARTLEY: It's different?

18 THE WITNESS: It's different from what I have been  
19 -- We never excluded anything in the frame.

20 BY MS. RICHARDSON:

21 Q Okay. Do you know of anyone who has improperly  
22 excluded a trouble report?

23 MS. HARTLEY: You better take the 5th.

24 A Okay. I'll take the 5th.

25 MR. YOKAN: No. Give us a minute here off the

1 record.

2 (Brief recess).

3 THE WITNESS: Okay. Where are we?

4 MR. YOKAN: I think we are comfortable going on  
5 with where we left off.

6 BY MS. RICHARDSON:

7 Q All right. Do you have a response to my question  
8 then?

9 MR. YOKAN: I believe your question was answered  
10 by her evoking the 5th.

11 MS. RICHARDSON: Oh. Okay. We are staying with  
12 that then?

13 MR. YOKAN: Yeah.

14 BY MS. RICHARDSON:

15 Q Okay. By your name appears the number 17,  
16 "Intimidation or pressure." What do you know about that?

17 MS. HARTLEY: The same.

18 MR. YOKAN: I would advise her to evoked the 5th  
19 to that.

20 A Okay. I take the 5th.

21 Q And by your name also appears, "Wet and dry  
22 rules." What are wet and dry rules?

23 MR. BEATTY: If you know..

24 A I don't know.

25 Q Okay. Have you ever heard of auto screener?

1           A     Now I have heard of that in the last year.

2           Q     And how have you heard of that?

3           A     From somebody where I work now. They said, "Oh,  
4 the auto screener is on."

5           Q     And who was that?

6           A     Oh, just one of the other ETs.

7           Q     Can you give me their name?

8           A     I'm not sure it's that person. Should I give a  
9 name?

10          Q     Well, you can say you think it was so-and-so, but  
11 you're not sure.

12          A     I think it was Roger Chamberland.

13          Q     Okay. And do you know if it's Roger's job to work  
14 with auto screener rules?

15          A     No. He's a very smart -- he is the person I go to  
16 when I need to ask something.

17          Q     So he's very knowledgeable is what you're saying

18 --

19          A     He's very knowledgeable.

20          Q     -- about Southern Bell's practices and systems?

21          A     He knows all the equipment.

22          Q     Okay.

23          A     And if there's a problem they go to him and he can  
24 fix it.

25          Q     Okay. And when he said, "Oh, the auto screener is

1 on," did you ask what that was, or --

2 MR. YOKAN: I'll qualify that, that she said  
3 someone said, and she believes it was him.

4 MS. RICHARDSON: Oh, I understand.

5 A Yeah. Okay.

6 Q When you heard it, did you ask what it was, what  
7 was involved with it?

8 A Well, it's when we get crazy reports.

9 Q Tell me what a crazy report is. What kind of  
10 crazy reports do you get?

11 Again, Ms. Moniz, any time you need to talk to your  
12 attorney, just say you want to go off the record and I want  
13 to talk to my attorney, and we can do this. You know,  
14 that's fine.

15 A I don't see any problem. It's a denial. A  
16 customer has been denied for non-payment, but the auto  
17 screener sends it to us anyway. It's nothing we can do  
18 about it.

19 Q All right. How do you handle those?

20 A Send it back to the maintenance center.

21 Q Okay. And do they show up when they come to you  
22 through auto screener? Are they showing up as trouble  
23 reports?

24 A Um-ha. (Affirmative Response).

25 Q Okay. Do you as part of your function to check,

1 or anyone in the office, as part of the function to check to  
2 see if they actually were denied for non-payment?

3 A Yeah.

4 Q And does that verification generally hold true?

5 A Yes.

6 Q Okay. If auto screener can't check for denied for  
7 non-payment and auto screener doesn't know they were denied  
8 for non-payment, how do they appear to you when it comes out  
9 from that crazy report?

10 MR. BEATTY: Objection to the form of the  
11 question. It's compound.

12 You can respond if you can.

13 A Well, the report says "Denied." I mean, it's up  
14 there, "Denied," and yet they are sending it to us anyway.

15 Q Okay.

16 A And so....

17 MS. RICHARDSON: Okay. Excuse me. My turn to take  
18 a second.

19 BY MS. RICHARDSON:

20 Q We talked about disposition and cause codes  
21 briefly a few moments back. Do you know if there are any  
22 specific disposition and cause codes that would exclude a  
23 trouble report from that out-of-service-over-24-hours index?

24 MR. BEATTY: I object to the form of the question.  
25 It has been asked and answered in a slightly different



1 context, but it would elicit the same response. You  
2 asked questions regarding are there any codes that  
3 exclude reports, and the response would include any  
4 kind of code, to which she has already responded that  
5 she claims -- well, she's already responded.

6 MR. YOKAN: Could you repeat your question, or  
7 have it read back?

8 BY MS. RICHARDSON:

9 Q Do you know if there are any disposition or cause  
10 codes that would exclude a report from that  
11 out-of-service-over-24-hours index?

12 And Mr. Beatty has an objection on record to that  
13 question.

14 MR. YOKAN: Go ahead if it overlaps.

15 A Yes.

16 Q You can do me a "Yes" or "No" are you aware of  
17 codes, and then you can take the 5th.

18 A Not really.

19 MR. YOKAN: You're not say you're not --

20 A I'm not really aware. I can't say.

21 Q Do you know of anyone who has taken out-of-service  
22 reports that were in jeopardy of exceeding that 24-hour  
23 clock period, close them out and reopened them as employee  
24 originated reports?

25 MR. BEATTY: Objection. I withdraw my objection,

1           although counsel may have some instruction.

2           MR. YOKAN: Could we get the question read back?

3           (Whereupon, the question last above-referred to was read by  
4           the Reporter).

5           A     I'll take the 5th.

6           Q     Okay. Do you know what a "no access" code is?

7           A     I know what "no access" is. Is there a code?

8           Q     Okay. Well, what is "no access"?

9           A     It's when a repairman can't get into a customer's  
10          home.

11          Q     Okay. And do you know if that "no access" stops  
12          the repair clock?

13          A     I don't know.

14          Q     You don't know that? Have you ever had occasion  
15          to use a "no access" in your work as a frame attendant?

16          A     No.

17          Q     How about your work as an electronic technician?

18          A     No.

19          Q     Does it apply to central office failures at all?

20          A     Huh-ha. (Negative Response).

21          MR. YOKAN: State "No."

22          A     No. No. No. I'm sorry.

23          Q     Is it possible for central office trouble that  
24          comes to you to be an in-service problem? Let me rephrase  
25          this. I'm sorry. I'm not sure I'm being clear. Do you

1 deal only with out-of-service reports?

2 A (Shaked head).

3 Q And that's a "No"?

4 A No.

5 Q Okay. Do you deal with trouble reports that are  
6 also not out of service?

7 A Yes.

8 Q All right. Would those be noise reports?

9 A Yes. Yes.

10 Q Is part of your function when you call the MA to  
11 clear and close it if you have found that the  
12 not-out-of-service reports were actually out of service; do  
13 you let the MA know that?

14 A Yes.

15 Q All right. Is part of your function then a  
16 determination of restatusing reports as out of service?

17 A No.

18 Q All right. Is part of your function to pass on  
19 the information that that report should be restated as out  
20 of service based upon what you found? Let me give you an  
21 example of that.

22 A Okay.

23 Q For example, you get a noise report and that's --  
24 That is not out of service; is that correct?

25 A Right.

1           Q     Then you start working on it and you find that the  
2 report actually didn't have dial tone and was actually an  
3 out-of-service report. All right. Now when you called the  
4 MA to close it out, do you let them know that, that it was  
5 really out of service and needs to be restated?

6           A     Yes.

7           Q     Okay. Did you ever find that reports coming to  
8 you for repair were not correctly statused at the beginning?

9           A     When they come to me I don't know what the status  
10 is.

11          Q     Okay. Do you know what the C-O-N, or CON code,  
12 the "carryover no" code is?

13          A     No.

14          Q     Ms. Moniz, you're doing very well.

15          Have you ever participated in sales for the company?

16          A     Yes.

17          Q     All right. And who asked you to help sell?

18          A     Well, I'm thinking of two jobs. That's what I'm  
19 thinking about.

20          Q     At any time in both jobs, wherever, whenever?

21          A     Whoever my first level was at the time.

22          Q     Where were you when this occurred, or about what  
23 period of time?

24          A     I was in the maintenance center. Yellow Pages.  
25 In Yellow Pages.

1 Q You were selling Yellow Page work?

2 A (Nods Head).

3 Q All right. Now I've got you as a frame attendant  
4 and electronic technician. Was this a different job you  
5 had?

6 A (Nods Head). We didn't go back enough.

7 Q We didn't go back enough. When was this?

8 A Yellow Pages, that was '75.

9 Q All right. When did you start with the company?

10 A '66.

11 Q All right. And how long were you in Yellow Page  
12 sales?

13 A A year.

14 Q One year. All right. And then what did you do  
15 after that? Where did you go?

16 A I went back to the maintenance center.

17 Q All right. And you started off in '66 in the  
18 maintenance center?

19 A (Shakes Head).

20 Q What did you start off with?

21 A Operator.

22 Q Operator. All right. And what's the first  
23 maintenance center experience you had?

24 MR. YOKAN: Just as best you can remember.

25 A Oh, that's about the early '70s.

1 Q All right. And that would have been four or five  
2 years before you became a Yellow Page salesperson?

3 A Um-ha. (Affirmative Response).

4 Q And which maintenance center were you in in the  
5 early '70s?

6 A South or east. I was in both.

7 Q Is this Jacksonville?

8 A Right.

9 Q Okay. And do you know who your supervisor was  
10 back in the early '70s?

11 A John Dowdy, Tom Campbell, Chuck Jones. It's a  
12 bunch of them.

13 Q Okay. And then you said in '76 you went back to  
14 the maintenance center. Was it the same maintenance center?

15 A Yes, I think it was.

16 Q All right. And when you were in the maintenance  
17 center, what was your function?

18 A I was a repair clerk and a mapper and dispatcher.

19 Q And was that both early '70s and later '70s?

20 A As best as I can remember, yeah.

21 Q Okay. And then from that point you became a frame  
22 attendant and worked in the central office?

23 A I became an MA.

24 Q Became an MA. And that would be approximately  
25 what period of time?

1 A Early '80s, late '70s.

2 Q All right. And how long were you an MA? About  
3 how many years?

4 A I don't remember. Four or five years.

5 Q And --

6 A I'm not sure.

7 Q And while you were an MA, who were your managers?

8 A Oh, man! Tom Campbell, David Woodruff, Lila  
9 Jenkins.

10 Q Is that also Lila Bond?

11 A Yeah. They come and go, so I can't remember. I  
12 can't remember. I could probably think. Jerry. Did I put  
13 Jerry Denslow?

14 Q No. Jerry Denslow?

15 A Yes. We mentioned him earlier.

16 Q Yeah. You spelled his name for me earlier.

17 A D-E-N-S-L-O-W.

18 Q That's about it?

19 A That's about it. I can't remember.

20 Q Okay. In the early '80s was the system  
21 mechanized, computerized for handling trouble reports?

22 MR. YOKAN: Just as best you remember.

23 A We had LMOS. I don't know if that's mechanized.

24 Q Yeah. Mechanized. Okay. All right. So your  
25 frame attendant period would have started maybe mid '80s

1           instead of ealry '80s?

2           A     '83.

3           Q     '83?

4           A     Well, I'm thinking -- I was a frame attendant when  
5     the Gators were winning, so early '80s.

6           Q     We have an employee in our office that probably  
7     would appreciate that comment.

8           MS. HARTLEY: What were you doing when we were on  
9     strike in '83?

10          THE WITNESS: I was at BellTell Way then. That  
11     was the maintenance center. I didn't remember that.

12     BY MS. RICHARDSON:

13          Q     When you were an MA were you helping sell?

14          A     Yes.

15          Q     All right. That would be your period of time in  
16     both '76, late '70s and early '80s, or just one?

17          MR. YOKAN: I'm not sure I'm following you there.

18          A     Yeah.

19          Q     Oh, okay. Your MA experience was just the four or  
20     five years in the early '80s?

21          A     I did the same job, they just changed our title.

22          Q     All right. So from approximately '76 through the  
23     early '80s you were in the same position in the same  
24     maintenance center?

25          A     Yes.



1 Q Okay. During that period of time then were you  
2 helping sell products or services for the company?

3 A At different times.

4 Q Okay. Did you receive any specific training for  
5 that particular sales job?

6 A No.

7 Q Okay. Were you asked to keep track of the time  
8 you spent selling for the company versus the time you spent  
9 repairing trouble reports?

10 A No. I don't think so.

11 Q Okay. Have you done sales at all since 1984 for  
12 the company?

13 A No.

14 Q Okay. Were you eligible for any kind of prizes or  
15 awards for your sales?

16 A Yes.

17 Q What did you win?

18 A I didn't win anything. I'm not a salesperson.

19 Q Okay.

20 A I'm not a salesperson.

21 Q Okay. All right. Do you know of anyone who has  
22 reported a sale for a customer of a service that the  
23 customer never ordered?

24 A I take the 5th. I'm going to take the 5th.

25 Q All right. Do you know of any employee who has

1 taken a list of customer names and created false sales  
2 tickets?

3 A I don't know of that.

4 Q Okay. Have you heard the expression "boiler  
5 room", "boiler room sales"?

6 A Yes.

7 Q All right. And what does that mean to you, or  
8 what have you heard about?

9 A Oh, I have heard of that like some companies just  
10 have people on the phones all the time.

11 Q Do you know if that has occurred in Southern Bell?

12 A I don't know about that.

13 MS. RICHARDSON: Okay. Ms. Moniz, I think I have  
14 finished my questions for you. I want to thank you for  
15 coming here today. I appreciate it. There may be one  
16 or two questions from somebody else around the table  
17 before you go.

18 BY MS. WILSON:

19 Q I have a few questions. This will be easy, and I  
20 don't believe we will be getting into the 5th Amendment  
21 problem.

22 Do you know if had an employee code?

23 A I think he did.

24 Q You believe he did?

25 A I believe he did, yeah.

1 Q How do you know was using someone  
2 else's employee code other than his?

3 A When somebody asked me about something I had  
4 closed out I wasn't even at work that day.

5 Q Can you expand on that?

6 A Well, they said, "Well, you closed out to this."

7 I said, "I couldn't have, I was out sick that day."

8 And actually it was the whole week.

9 Q Who came to you and pointed that out to you?

10 A I can't remember. Somebody came and asked me a  
11 question about something.

12 Q And you said, "I couldn't have done that" --

13 A "I wasn't here."

14 Q -- "because I wasn't here that week"?

15 A Yeah.

16 Q Do you remember the approximate time frame for  
17 this?

18 A It was in this building when I was here. I  
19 honestly don't know.

20 Q Did you discuss this incident with

21 A Probably not with him.

22 Q Who did you discuss this incident with?

23 A Another employee.

24 Q Who was that?

25 A I can't -- I can't remember. He said, "Oh, yeah,

1 it's happened to me, too."

2 Q Okay. Was it one other employee you spoke to  
3 about this?

4 A Probably.

5 Q Who said that this had happened to them also?

6 A Yeah.

7 Q Him or her, also?

8 A Yeah. Right.

9 Q You don't remember who that employee was?

10 A I can't say for sure. I really honestly -- I  
11 could say it's possibly, but I don't know for sure.

12 Q I am going to ask you to indicate who it possibly  
13 might be.

14 A Possibly Debbie Phillips. Let me think of who  
15 else. I can't -- I can see faces. I can't put a name on  
16 them. I'm trying to think of where I was sitting.

17 Q Do you believe there may have been other employees

18 --

19 A Yeah.

20 Q -- whose codes were being used?

21 A As far as I know.

22 Q To your knowledge?

23 A Yeah.

24 Q Did you complain to the union with regard to  
25 use of your code?

1           A     I can't remember. I complained a lot. I just --  
2     I don't remember. I really don't remember.

3           Q     Do you know whether anyone else knew that  
4                 was using employee codes, other than his, for  
5     example, his supervisor's or --

6           A     Of other supervisors?

7           MR. YOKAN: Are you asking if she knows of anyone  
8                 else?

9           Q     Do you know whether his supervisor knew whether he  
10    used other employee's codes?

11          A     I don't know about that.

12          Q     Do you know whether other supervisors were using  
13    other employee's codes?

14          A     Not that I'm aware of.

15          MR. VINSON: I have a question.

16          MS. WILSON: That's all I have.

17    BY MR. VINSON:

18          Q     Ms. Moniz, when someone came to you and asked you  
19    about how you had apparently closed something out and it  
20    turned out                 had actually been the one that  
21    closed it out, what were they asking you about that trouble  
22    report for?

23          A     Oh, gee, I can't remember. They are always  
24    coming back. Like, "Well, this is broke. Send somebody  
25    back out and" --

1 Q Were they asking you because there was something  
2 apparently improper about what had been done?

3 MR. YOKAN: If you remember,

4 A I don't -- I'm not saying improper, but they were  
5 trying to find out why is there a problem still happening on  
6 this customer's phone. You know, why did you close it to  
7 this when it's probably this?

8 Q Okay. So the wrong disposition code had been  
9 used?

10 A It's possible.

11 BY MS. WILSON:

12 Q It was not the fact that an employee code other  
13 than Mr. -- that yours -- they brought it to you because it  
14 was your employee code?

15 A Yeah.

16 Q But there was no indication they did not know  
17 had used your employee code on that report?

18 A Yeah.

19 BY MR. VINSON:

20 Q And I'm not sure if Ms. Richardson established  
21 this and I may have missed the question. Which IMCs did you  
22 work in as a maintenance administrator?

23 A South and east.

24 Q Jacksonville. Okay. I recall that.

25 A In Jacksonville.

1 MR. VINSON: Thank you.

2 THE WITNESS: Okay.

3 MR. BEATTY: Do you have another one?

4 MS. RICHARDSON: Yeah. I do have a few more. I'm  
5 sorry. We got this and I didn't quite finish that  
6 whole series. I had one or two others.

7 BY MS. RICHARDSON:

8 Q Were you ever disciplined for mishandling customer  
9 trouble reports?

10 A I don't think so. Not formally.

11 Q Did you ever receive any verbal feedback that you  
12 were not properly statusing trouble reports?

13 MS. HARTLEY: You can take the 5th.

14 MR. YOKAN: I think this goes back to the line of  
15 questioning where we evoked the 5th earlier, and I  
16 would evoked the 5th.

17 A I'll take the 5th.

18 Q Okay. Did you ever protest to a supervisor that  
19 you were being asked to do, or to handle trouble reports in  
20 a manner that you felt was improper?

21 A Yes.

22 Q All right. And can you tell me about that?

23 MR. YOKAN: Give us a minute here.

24 (Brief recess).

25 THE WITNESS: Okay. On the record.

1 MS. RICHARDSON: You're getting real good.

2 THE WITNESS: I'll take the 5th. I'll never be an  
3 attorney.

4 BY MS. RICHARDSON:

5 Q Do you know of any other employees who have filed  
6 grievances based upon instructions that they received from  
7 managers to handle trouble reports that they felt were  
8 improper?

9 A I'm not aware of anything like that.

10 MS. RICHARDSON: Okay. I think that is it now.

11 MR. YOKAN: I would just go back and clarify. You  
12 asked one question earlier which I think was  
13 misunderstood by the witness. You were asking about  
14 sales showing up for services which were not ordered.  
15 I believe you were referring to such things as someone  
16 getting charged for call waiting when they didn't  
17 order it?

18 MS. RICHARDSON: Yes.

19 MR. YOKAN: She did not understand that's what you  
20 were referring to and we withdraw the invocation of  
21 the 5th Amendment, and her answer would be, no, she  
22 has no knowledge to that.

23 MS. RICHARDSON: Okay.

24 BY MS. RICHARDSON:

25 Q And that is your answer, "No"?



1           A    No.

2           Q    Do you have any knowledge of someone receiving,  
3 for instance, wire maintenance services that they never  
4 ordered?

5           A    No.  No.

6           MS. RICHARDSON:  Okay.  That's it.

7           (Witness excused)

8           (Whereupon, the deposition was concluded at 11:20 a.m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, LINDA G. MONIZ, have read the foregoing transcript of my testimony, Page 1 through 56, given on May 6, 1993, in Docket No. 910163-TL and Docket No. 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

---

LINDA G. MONIZ

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

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Print name here:

Notary Public

State of \_\_\_\_\_

My Commission expires:

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F L O R I D A )  
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C O U N T Y O F D U V A L )

CERTIFICATE OF OATH

I, the undersigned authority, certify that LINDA  
G. MONIZ personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 7<sup>th</sup> day  
of June, 1993.

Patricia H. Vierengel  
PATRICIA H. VIERENGEL  
Notary Public - State of Florida  
My Commission expires: 6/31/93

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STATE OF FLORIDA)  
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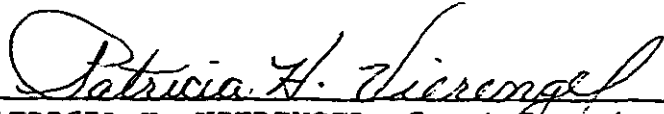
CERTIFICATE OF REPORTER

I, PATRICIA H. VIERENGEL, Court Reporter, DO  
HEREBY CERTIFY that I was authorized to and did  
stenographically report the foregoing deposition of LINDA G.  
MONIZ;

I FURTHER CERTIFY that this transcript,  
consisting of 56 pages, constitutes a true record of the  
testimony given by the witness.

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

DATED this 7<sup>th</sup> day of June, 1993.



PATRICIA H. VIERENGEL, Court Reporter  
Telephone: (904)725-8657

STATE OF FLORIDA)  
:  
COUNTY OF DUVAL )

The foregoing certificate was acknowledged before  
me this 7<sup>th</sup> day of June, 1993, by PATRICIA  
H. VIERENGEL, who is personally known to me.



Print Name: Ruth C. Grogins  
Notary Public - State of Florida  
My Commission Expires: 11-30-95

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

1  
2  
3 In re: Investigation into the ) DOCKET NO. 910163-TL  
4 integrity of SOUTHERN BELL )  
5 TELEPHONE AND TELEGRAPH )  
6 COMPANY'S repair service )  
7 activities and reports. )

8  
9  
10 In re: Investigation into ) DOCKET NO. 910727-TL  
11 SOUTHERN BELL TELEPHONE AND )  
12 TELEGRAPH COMPANY'S compliance ) FILED: 04/28/93  
13 with Rule 25-4.110(2), F.A.C. )  
14 Rebates. )  
15

16 DEPOSITION OF:

JOYCE S. SCOTT

17 TAKEN AT THE INSTANCE OF:

The Staff of the Florida  
Public Service Commission

18 PLACE:

Southern Bell  
3100 Emerson Street  
Jacksonville, Florida 32207

19 TIME:

Commenced at 1:13 p.m.  
Concluded at 2:03 p.m.

20 DATE:

Thursday, May 6, 1993

21 REPORTED BY:

Marie C. Gentry  
Court Reporter

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**ORIGINAL**

MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

**State of Florida**

**Commissioners:**

**J. TERRY DEASON, CHAIRMAN  
THOMAS M. BEARD  
SUSAN F. CLARK  
LUIS J. LAUREDO  
JULIA L. JOHNSON**



**DIVISION OF RECORDS &  
REPORTING  
STEVE TRIBBLE  
DIRECTOR  
(904) 488-8371**

**Public Service Commission**

June 4, 1993

**TO WHOM IT MAY CONCERN:**

Attached is the original transcript of your deposition. Enclosed are forms of an Errata Sheet and an Affidavit to be completed by the deponent when reading the deposition.

Please do not mark on the original transcript. Any corrections you may desire to make in your testimony should be **TYPEWRITTEN** or **PRINTED** on the enclosed Errata Sheet, giving transcript page number, line number and desired corrections.

After reading and signing the deposition please return the Errata Sheet to our office, Attention Joy Kelly, Bureau Chief, Room 104.

Thank you,

Joy Kelly, CSR, RPR  
Bureau Chief  
FPSC Bureau of Reporting

## 1 APPEARANCES:

2  
3 J. SUE RICHARDSON, ESQUIRE, Office of Public Counsel,  
4 c/o The Florida Legislature, 111 W. Madison Street, Room 812,  
5 Tallahassee, Florida 32399-1400.

6 JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public  
7 Service Commission, 101 E. Gaines Street, Tallahassee,  
8 Florida 32399-0863, Telephone No. (904) 487-2740.

9 STAN L. GREER, Engineer, Florida Public Service  
10 Commission, 101 E. Gaines Street, Room G-28, Tallahassee,  
11 Florida 32399-0866, Telephone No. (904) 488-1280.

12 CARL S. VINSON, JR., Sr. Management Analyst, Florida  
13 Public Service Commission, Division of Research and  
14 Regulatory Review, 101 E. Gaines Street, Tallahassee, Florida  
15 32399-0872, Telephone No. (904) 487-1328.

16 WALTER BAER, Analyst, Office of Public Counsel, c/o The  
17 Florida Legislature, 111 W. Madison Street, Room 812,  
18 Tallahassee, Florida 32399-1400.

19 ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications,  
20 Inc., Museum Tower Building, Suite 1910, 150 West Flagler  
21 Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

22 NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications,  
23 Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
24 30375-0001, Telephone No. (404) 529-5387.  
25

1  
2 APPEARANCES (CONT'D)

3  
4 R. CASH BARLOW, ESQUIRE, 4860 First Coast Highway,  
5 Suite M, Amelia Island, Florida 32034, Telephone No.  
6 (904) 261-9988, attorney for Joyce S. Scott.

7 A. GAVIN PICKETT, Communications Workers of America,  
8 Local 3106, 4076 Union Hall Place, Jacksonville, Florida  
9 32205, Union Representative for Joyce S. Scott, Telephone  
10 No. (904) 384-2222.

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CERTIFICATE OF NOTARY	46

WITNESS

JOYCE S. SCOTT

Examination by Ms. Richardson	7
Examination by Ms. Wilson	41
Examination by Mr. Vinson	41
Examination by Mr. Greer	42
Examination by Ms. Wilson	42



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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 JOYCE S. SCOTT

2 appeared as a witness and, after being duly sworn by the  
3 court reporter, testified as follows:

4 EXAMINATION

5 BY MS. RICHARDSON:

6 Q Would you please state your name and then spell it  
7 for the court reporter.

8 A Joyce Scott, S-c-o-t-t. And Joyce is J-o-y-c-e.

9 Q And what's your middle initial?

10 A S.

11 Q All right. And your address, please?

12 A 3100 Emerson Street, Room 138A.

13 Q Jacksonville?

14 A Jacksonville, Florida.

15 Q And do you know a ZIP?

16 A No.

17 Q Is that Southern Bell?

18 A Yes.

19 Q All right. And a phone number?

20 A 393-9518.

21 Q All right. And are you represented here today by  
22 an attorney?

23 A Yes, I am.

24 MS. RICHARDSON: And I will ask him to put  
25 his appearance on record.

1 MR. BARLOW: Cash Barlow.

2 MS. RICHARDSON: And you're with the firm --

3 MR. BARLOW: No. I'm representing Ms. Scott here.

4 MS. RICHARDSON: And would you give us your firm  
5 and your address and your phone number?

6 MR. BARLOW: Barlow & Shirley, P.A. Do you need  
7 an address?

8 MS. RICHARDSON: Please.

9 MR. BARLOW: 4860 First Coast Highway, Suite M,  
10 Amelia Island, Florida 32034; (904) 261-9988.

11 BY MS. RICHARDSON:

12 Q And are you also represented here today by a union  
13 representative?

14 A Yes, I am.

15 MS. RICHARDSON: And I'll ask him to put his  
16 appearance on the record.

17 MR. PICKETT: Gavin Pickett, CWA Local 3106,  
18 Jacksonville, Florida; First Executive Vice President,  
19 4076 Union Hall Place, ZIP 32205.

20 BY MS. RICHARDSON:

21 Q Ms. Scott, have you spoken to anybody today or  
22 before today other than your attorney and counsel for the  
23 company about your deposition here today?

24 A No.

25 Q Okay. Has anyone advised you that you would not be

1 disciplined for your answers here today?

2 A Yes.

3 Q Has anyone advised you of possible criminal  
4 penalties that could apply if you perjure your testimony here  
5 today?

6 A Yes.

7 Q Have you given a statement to company investigators  
8 or attorneys at any time in the past?

9 A Yes, I have.

10 Q Can you tell me when?

11 A I'm not sure.

12 Q Approximately.

13 A Approximately a year and a half ago.

14 Q Did you give just one statement or more than one?

15 A More than one.

16 Q And how many --

17 A Two.

18 Q Two? All right. And in your first statement where  
19 did you go to give that?

20 A To the Tower.

21 Q Is that the Bell Tower here in town?

22 A Yes.

23 Q And your second statement, where did you give that  
24 one?

25 A At the Tower.

1 Q At the Tower. Were the same people at both  
2 statements?

3 A I think so.

4 Q Can you tell me --

5 A I'm not sure --

6 Q Okay.

7 A -- if it was the same people at both.

8 Q All right. Well, let's think about the first one  
9 then. Who was at the first one?

10 A I don't know. I don't remember who was there.

11 Q Were they from the company?

12 A Yes.

13 Q All right. Were they your supervisors?

14 A No.

15 Q Were they from the union?

16 A No.

17 Q Okay. Do you know what position they held in the  
18 company?

19 A I don't remember.

20 Q Do you know if one of them was an attorney?

21 A I think one possibly was an attorney.

22 Q Do you know if there was a security investigator?

23 A It was security, so I think one was.

24 Q Okay. On that second statement -- and you said you  
25 gave that at the Bell Tower also?

1 A (Nods head.)

2 Q All right. Do you remember who was present at  
3 that?

4 A No.

5 Q Was there an attorney present for that statement?

6 A Yes.

7 Q Was security also involved in that one?

8 A Honestly, I don't remember. I don't remember if  
9 they were both attorneys or if one was security and one was  
10 an attorney. I don't remember.

11 Q Okay. Who told you that you were to go over there  
12 and give a statement?

13 A I wasn't really told. I was just taken more or  
14 less -- that I was going, you know, and why.

15 Q Okay. I'm not sure how you were taken. Somebody  
16 came and collected you or --

17 A My boss took me.

18 Q Your boss took you over there. But your boss was  
19 not in the room with you?

20 A No. He did not stay.

21 Q Okay. What reason did he give you for taking you  
22 over there to give a statement?

23 A I wasn't given one.

24 Q Okay. Were you given any instructions from the  
25 people that were taking your statement about why you were



1 there?

2 MR. BARLOW: Just yes or no, please.

3 A No.

4 Q Okay. And is that both times?

5 A Yes. Both times.

6 Q All right. What's your present position with the  
7 company?

8 A Maintenance administrator.

9 Q And how long have you held that position?

10 A Five years.

11 Q Has that entire five years been in Jacksonville?

12 A Yes.

13 Q And what did you do before that?

14 A I worked downtown in the Tower as -- I worked in  
15 the network provisioning.

16 Q Network provisioning. And from about what year to  
17 what year did you do this?

18 A Six months, six months prior to coming here.

19 Q Would that have been, what, 1989?

20 A '88.

21 Q '88? All right. And then what did you do before  
22 network provisioning?

23 A I worked in premise.

24 Q Premise. And can you explain to me what you do in  
25 premise or what you did?

1 A Just a record of addresses, customers and  
2 addresses.

3 Q Is this a computer-type record that's kept?

4 A Uh-huh.

5 Q And if addresses change, is that part of your  
6 function?

7 A Yes, it was.

8 Q Was there anything else that you did in premise?

9 A No.

10 Q Okay. Were you also responsible for changing phone  
11 numbers on customers when they moved from one address to  
12 another?

13 A No. That was done mechanically, mechanized.

14 Q All right. And how long were you in premises?  
15 From about when to when?

16 A Three years -- No. '83 to '88.

17 Q All right. And what did you do for premises?

18 A Kept address records.

19 Q I'm sorry. Prior to 1983 were you still employed  
20 by the company?

21 A Yes.

22 Q All right. When did you first start?

23 A 1968.

24 Q Between '68 and the five years that you've been an  
25 MA here in Jacksonville, have you had any other IMC or

1 maintenance center experience between '68 and the five years  
2 here?

3 A No.

4 Q Can you briefly explain -- you've got network  
5 provisioning and premises -- the nature of your other  
6 experience just very briefly with the company between '68 and  
7 '83?

8 A I don't know what you want me to say.

9 Q All right. What kind of work did you do for the  
10 company between 1968 and 1983?

11 A Oh. I was in marketing; I worked in plant a while;  
12 engineering for a while. That's it.

13 Q That's it? All right. In marketing, is that a  
14 sales function?

15 A It was yellow pages advertising.

16 Q Did that involve sales?

17 A No.

18 Q What kind of work did you do with yellow pages  
19 advertising?

20 A We posted yellow page advertising.

21 Q Okay. But you weren't part of the people who went  
22 out and actually sold the ads?

23 A No.

24 Q All right. And plant -- what kind of work did you  
25 do in plant?

1 A Routed service orders and things like that.

2 Q Did you also route trouble reports?

3 A Well, yes.

4 Q Was part of the routing -- is that dispatching  
5 also?

6 A It wasn't -- no, it wasn't that. We had  
7 dispatchers at that time but they weren't -- I was not one of  
8 them. I was -- I don't know. We just put the -- it was all  
9 done paperwork then. It was not computer. It was a long  
10 time ago.

11 Q Okay. Approximately what year to what year would  
12 that have been that you were in plant?

13 A I can't remember.

14 Q Early '70s, mid '70s, late '70s?

15 A Early '70s.

16 Q And your work in routing service orders in plant,  
17 since you didn't dispatch, did that have to do with making  
18 sure that you had -- for every service order you got that it  
19 did go to a technician or --

20 A No, it's just that they were routed right. They  
21 had to be by address, you know.

22 Q Were certain service technicians working certain  
23 addresses and you had to make sure that your service order  
24 got into their pool, their work pool?

25 A No. All I did was route them by the address that

1 was there.

2 Q All right. What about engineering? What did your  
3 work in engineering involve?

4 A I was a drafting -- well, drafting clerk more or  
5 less.

6 Q And what does a drafting clerk do?

7 A Draft jobs.

8 Q Well, you're speaking to a lay person who's never  
9 heard of drafting jobs for a phone company. Can you explain  
10 that a little bit more fully for me so that I can understand  
11 the nature of your work?

12 A Well, years ago we used to have to -- the engineers  
13 would go out and they would draw it up, depending on what  
14 facilities were needed, and they just made rough sketches.  
15 It had to be drawn to scale so that they could prepare for  
16 it.

17 Q Okay. I think that's clear enough.

18 I think what I'd like to do is just sort of focus  
19 on your five years as a maintenance administrator for  
20 Jacksonville. And let me start by asking you who your  
21 present first-level manager is.

22 A Basil Vann.

23 Q And how long has Mr. Vann been your first-level  
24 manager?

25 A I think three years, approximately three years.

1 Q Then who was it for the first two years, if you  
2 remember?

3 A Well, I had three, I think..

4 Q Okay.

5 A Mike Harris.

6 Q Harris?

7 A Harris. John Melton and Dennis Curren.

8 Q Can you spell Dennis's last name?

9 A C-u-r-r-e-n, I think.

10 Q All right. And who is your present second level?

11 A We have a new one, Bruce -- I can't think of his  
12 last name.

13 Q Is it Higgins?

14 A I think so.

15 Q And before Mr. Higgins?

16 A Jim Keels.

17 Q And do you remember your other second-level  
18 managers as an MA here?

19 A Bob Wells.

20 Q Is that it?

21 A Uh-huh.

22 Q Okay. Do you know who your operations manager is?

23 A Mr. Rupe.

24 Q Has he always been your operations manager as an MA  
25 here?

1 A No.

2 Q And who else had -- was your operations manager  
3 during the time that you were a maintenance administrator in,  
4 Jacksonville?

5 A Rudy Christian.

6 Q Do you know your general manager?

7 A No.

8 Q Who is your union steward, your office union  
9 person, representative?

10 A Violet Willis.

11 Q All right. Can you briefly describe your duties as  
12 a maintenance administrator, what you're responsible for?

13 A I screen trouble tickets where the customer has  
14 called in and has some problem with their phone, and  
15 occasionally dispatch troubles -- close troubles for outside  
16 repairmen.

17 Q Okay. Do you ever close troubles on your own? Are  
18 you able to fix certain reports and close them on your own?

19 A Occasionally.

20 Q What kind of reports would those be that you can  
21 fix yourself and close? Would they be pretty much the same  
22 kind or --

23 A Not really fix myself.

24 Q What kind of reports would be the kind that you  
25 would close without having to dispatch either to the central

1 office or outside repair forces?

2 A The ones that I get in that the trouble has cleared  
3 itself and I talk with the customer and it's okay.

4 Q So a Test OK report?

5 A Not necessarily.

6 Q All right. Are you familiar with auto-screener,  
7 Ms. Scott?

8 A I know basically what it is.

9 Q What is auto-screener?

10 A Just a mechanized screener.

11 MS. RICHARDSON: Let's go off the record for  
12 a second.

13 (Off the record.)

14 BY MS. RICHARDSON:

15 Q Do you know if auto-screener -- there have been  
16 changes to auto-screener recently?

17 A No.

18 Q Do reports go through auto-screener before you get  
19 them?

20 A I don't know that either.

21 Q Ms. Scott, I'm going to show you a document that is  
22 Southern Bell's Response to Preliminary Order No.  
23 PSC-93-0263-PCO-TL entered on February 19th, 1993, and it was  
24 filed April 1st, 1993 in the consolidated rate case docket.  
25 And there is a Joyce S. Scott listed No. 519 out of 650



1 names.

2 Have you seen this document before?

3 A Yes.

4 Q And is that your name?

5 A Yes.

6 Q Okay. And what I'd like to ask you to do is  
7 --there's a series of numbers after your name, and I believe  
8 the first one is a No. 1. Okay? And if you'll look at Page  
9 -- I believe it's Page 2. No. 1 indicates that you may have  
10 some information about backing up clear or close times, with  
11 the exception of special services. And I'd like to know what  
12 information you have about that.

13 A I don't have any.

14 Q Okay. Have you ever heard the phrase "backing up  
15 the time"?

16 A I've heard it, yes.

17 Q All right. And in what context have you heard it?

18 A Just that, you know, you don't back up any time.

19 Q Are you familiar or aware of the requirement that  
20 the company complete out-of-service reports within 24 hours  
21 at least 95 percent of the time?

22 A Yes.

23 Q Have you known that the entire time that you were  
24 an MA?

25 A No.

1 Q Okay. When did you find this out?

2 A Well, just here recently, and I didn't really know  
3 it was 95 percent. I just know that we're supposed to clear  
4 out-of-services, as many as we can, within the 24 hours.

5 Q All right. Have you always known that part of the  
6 requirement?

7 A Yes.

8 Q Have you heard of backing up the time, and the time  
9 being the clear time on a report, in order to meet that out  
10 of service over 24?

11 A I've heard of backing it up but never to meet an  
12 out-of-service.

13 Q In what way then have you heard of backing it up to  
14 meet the time?

15 A Well, just that the closed and the clear time is  
16 not the same.

17 Q Okay.

18 A Not always depending on when the man said he  
19 cleared it and when he actually closed the ticket.

20 Q So what time gets backed up then? I don't --

21 A No time gets backed up. It's just that he says he  
22 cleared it. If he said he cleared it at 5:00 and the  
23 ticket's not closed till later on, he cleared it at a certain  
24 time and then another mask comes up and it shows the time  
25 that the ticket was actually closed.

1 Q When the ST -- well, I assume -- is the ST calling  
2 you to clear and close this report?

3 A No. I just know that that has happened. I've  
4 never done that, I mean not personally, but I know that that  
5 has -- well, they told us once not to do that, you know. If  
6 he says he cleared it at a certain time, not to do that  
7 because -- not to back the time up.

8 Q Who told you this?

9 A Well, just our managers.

10 Q Let's see. We've got Mr. Vann, Mr. Harris,  
11 Mr. Melton, Mr. Curren. All of them or just --

12 A All of them.

13 Q Okay.

14 A Not to back up time.

15 Q Have any managers to your knowledge directed any  
16 employee to back up a clear time?

17 A No.

18 Q I believe that your name is in No. 6 and it's  
19 building the base of out-of-service troubles. Have you heard  
20 that phrase, "building the base"?

21 A I've heard of it.

22 Q And in what context have you heard of that?

23 A Just that that was something that was done that was  
24 not supposed to have been done. The company was supposed to  
25 have been, you know, doing this and it's all hearsay. I

1 don't know of anything, you know, in my office or anything  
2 about this.

3 Q Okay. And when you've heard rumors of it, had you,  
4 heard the rumors of it being done in Jacksonville?

5 A No.

6 Q Where have you heard rumors of it being done?

7 A Just downstate is all. I don't even know that much  
8 about it.

9 Q All right. No. 11 is by your name, improper  
10 appropriation of trouble reports or improper activity  
11 generally. What do you know about that?

12 A I know nothing about improper appropriation.

13 Q Okay. Did you train for your job as a maintenance  
14 administrator? Did you receive special training?

15 A Not special training; on-the-job training.

16 Q Did you have any like schoolroom or classroom style  
17 training for an MA?

18 A Some in some areas.

19 Q Okay. And then most of your training, though, was  
20 on the job?

21 A On the job.

22 Q Did supervisors or other MAs teach you?

23 A Other MAs.

24 Q All right. And what kind of evaluation performance  
25 have you received as a maintenance administrator, just

1 generally?

2 A I'm sorry, I don't understand that.

3 Q All right. Have you been evaluated, your work been  
4 evaluated satisfactory or above satisfactory?

5 A Satisfactory.

6 Q Okay. Do you feel that you know your work pretty  
7 well?

8 A Pretty well.

9 Q Are you aware of company practices and procedures  
10 that MAs are to follow in statusing and coding trouble  
11 reports?

12 A Yes.

13 Q Is that part of your job function to know that?

14 A Yes.

15 Q Okay. Then, based on your knowledge and your  
16 training and experience, has any manager ever directed you to  
17 status or code a trouble report in a way that you felt was  
18 improper?

19 A No.

20 Q Have you ever heard of a manager asking another MA  
21 to do so?

22 A No.

23 Q Do you know of any employee who has improperly  
24 statused or coded a trouble report?

25 A No.

1 Q No. 25 is on your list also. It says service  
2 orders. And I believe you told me at one point that you were  
3 working or routing service orders in plant in the early '70s.  
4 Do you deal with service orders at all as an MA?

5 A Yes.

6 Q You do? And what do you do with service orders as  
7 an MA?

8 A We get in troubles on service orders.

9 Q All right.

10 A I just, you know, handle them.

11 Q Are they treated like trouble reports or are they  
12 excluded because they're not due yet?

13 A That depends on -- well, they're excluded but  
14 they're given to the ICC people to handle.

15 Q And what is ICC?

16 A Service order routing people in the office.

17 Q All right. Can you tell me why service orders  
18 appears after your name? What information you may have?

19 A I don't know.

20 Q All right. No. 27 is after your name also,  
21 supervisor involvement in closing troubles. What information  
22 do you have about that?

23 A None.

24 Q Have you had any managers who have sort of stood  
25 over you for closing trouble reports?

1 A No.

2 Q All right. Have you had any managers direct you to  
3 bring out-of-service troubles to them before closing them  
4 out?

5 A At one time, if a trouble was going to go over 24,  
6 they needed to know about it.

7 Q All right. And what were your directions?

8 A Just to have them sign it.

9 Q To have them sign --

10 A Sign an RST and to close the trouble.

11 Q RST?

12 A It's just a form showing -- well, I don't know how  
13 to describe it. It's just a form that shows everything, you  
14 know, all of the transactions that have happened to the  
15 trouble since it came in, how it was handled and whatever.

16 Q Okay. And did they ever change anything about the  
17 report before you finished it?

18 A No.

19 Q Did they ever direct you to use a certain  
20 disposition or cause code and closeout on those reports?

21 A No.

22 Q Did they ever tell you not to status those reports  
23 as out of service before closing them out?

24 A No.

25 Q Did they ever question you about why this is going

1 over 24 hours?

2 A No.

3 Q Do you know why they were asking you to get their  
4 signature on those?

5 A I think it's just so that they would know, you  
6 know, kind of how things were going.

7 Q I'm going to show you one more document, Ms. Scott.  
8 This one is Citizen's Third Set of Interrogatories dated June  
9 6, 1991, No 1. An interrogatory is a written question that  
10 we have asked the company. We put a question in writing and  
11 mail it to the company.

12 A Okay.

13 Q And then the company sends us a written response.  
14 And we basically have asked them for the names of employees  
15 that have knowledge about falsifying repair jobs. And the  
16 company has responded with the names of some of the employees  
17 saying these persons may have some knowledge about those  
18 things.

19 All right.

20 We will go off the record and  
21 give you a chance to look at it and read it and discuss it  
22 with your attorney if you need to. Then when we get back on  
23 the record we will discuss it.

24 The reason I'm showing it to you folded up and  
25 paper-clipped like this is that the company has a claim of



1 confidentiality for the information that you don't see and  
2 that's right now before the Commission for a decision on  
3 that. We are protesting that because we don't think it's  
4 confidential but there's not been a decision yet, so we treat  
5 it as confidential until a final decision is made. Okay?

6 At this point we'll go off the record.

7 (Off the record.)

8 BY MS. RICHARDSON:

9 Q All right, Ms. Scott.

10  
11  
12 MR. BEATTY: I object. It's been asked and  
13 answered.

14 You can respond if you can.

15 A None.

16 Q

17  
18 MR. BEATTY: Objection; speculation.

19 You may respond.

20 A None.

21 Q Are you familiar with no access?

22 A Yes.

23 Q All right. And what is a no-access?

24 A That's where our repairmen have been out to repair  
25 a trouble and the customer -- and they're not able to get

1 access.

2 Q All right.

3 A They're not home or --

4 Q Okay. Do they have to tell the customer that they  
5 were there?

6 A They leave the customer a card.

7 Q Do you know if that no-access stops that 24-hour  
8 repair clock?

9 A I think it does.

10 Q Do you know of anyone who has used a no-access to  
11 stop that 24-hour repair clock?

12 A Only when there's been no access.

13 Q Do you know of anyone who has no-accessed trouble  
14 reports without dispatch?

15 A No.

16 Q Do you know of anyone who has taken an  
17 out-of-service report that's about to go out of service over  
18 24 hours, close that report out without clearing the trouble,  
19 open up an employee-originated report, fix it, and then close  
20 it?

21 A No, I don't.

22 Q Have you ever heard of that being done?

23 A No.

24 Q Have you ever heard of anyone recording an  
25 extension of an appointment time without contacting a

1 customer?

2 A I'm sorry, I don't understand that question.

3 Q Okay. When a trouble comes in from the CRSAB, is  
4 there a commitment time or an appointment time by which the  
5 company guarantees that trouble to be fixed?

6 A There's a commitment time.

7 Q All right. Do you know of anyone who has extended  
8 that particular commitment time without contacting the  
9 customer?

10 A No, not without contacting the customer.

11 Q Do you know about the 222 code?

12 A Yes.

13 Q What does it do?

14 A It's just where we call the customer within a  
15 certain length of time before our commitment if we think  
16 we're not going to be able to make it.

17 Q Okay. And do you know of any employees who have  
18 systematically used that 222 code without contacting a  
19 customer?

20 A No, ma'am.

21 Q When is a trouble report statused as out of  
22 service? At what point in the process?

23 A It depends on -- sometimes it's statused before it  
24 gets to us. The automatic screener statuses it and sometimes  
25 we status it.

1 Q And at what point in the process do you make that  
2 decision?

3 A Well, if it's mine to make and it hasn't already  
4 been determined, when I screen it I determine whether it's an  
5 out-of-service or it's just service affecting.

6 Q All right. And a service affecting means it's not  
7 out of service?

8 A Right.

9 Q Are there ever occasions when you would status an  
10 out-of-service on closeout?

11 A Not on a closeout. It's statused normally before  
12 you get it. I can't imagine one that hasn't been statused  
13 before it's closed.

14 Q Okay. What about statusing or leaving a status of  
15 affecting service on a report until closeout and then  
16 statusing it out of service?

17 A I don't know why that would be done.

18 Q Okay. Do you know of any manager who has directed  
19 maintenance administrators to not status out of service up  
20 front but wait until closeout to status out of service so  
21 that if they went over 24 you could just leave them as  
22 affecting service?

23 A No, I don't.

24 Q Have you ever heard of a manager telling MAs don't  
25 status any out-of-services today period?

1 A No.

2 Q Do you know what the CON or the carried-over no  
3 code is?

4 A I used to know. It hasn't been used in a long  
5 time.

6 Q Do you know why they stopped using it?

7 A No. It's just that they stopped using it. I can't  
8 remember why we even used it or why we statused, you know.

9 Q But you did use it at one time?

10 A It was -- it was a status code at one time, but I  
11 don't know -- I can't remember really what it was used for.

12 Q Do you know if it stopped that 24-hour repair clock  
13 on a report?

14 A No, I don't think it ever stopped the clock.

15 Q Okay. I believe at the beginning of your statement  
16 we briefly touched on Test OKs. What I'd like to ask you is,  
17 based on your training and experience, would it be proper to  
18 take a Test OK report and status it as out of service on  
19 closeout?

20 A If you go to screen a trouble and in your opinion  
21 you don't think it's ever been out of service and you're  
22 going to close it then, then you would not status it out of  
23 service.

24 Q Okay. Have you ever heard of an employee taking a  
25 group of Test OK reports and statusing them as out of service

1 to meet that 24-hour clock?

2 A No.

3 Q Have you ever heard of a manager directing a  
4 maintenance administrator to do that?

5 A No.

6 Q Have you ever done that yourself?

7 A No.

8 Q Are you aware of certain disposition and cause  
9 codes that can be used to exclude an out-of-service report  
10 from that out of service over 24-hour index?

11 A No.

12 Q Let's think of -- what's a disposition code?

13 A A disposition code is whatever was wrong with the  
14 trouble, whatever we had to do to repair it.

15 Q Okay. What's a cause code?

16 A That's whatever the cause, what caused the trouble.

17 Q Are there certain cause codes like customer action  
18 maybe or customer's malicious damage that would keep an  
19 out-of-service report from being counted against the company  
20 on that out of service over 24?

21 A No. I'm not aware that anything relieves the  
22 company of any 24 hours.

23 Q Do you know if a customer is due a rebate if his  
24 service is out longer than 24 hours?

25 A If it's over 24. If he's out of service over 24,

1 he is due a rebate.

2 Q Have you known that the entire time you have been  
3 an MA?

4 A Most of the time I've been an MA.

5 Q Do you know of any customer that didn't get a  
6 rebate because somebody deliberately mishandled their report?

7 A No, not deliberate.

8 Q Okay. Do you know of anyone who did not get a  
9 rebate because of improper handling of a customer trouble  
10 record?

11 A No.

12 Q Do you know how to exclude a report?

13 A Yes.

14 Q Under what conditions have you been trained that  
15 it's proper to exclude a report?

16 A If it's a service order and it's due today, you  
17 could exclude it from the service order and handle it through  
18 the proper people, the ICC people.

19 If it's due to long distance and it's a long  
20 distance problem, you can exclude it to a long distance  
21 company. There are several that we have.

22 Q All right. Is it proper to exclude an  
23 out-of-service report?

24 A If it's an excludable report.

25 Q If it meets one of those other stated criteria?

1 A Yes.

2 Q All right. What if it has a disposition and a  
3 cause code -- I mean, someone's --

4 A You wouldn't have a disposition and cause --

5 Q Let's take an out-of-service report that an ST has  
6 been out there and worked on it and has fixed some kind of  
7 problem and he's got a disposition and cause code on that  
8 report, would it be proper to exclude that report?

9 A If he's going to give it a disposition and cause  
10 code, it can't be excluded and closed. It has to be either  
11 one or the other.

12 Q Do you know of anyone who has excluded  
13 out-of-service reports just to keep them from being counted  
14 in that out of service over 24?

15 A No.

16 Q Have you ever been disciplined for improper  
17 handling of customer trouble records?

18 A No.

19 Q Has any manager ever given you a direction on  
20 statusing or coding a trouble report that you felt was  
21 improper?

22 A No.

23 Q In other words, asking you to do something that you  
24 thought you shouldn't do?

25 A No.



1 Q Have you ever had occasion to protest to a higher  
2 supervisor directions that you've been given for handling  
3 trouble reports?

4 A None that I remember.

5 Q Have you ever filed a grievance with the company?

6 A I have.

7 Q All right. What was the nature of the grievance?

8 A It wasn't in relation to the job I have now.

9 Q To the maintenance administrator position you mean?

10 A Yes. Not since I've been an MA.

11 Q Was it in relation to handling service orders or  
12 trouble reports at all?

13 A No.

14 Q Okay. So it was of a personal nature?

15 A Yes.

16 Q Do you know of anyone who has excluded a service  
17 order that was beyond the due date or within the due date?

18 A No.

19 Q In other words, the service was due to be  
20 installed, it hadn't been installed but yet the  
21 out-of-service was excluded?

22 MR. BEATTY: Objection to the form of the  
23 question. You replaced the service orders with  
24 the subject out-of-service.

25 MS. RICHARDSON: Yes, I'm talking service orders

1 now, not out-of-services.

2 MR. BEATTY: You said both in the same sentence.

3 MS. RICHARDSON: Did I? I'm sorry. Let me start  
4 this again.

5 BY MS. RICHARDSON:

6 Q Do you know of anyone who has excluded a service  
7 order where the due date for the service was already past;  
8 it should have been installed and wasn't, in other words?

9 A No.

10 Q Have you ever participated in sales for the  
11 company?

12 A Yes, I have.

13 Q All right, and when did you do this?

14 A During my career here, but -- you mean as a  
15 maintenance administrator?

16 Q Yes.

17 A I don't know within the time frame I did.

18 Q And how did you get involved in sales?

19 A Well, they just made sales a thing that we could  
20 do, you know.

21 Q It was voluntary or --

22 A Voluntary.

23 Q It wasn't part of your job criteria though?

24 A No.

25 Q Did your supervisor ask you to help with sales?

1 A He asked us all to help with sales.

2 Q And which supervisor was this?

3 A John Melton.

4 Q And were you encouraged through either prizes or  
5 points or awards to help with sales?

6 A We got some little things. I got a plaque. I  
7 think I sold the most in the maintenance center. I got a  
8 T-shirt.

9 Q You were the highest seller for that year or for  
10 that week or that month?

11 A No, just for that month, I think.

12 Q Okay. Did you get any special training for sales,  
13 to help with sales?

14 A No. I didn't actually sell. The business office  
15 sold. If I had a customer that needed something, then I --  
16 the business office would actually write the service order  
17 but I would get the sale.

18 Q And how would you get the sale?

19 A I would just put the sales code on there for our  
20 department.

21 Q Okay. Would you call out to customers and say, you  
22 know, I'm from Southern Bell and I'd like to sell you X  
23 service?

24 A No. It was during the repair procedure.

25 Q And while you were selling were you instructed to

1 keep track of your time, that you spent so much time doing  
2 sales and so much time doing repair work with the customer?

3 A No. We didn't really get into it to that extent.  
4 If the customer wanted a certain thing, we could sell it to  
5 them ourselves, you know.

6 Q Okay. Were you instructed on how to explain the  
7 different services to the customers, what they involved, what  
8 the service would give them or do for them?

9 A Yes.

10 Q All right. Were you instructed to tell them what  
11 the price of each of these services were?

12 A The business office quoted them. And we did have  
13 some that we had the prices on, some of the features.

14 Q Okay. Do you know of anyone who sold a service or  
15 maintenance plan to a customer without getting the customer's  
16 approval?

17 A No.

18 Q Do you know of anyone who sold both the TIP plan  
19 and the Sequence 1X plan and billed the customer for both the  
20 TIP and the Sequence 1X plan?

21 A Do I know of anyone that did?

22 Q Uh-huh.

23 A If I sold it, I did. If the customer wanted it, I  
24 sold it.

25 Q All right. Does the Sequence 1X plan also include

1 the TIP plan offers?

2 A Oh, I'm sorry. I misunderstood that question. No.

3 Q I thought maybe you did.

4 MR. BARLOW: Could you restate the question,  
5 please?

6 MS. RICHARDSON: All right.

7 BY MS. RICHARDSON:

8 Q Do you know of anyone who has sold a customer both  
9 the T-I-P, the TIP plan, and the Sequence 1X plan and bill  
10 for both plans?

11 A Oh, no. I'm sorry, I misunderstood. They are one  
12 and the same. One -- SEQ1X is both plans.

13 Q It's a consolidated plan?

14 A Right.

15 Q So you wouldn't need the SEQ1X and the TIP, would  
16 you?

17 A Right.

18 Q It would be redundant?

19 A Right.

20 Q Did you ever receive instructions in selling to a  
21 customer that you felt was pressuring a customer to purchase  
22 a product?

23 A No.

24 Q Okay, Ms. Scott, unless somebody jogs my memory I  
25 think that's all the questions I have for you and I want to

1 thank you for coming. There may be some questions from  
2 someone else.

3 EXAMINATION

4 BY MS. WILSON:

5 Q Ms. Scott, I'm Jean Wilson. I represent the Staff  
6 of the Florida Public Service Commission.

7 How long did you say that you've been an MA?

8 A Approximately five years.

9 Q Okay. And was that entire time in Jacksonville?

10 A Yes.

11 Q You had indicated in your testimony that you were  
12 told not to back up times?

13 A Not to back up times.

14 Q Do you know when you were told that?

15 A I can't remember the dates.

16 Q Would you say that was fairly recently?

17 A No. A long time ago. Early in my career.

18 EXAMINATION

19 BY MR. VINSON:

20 Q Ms. Scott, did the sales that you talked about, did  
21 you have any problem getting credit for the sales?

22 A No. We weren't really concerned with getting  
23 credit for them. The only thing that we would do is to sell  
24 Touchtone. If a customer wanted Touchtone on his line, we  
25 would sell him Touchtone, see that they got it. Selling was

1 never a big deal.

2 Q Have you ever had an incident where a manager told  
3 you that you would not be allowed to be given credit for your  
4 particular sales?

5 A No.

6 Q You didn't have an instance where a manager told  
7 you that someone else would be given credit for your sales?

8 A Not that I remember.

9 MR. VINSON: Thank you. That's all the questions  
10 I have.

11 EXAMINATION

12 BY MR. GREER:

13 Q Ms. Scott, I'm going to try to make it brief.

14 You said something about excluding service orders.  
15 Could you give me an example of excluding service orders?

16 A I don't handle service orders. I handle troubles  
17 on service orders. I don't really handle service orders.

18 Q Does the maintenance center also dispatch their  
19 service orders LMOS system?

20 A If one comes up for dispatch, then I would dispatch  
21 it, but I would never exclude a trouble that's been  
22 dispatched or a service order.

23 MR. GREER: Okay.

24 EXAMINATION

25 BY MS. WILSON:

1 Q What Southern Bell product were you most successful  
2 in selling; do you recall?

3 A Touchtone.

4 Q Was that your -- when you were high seller for that  
5 month?

6 A I don't remember why I was the high seller for that  
7 month. Probably because no one else sold anything.

8 Q I'm sorry, I didn't hear you.

9 A Probably because no one else sold a lot; not big  
10 sellers.

11 Q Okay. So being a high seller -- you may have made  
12 more sales than others but that was more of a relative --

13 A Yes.

14 MS. WILSON: Okay.

15 MS. RICHARDSON: Thank you, Ms. Scott.

16 (Witness excused.)

17 (Whereupon, the deposition concluded at 2:03 p.m.)

18 - - -



AFFIDAVIT OF DEPONENT

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This is to certify that I, Joyce S. Scott, have read the foregoing transcription of my testimony, Page 7 through 43, given on May 6, 1993, in Docket Nos. 910163-TL and 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_

JOYCE S. SCOTT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993,

\_\_\_\_\_

NOTARY PUBLIC

State of \_\_\_\_\_

My Commission Expires:

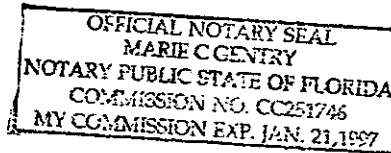
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4 STATE OF FLORIDA )  
5 COUNTY OF DUVAL )

CERTIFICATE OF OATH

6  
7 I, the undersigned authority, certify that  
8 Joyce S. Scott personally appeared before me and was duly  
9 sworn.

10 WITNESS my hand and official seal this 4th  
11 day of June, 1993.

12  
13 Marie C. Gentry  
14 MARIE C. GENTRY  
15 Notary Public - State of Florida  
16 My Commission No. CC251746  
17 Expires: 1/21/97

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1 STATE OF FLORIDA)  
2 :  
3 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

4 I, Marie C. Gentry, Court Reporter,

5 DO HEREBY CERTIFY that I was authorized to and did  
6 stenographically report the foregoing deposition of  
7 Joyce S. Scott;

8 I FURTHER CERTIFY that this transcript, consisting  
9 of 43 pages, constitutes a true record of the testimony  
10 given by the witness.

11 I FURTHER CERTIFY that I am not a relative,  
12 employee, attorney or counsel of any of the parties, nor am I  
13 a relative or employee of any of the parties' attorney or  
14 counsel connected with the action, nor am I financially  
15 interested in the action.

16 DATED this 4th day of June, 1993.

17 Marie C. Gentry  
18 MARIE C. GENTRY, Court Reporter  
19 Telephone No. (904) 264-2943

20 STATE OF FLORIDA)  
21 :  
22 COUNTY OF DUVAL )

23 The foregoing certificate was acknowledged before  
24 me this 4th day of June, 1993, by Marie C. Gentry, who is  
25 personally known to me.

26 Patricia H. Vierengel  
27 Notary Public - State of Florida  
28 PATRICIA H. VIERENGEL  
29 My Commission Expires 6-31-93

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the ) DOCKET NO. 910163-TL  
integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY'S repair service )  
activities and reports. )

In re: Investigation into ) DOCKET NO. 910727-TL  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY'S compliance ) FILED: 04/28/93  
with Rule 25-4.110(2), F.A.C. )  
Rebates. )

DEPOSITION OF:

BARBARA E. SHEPPARD

TAKEN AT THE INSTANCE OF:

The Staff of the Florida  
Public Service Commission

PLACE:

Southern Bell  
3100 Emerson Street  
Jacksonville, Florida 32207

TIME:

Commenced at 2:05 p.m.  
Concluded at 2:55 p.m.

DATE:

Thursday, May 6, 1993

REPORTED BY:

Marie C. Gentry  
Court Reporter

**ORIGINAL**

MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

1 APPEARANCES:

2  
3 J. SUE RICHARDSON, ESQUIRE, Office of Public Counsel,  
4 c/o The Florida Legislature, 111 W. Madison Street, Room 812,  
5 Tallahassee, Florida 32399-1400.

6 JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public  
7 Service Commission, 101 E. Gaines Street, Tallahassee,  
8 Florida 32399-0863, Telephone No. (904) 487-2740.

9 STAN L. GREER, Engineer, Florida Public Service  
10 Commission, 101 E. Gaines Street, Room G-28, Tallahassee,  
11 Florida 32399-0866, Telephone No. (904) 488-1280.

12 CARL S. VINSON, JR., Sr. Management Analyst, Florida  
13 Public Service Commission, Division of Research and  
14 Regulatory Review, 101 E. Gaines Street, Tallahassee, Florida  
15 32399-0872, Telephone No. (904) 487-1328.

16 WALTER BAER, Analyst, Office of Public Counsel, c/o The  
17 Florida Legislature, 111 W. Madison Street, Room 812,  
18 Tallahassee, Florida 32399-1400.

19 ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications,  
20 Inc., Museum Tower Building, Suite 1910, 150 West Flagler  
21 Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

22 NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications,  
23 Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
24 30375-0001, Telephone No. (404) 529-5387.

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1  
2 APPEARANCES (CONT'D  
3  
4

5 MICHAEL R. YOKAN, ESQUIRE, Kattman & Eshelman, P.A., 1920  
6 San Marco Boulevard, Jacksonville, Florida 32207, attorney  
7 for Barbara E. Sheppard, Telephone No. (904) 398-1229.

8 A. GAVIN PICKETT, Communications Workers of America,  
9 Local 3106, 4076 Union Hall Place, Jacksonville, Florida  
10 32205, Union Representative for Barbara E. Sheppard,  
11 Telephone No. (904) 384-2222.

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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.

BARBARA E. SHEPPARD

appeared as a witness and, after being duly sworn by the court reported, testified as follows:

EXAMINATION

BY MS. RICHARDSON:

Q Would you please state your name for the court reporter and spell it?

A Okay. Barbara E., which is my middle name, initial, Sheppard, S-h-e-p-p-a-r-d.

Q And would you spell Barbara?

A B-a-r-b-a-r-a.

Q Okay. And your address, please?

A It's 3100 Emerson. This address here.

Q I'm not sure. You're using the Southern Bell location address?

A Yes.

Q 3100 Emerson Street?

A Right.

Q All right. Do you have a room number?

A Room 138.

Q Do you happen to know the ZIP Code?

A 32207.

Q And do you have a phone number?

A 393-9511.

Q And are you represented by an attorney here today?

1 A Yes.

2 MS. RICHARDSON: And I'll ask him to put his  
3 appearance on record.

4 MR. YOCAN: Michael R. Yokan of the law firm of  
5 Kattman & Eshelman, P.A., Jacksonville, Florida.

6 BY MS. RICHARDSON:

7 Q All right. And are you also represented by a union  
8 representative here today?

9 A Yes, Gavin Pickett.

10 MS. RICHARDSON: All right, Mr. Pickett, would  
11 you please put your appearance on the record?

12 MR. PICKETT: Gavin Pickett, Local 3106,  
13 Jacksonville, Florida, 4076 Union Hall Place, ZIP 32205.

14 BY MS. RICHARDSON:

15 Q Ms. Sheppard, did you discuss this deposition with  
16 anybody other than your attorney or the attorney for Southern  
17 Bell?

18 A No, I just -- all I did was ask people who had been  
19 in here how did it go, you know. I like to look at their  
20 face and see if they got nervous or anything. But nobody  
21 really said too much. They acted kind of quiet.

22 Q Okay. Have you discussed any possible questions or  
23 answers with those people?

24 A No.

25 Q Okay. Has anyone advised you that you would not be

1 disciplined based upon your answers here today?

2 A Yes.

3 Q Has anyone advised you of possible criminal  
4 penalties that could apply if you perjure your testimony here  
5 today?

6 A I don't intend to perjure my testimony, but I've  
7 had advice from my --

8 Q From your attorney?

9 A Yes.

10 Q Okay. Have you given a statement to a company  
11 investigator in the past?

12 A About two years ago.

13 Q When was that?

14 A It was at this address, 3100 Emerson, and I don't  
15 know the room number. But I would like to say they didn't  
16 warn me ahead of time that I was going to be questioned.  
17 Other people were taken downtown to the Tower and they just  
18 came to me one day when I came back from lunch and said  
19 follow me, and that was it. I was just put into a room.

20 Q And who was in the room?

21 A There was an attorney, I don't remember their  
22 names, and then there was another man that was doing the  
23 questioning. I honestly don't remember their names now.

24 Q Do you know if they were from the company?

25 A I thought at the time it was some kind of a

1 security-type person.

2 Q Okay. Who came and got you and escorted you to the  
3 room?

4 A She's not here now. Diane Garrison. She was a  
5 supervisor then.

6 Q Can you spell her name?

7 A D-i-a-n-e G-a-r-r-i-s-o-n.

8 Q And did the people inside the room tell you why you  
9 were going to be questioned, your purpose for being there?

10 MR. BEATTY: Please just say yes or no.

11 A Oh, yes.

12 Q They did? Okay, and why was that?

13 MR. BEATTY: Ma'am, if you would just hold on for  
14 one second, please.

15 I object to the question. The answer would  
16 involve information that is privileged pursuant to the  
17 attorney/client privilege and the attorney work product  
18 document. Accordingly, with the indulgence of counsel,  
19 the witness's counsel, I would request the witness  
20 not respond to that question.

21 MR. YOKAN: Pursuant to my understanding of the  
22 relationship between Southern Bell's attorneys and who  
23 was involved in the interview, I will advise the witness  
24 not to answer the question on the basis of the attorney/  
25 client privilege and the attorney work product.

1 THE WITNESS: Okay, I decline to answer.

2 MS. RICHARDSON: All right. Thank you.

3 BY MS. RICHARDSON:

4 Q You are presently a maintenance administrator?

5 A Yes.

6 Q And how long have you been a maintenance  
7 administrator?

8 A I'd say approximately ten years. I'm sorry, but I  
9 don't actually remember the date.

10 Q Well, that's fine. And if you need to be  
11 approximate, that's fine, as long as you're comfortable with  
12 your answers because you're under oath. I want you to feel  
13 comfortable that your answers are answering my question but  
14 also that they're to the best of your ability.

15 A Okay.

16 Q If you have any question about what I've asked,  
17 just say I don't understand that, or explain it again, and  
18 I'll be glad to try it again with you; okay? And at any  
19 point if you need to go off the record and talk to your  
20 attorney off the record, then just say I need to go off the  
21 record and we'll stop and you'll have whatever time you need.

22 A Okay. See, since I didn't know what kind of  
23 questions -- I didn't look up any years, but I started one  
24 place or another. You know, I have been in different  
25 departments.

1 Q All right. But you have been an MA for about ten  
2 years?

3 A Yes, at least ten years, I believe. That's an  
4 approximate.

5 Q Okay. Have you been in Jacksonville that entire  
6 time?

7 A Yes.

8 Q So you've been a Jacksonville MA for about ten  
9 years.

10 A Uh-huh.

11 Q All right. And when did you first start with the  
12 company?

13 A May 14th, 1973.

14 Q What did you -- what was your first position?

15 A Directory assistance; operator.

16 Q Okay. And what did you do after that?

17 A After about three or four years I went into  
18 directory white pages, the listings, you know, for new  
19 connects and at that time they had white pages, but now they  
20 don't have them anymore.

21 Q All right. And after white pages what did you do?

22 A Then I went to dispatch clerk, which later became  
23 the combination. You know, screening, dispatch and then test  
24 all became maintenance administrator several years later.

25 Q All right. And what was the first year or about

1 the first year you were a dispatch clerk?

2 A I think I was thinking that when I said  
3 approximately ten years, because --

4 Q That comes within --

5 A Right, within that time range.

6 Q All right. Did you go from being a dispatch clerk  
7 then to the official title of maintenance administrator?

8 A Yes.

9 Q Can you tell me who your present first-level  
10 manager is?

11 A Bruce --

12 Q Higgins?

13 A -- Higgins, yes.

14 Q And who was it before Mr. Higgins?

15 A Jim Keels.

16 Q And before Mr. Keels?

17 A We were combined. I had to stop and think. There  
18 was Dwight --

19 Q McGuinness?

20 A -- McGuinness.

21 Q And who else?

22 A Bob Hice I think before that.

23 And before that -- because this was like sometime I  
24 was dispatch and -- okay. Before that it was Tom --

25 Q Campbell?



1           A       -- Campbell. And before that it was Mike Sloan.  
2 Because we moved. You know, we kept combining.

3           Q       Did you say Sloan?

4           A       Uh-huh, Mike Sloan. He was my first.

5           Q       He was your first?

6           A       First.

7           Q       All right. How about your second-levels? Who's  
8 your present second-level?

9           A       Basil Vann.

10          Q       All right. And before Mr. Vann?

11          A       I think I was giving you names the wrong way. No,  
12 let's see. Before that was -- I think it was Brenda Mathis.

13          Q       All right. And can you keep going back for me?  
14 What other second-level managers have you had?

15          A       Well, Tom Campbell was one of my second-levels. I  
16 gave you that by mistake. I'm sorry.

17          Q       All right.

18          A       And -- I just honestly don't remember all the  
19 names. We were -- you know, every so many months --  
20 sometimes we were shifted.

21          Q       Okay. Who is your operations manager?

22          A       I don't remember.

23          Q       All right. Did you ever have Mr. Christian as an  
24 operation manager?

25          A       I really don't remember.

1 Q Is Mr. Rupe your present operations manager?

2 A Yes. The only one I really remember is Mr. Rupe.

3 Q All right. And who is your office union  
4 representative in your office?

5 A In my office we have Edna O'Neil and --

6 Q Would you spell O'Neil for me?

7 A I believe it's O-apostrophe-N-e-i-l.

8 And Violet Willis, W-i-l-l-i-s.

9 Q In terms of your position as a maintenance  
10 administrator, are you called on to screen and test, dispatch  
11 and clear and close, all of those functions?

12 A Yes.

13 Q Have you ever heard of backing up the time?

14 A I've heard of backing up the time when -- if a  
15 repairman calls in and he's been busy doing something else  
16 and you ask him what time did you clear this trouble, then  
17 you used to could -- I don't think you can now -- you just  
18 close it whenever he calls in, but you could close it at the  
19 time that he said that customer had service. He may have  
20 been finishing up whatever he had to do. But if he honestly  
21 told you that customer had service at that time, then you  
22 could clear -- that line of status could be cleared at that  
23 time.

24 Q Okay. Have you heard it used any other way?

25 A No. We try to question the man to see what time he

1 actually gave the customer service, but you're not always  
2 going to make that, you know. He could have got out there  
3 and he was -- and it was a very -- there were a lot of  
4 problems there. I'm sure the man tried his best but he  
5 wouldn't always, you know, get it done by that particular  
6 commitment time, you know. It might have been out of service  
7 almost 24 hours.

8 Q Okay. And is there a requirement that  
9 out-of-service reports be repaired within 24 hours at least  
10 95 percent of the time?

11 A Yes. They try their best to -- I mean, this is the  
12 way I see it. They try their best to get a man out there,  
13 they look at the trouble load and they try to get somebody  
14 out there when they see, you know, that something is getting  
15 close to the time, you know, that they're going to be out of  
16 service for 24 hours, so they want to get somebody out there,  
17 you know, to give these people service.

18 Q Do you know of any times when someone has backed up  
19 the clearing time just to keep it from going out over 24?

20 A Not to my knowledge.

21 Q Have you heard of that being done?

22 A I've heard rumors of a lot of things. Yes, I've  
23 heard rumors, but I've never seen -- I've never been told to  
24 do that or actually seen it done, somebody do it.

25 Q Okay. And what rumors have you heard?

1           A       Rumors that -- well, are you sure maybe this man  
2 really -- you know, maybe he really had this repaired and you  
3 just don't remember. But that's the only thing I've ever  
4 heard, you know. But I think they honestly say, okay, if  
5 that's the time he said he cleared it, then, you know, that's  
6 what they would put. That's what I would put anyway.

7           Q       Have you ever felt any pressure to put pressure on  
8 the service technician when 24 hours was up, "Aren't you sure  
9 that you cleared it within that 24 hours"?

10          A       No. The ones I've talked to and was closing out  
11 with them, I believe they honestly told me, yes, I've had it  
12 cleared by this time, and, in fact, a lot of times it wasn't  
13 even -- it might have been a couple hours yet until -- they  
14 still had maybe a couple hours to go and they still said,  
15 well, I had to go do this and had to go take care of -- pick  
16 up some tools or do something, you know, and just do some  
17 work that would -- make sure that they had everything done,  
18 you know, put back where it belonged and everything, and then  
19 that might take a little while longer, but actually the time  
20 they cleared it, I try to put down the time that they told me  
21 that they cleared it.

22          Q       Okay. Did they actually write down the clearing  
23 time so that when they were telling you the clearing time  
24 they had a written record of what they were telling you?

25          A       To my knowledge I'm not really sure, because say a

1 man had to call in the next day, he couldn't get ahold of  
2 somebody or he got delayed somehow or other and had to close  
3 it out maybe the next day. From the way he talked, he had  
4 everything written down, his codes and the customer had  
5 service at this particular time. So I believe they kept a  
6 record because they -- I'm sure they had to put something on  
7 there first, you know, their time report. So I'm sure they  
8 kept a record of, you know, when they cleared this trouble  
9 and when they finally finished.

10 Q Okay. Do you know or have you heard of the phrase  
11 "building the base"?

12 A I've heard of it, but I really don't know what it  
13 is unless it has something to do with quotas, because I'm  
14 sure they have a lot of quotas to meet.

15 Q All right. What about building the base with  
16 out-of-service reports to meet that over-24 quota?

17 A I'm not actually understanding that, because I've  
18 never had to be right there when anybody explained it or  
19 talked about it that much. I've heard it, you know.

20 Q And where have you heard it?

21 A Just, you know, somebody saying building the base.  
22 I mean, that could come out any way, you know, just hear it  
23 out of your earshot with somebody standing maybe a few feet  
24 away, but I couldn't even tell you now if a particular person  
25 said anything like that.

1 Q Have you ever heard Mr. Campbell talk about  
2 building the base?

3 A No.

4 Q What about Mr. Hice?

5 A No.

6 Q Have you ever heard of anyone taking a set of Test  
7 OK trouble reports and closing them out as out of service in  
8 order to build the base?

9 A No.

10 Q Have you ever heard of anyone taking a phone book  
11 and just creating a bunch of trouble reports right out of the  
12 phone book in order to build the base?

13 A No. Sorry.

14 Q Have you ever heard of anyone creating reports in  
15 any manner just to build the base?

16 A No. The only reports that they used to create is  
17 if somebody stopped a man outside and said I have a problem  
18 with my phone, I don't have dial tone, or something like  
19 that, and the man could call in and ask to get a trouble  
20 report made on that so that while he was right in that area  
21 he could get them service while he was working on a trouble  
22 nearby, it might be on the same street, or it might be, you  
23 know, just maybe a block away and they were driving around.  
24 But I've heard of that.

25 Q Okay. Would those be employee-originated reports

1 or just --

2 A Those would be employee-originated. But now they  
3 have to get -- they get permission. They have to have a  
4 supervisor's permission to make those.

5 Q Have you heard of anyone taking an out-of-service  
6 report that's about to go over that 24-hour clock time, close  
7 it without actually fixing it, opening up an  
8 employee-originated report then to clear and close it?

9 A No. I have never done it or I've never heard  
10 anybody that was in my close area doing anything like that.

11 Q Okay. Have you ever heard of anyone creating  
12 fictitious trouble reports?

13 A No.

14 Q Have any of your managers ever told you just don't  
15 status any more out-of-services today?

16 A No.

17 Q I'm going to show you a document that's titled  
18 Citizens Third Set of Interrogatories. Do you know what an  
19 interrogatory is?

20 A I'm not clear on it.

21 Q All right, let me explain it. An interrogatory is  
22 a written question or question that we send in writing to the  
23 company and the company has given us a written answer.  
24 Instead of sitting across like I am with you just talking to  
25 them, I send them a question in writing.

1 A All right.

2 Q All right. And this one is dated June 6, 1991 and  
3 it's Item No. 3. And essentially what we asked the company  
4 was to give us the names of employees that had knowledge  
5 about recording out-of-service reports as affecting service  
6 on repair forms and the company's response was with the names  
7 of employees that may have knowledge of that instruction not  
8 to status out of service. All right.

9

10 And so I will show this to you and I will ask you

11

12 and then we can go off the record for a minute and  
13 let you have a chance to read it so that you can get familiar  
14 with it, and if you have any questions for your attorney you  
15 can talk to him about it before we ask any specific  
16 questions.

17

18 And one last instruction: You see we've got it  
19 all folded up and paper-clipped? That's because the company  
20 has a claim of confidentiality on all the information that's  
21 folded under that you're not going to see, and we are  
22 contesting that before the Commission, but there's not been a  
23 decision yet. So it's being treated as confidential until we  
24 get a final decision.

24 A Okay. So those clips stay right there?

25 Q Right. So all you do is look at what you see up



1 front here.

2 A Okay.

3 MS. RICHARDSON: Okay, we'll go off the record.

4 (Off the record.)

5 MS. RICHARDSON: All right, we'll go back on the  
6 record, Ms. Sheppard.

7 BY MS. RICHARDSON:

8 Q

9 A Yes, ma'am.

10 Q

11 A Uh-huh.

12 Q Okay. What do you know about instructions not to  
13 status out-of-service?

14 A If I was in the room at the time or if it was  
15 something that I didn't actually understand at the time, I  
16 just -- I don't remember anything like that being instructed  
17 to me.

18 Q

19

20 MR. BEATTY: Objection to the form of the question.

21 It calls for speculation.

22 You may respond.

23 A Like I say, if I'd have been at work that  
24 particular day or whenever this is supposed to have happened.

25 Q Okay.

1           A       But I'm not aware at this time that I have been  
2 instructed about anything like that.

3           Q       Did you ever get any messages of any kind instead  
4 of maybe just instructing you personally, but maybe there was  
5 a message board or a light board showing messages, no OOS  
6 today or no out-of-services or --

7           A       It could have been, but I honestly don't remember  
8 now.

9           Q       Okay. I'm going to show you the rest of this  
10 response which is also part of Item No. 10 and let you look  
11 at it and if you want some more time to go off the record,  
12 but it's the same question and same answer from the company,  
13 with the exception that on one section the company has stated  
14 alleged improper status of out of service or alleged  
15 instructions to status out of service improperly, and then on  
16 the other one it was misuse of employee code.

17           MR. BEATTY: If I may, just for a moment. That is  
18  
19

20           MS. RICHARDSON: I'll let you take a look at that.

21           (Off the record.)

22 BY MS. RICHARDSON:

23           Q

24           A       Yes.

25           Q

1 A Uh-huh.

2 Q All right. Then can you tell me what you know  
3 about alleged instructions to status out of service  
4 improperly?

5 A I really don't remember anything that I've done or  
6 that I've been instructed to do improperly if -- I honestly  
7 think at the time I would have statused something the way I  
8 saw it if it was out of service. Say if -- the only thing I  
9 can ever remember is if you can talk to the customer, if you  
10 can hear them, they can hear you -- I mean if you can talk,  
11 if it talks, they still have service.

12 Q Uh-huh.

13 A Now it's -- I see the point like they can have a  
14 lot of noise on their line, then that can still be considered  
15 out of service, but at that time I would say it was at the  
16 time -- if they talk and you can hear the customer, right,  
17 if they are talking to you, they can hear you, they can dial  
18 out, they consider that still having service.

19 Q Okay.

20 A Now, I would say -- that's the only thing I  
21 remember. Like if it talks, you know, that's an expression,  
22 if it talks, other than that I don't think of anything that I  
23 was told not -- you know, not honestly to do.

24 Q Okay. Have you ever heard of someone taking a  
25 batch of Test OK reports and statusing them as out of

1 service?

2 A I haven't.

3 Q Okay. Has anyone ever directed you to do that?

4 A No.

5 Q Have you ever heard of anyone doing that?

6 A No.

7 Q Okay. I think the last one has something to do  
8 with employee codes, misuse of employee codes. What do you  
9 know about that?

10 A I have -- I only think about twice that they've  
11 come back to me and said why did you status this this way or  
12 close it this way, and I can remember twice that my employee  
13 code was on there but I wasn't there that day. Say that was  
14 like my day off. Now, I don't know if it was an error,  
15 because I've punched the wrong key myself sometimes, you  
16 know. We change numbers. Like my number was 027, then it  
17 was -- no, it was 007 and then 027 and then it was 627. So I  
18 can see where somebody could hit the wrong key, but that was  
19 -- like I say, if they hadn't brought it to me and said why  
20 did you close it out with this code and I happened to look at  
21 the date -- but I can only remember two times that happened.

22 Q Okay. And who was your supervisor when this  
23 happened?

24 A Let's see. I think one time it was when I was  
25 under Brenda, but there was a time between when I was --

1 Brenda and Gary -- my mind goes blank. I'm sorry.

2 Q I was going to say, you didn't name a Gary before.

3 A No. It was a real short time. He's in  
4 construction or something now, I think. He was just my  
5 supervisor a short time. Because he was the one that came to  
6 me and asked about the codes. I don't remember what the  
7 codes were, but I said I couldn't have done that, I wasn't  
8 there that day.

9 Q Okay.

10 A And he never came back later and said that he found  
11 out if -- you know, if anybody else had used my code or  
12 anything. That was the last I heard of it.

13 Q All right. And what was he asking you about, the  
14 codes on the report?

15 A Yes. Why did I close it out to a particular code,  
16 say, maybe it was a cable code or something, like an 04 code,  
17 and when I looked at it I said I don't know, but when I saw  
18 the date I thought -- it hadn't been that long before that I  
19 knew that that was like one of my days off. So I wouldn't  
20 have been there to use that code because on the final status  
21 that was something you could never back up. I'm pretty sure.  
22 You might a clearing line if you had to back up for a man  
23 that had finished -- you know, cleared the trouble, but the  
24 final status, that was there when you put it there.

25 Q All right.

1           A        So that's only twice that I've ever -- the other  
2 time, I think, was when -- I can't remember who my supervisor  
3 -- it might have been Tom Campbell, because part of the time,  
4 he was at this test center and part at the other one. But  
5 that was another time when they asked me why I had posted out  
6 to that code and it was another time when I wasn't there.

7           Q        All right.

8           A        But that's the only two times.

9           Q        And what problem was it with the code on that  
10 occasion?

11          A        It was a code that they thought didn't go with the  
12 trouble report itself. You know, like that particular code  
13 may not go with the -- say you had a trouble report that  
14 might have been out of service, you might post it out to  
15 something that didn't show that it was an out-of-service.  
16 And I really don't remember the code, but I know it was just  
17 a day that I wasn't there. You know, it had been one of my  
18 days off.

19          Q        Okay. Did you do any follow-up on your own about  
20 why someone else was using your code?

21          A        No, because it only happened those two times and  
22 they were real far apart. This one time we were in the other  
23 test center and the other time we were over here, so I  
24 figured it could have been somebody hitting the wrong key. I  
25 really didn't know. Just like I say, I wasn't there that

1 day, so I don't know who could have done it, or could have  
2 used it.

3 Q Do you know of any instances where someone else has  
4 used other than your code, someone else's employee code?

5 A No. I've never heard anybody say, well, I used  
6 their code, or I've never heard anybody say that they've had  
7 their code used in place of --

8 Q Okay. Have you ever heard of Mr. Campbell misusing  
9 someone's employee code when they're off just to status  
10 reports?

11 A No, I've never heard of that. But like I say, it  
12 only happened that one time, I think, when I was under him.

13 Q All right. I'm going to show you something else,  
14 another document and this one's not confidential so I'm going  
15 to show it to you.

16 This was filed by the company on April 1st, 1993 in  
17 the consolidated rate case docket and it is Southern Bell's  
18 Response to Preliminary Order No. PSC-93-0263-PCO-TL entered  
19 on February 19th, 1993. And I'm going to ask you if you're  
20 the Barbara Jean Sheppard, No. 528 out of this list of 650  
21 people?

22 A I don't know why they used Jean. I always use my  
23 maiden name initial. So I don't know why it's Jean instead  
24 of --

25 Q But that is you?

1 A Uh-huh.

2 Q Okay. And you're going to -- if you would look,  
3 there's several numbers after your name. Have you seen this,  
4 document before?

5 THE WITNESS: That you showed me --

6 MR. YOKAN: Yes.

7 A Yes.

8 Q Okay.

9 A That my name would be -- that I had to identify my  
10 name. He showed me that I'd have to tell them that.

11 Q All right. And under your name there is -- there's  
12 a group of numbers and one of those is Number 10.

13 A Okay.

14 Q And if you'll turn to Page 2, I think you'll see  
15 what Number 10 corresponds to. Or maybe 3. Is it on 2 or 3?

16 A That goes to 8 -- it's 10.

17 Q All right. And isn't that something about Test Oks  
18 generally, including the pending activity completion file?

19 A PAC file, yes.

20 Q All right. What's a PAC file?

21 A Okay. It's -- I haven't done it very often, but I  
22 have had the PAC file occasionally. Now they rotate it, you  
23 know. You get it every so many weeks. You take turns.  
24 Because it's real time consuming. You go in and you run a  
25 certain jeopardy and these are troubles that, say, the men



1 outside, their computer doesn't close the trouble, it just  
2 shows a clearing line, so you try to beep the man or get him  
3 on -- maybe somehow or other if he doesn't call you back, you  
4 try and get his supervisor to have him call you so that you  
5 can close that trouble report out because you don't know what  
6 codes to put on it because you don't know what he found.

7 So, in other words, his computer picked up that  
8 clearing line, you got the right time for the clearing, but  
9 you don't know what he closed it out to, whether he actually  
10 found the trouble or he fixed it or what. So you have to go  
11 in there and try and get ahold of that man and then go in the  
12 computer and close out the trouble report. It might be a  
13 cable code or he might have changed a pair and that way the  
14 records are straighter, you know, if it was a pair change or  
15 something like that.

16 But that is just like it's in limbo. There's --  
17 you know, something has to be done with that report. It just  
18 stays in that PAC file.

19 And then you've got some that -- okay. Say, you  
20 test a report okay but the customer is not home and you can't  
21 get him at a reach number, you're testing their line okay,  
22 but how do you know that it's really okay, because I've  
23 tested some okay and then I've called and it's been a busy  
24 signal like it's on a high and dry or something, so you can't  
25 really get rid of that trouble. You've got to find out if

1 these people can actually use their phone. It might even be  
2 their set that's -- you know, that has the problem. So  
3 that's generally what the PAC file is. You just try to go in  
4 there and contact the customer, contact the repairman, and  
5 our people -- a lot of our girls had these trouble reports on  
6 hold till they can either get the people home -- you know,  
7 reach them at their home or at their work number, you know.  
8 Say your telephone is testing like it's got a receiver off  
9 the hook, they like to know if you've checked that out before  
10 you reported it, because sometimes the switch hook isn't all  
11 the way down and you're actually reporting a trouble that's  
12 your problem, you know, you caused the problem.

13 Q And you mentioned something about, I believe, an ST  
14 clearing a report but not putting in the disposition and  
15 cause code? Is that what you said?

16 A Well, his computer, when he tried to close it on  
17 his computer, it somehow malfunctioned and it didn't take his  
18 last line, his FST line, that would give the code, you know,  
19 the disposition and cause code, what he closed it out to.  
20 And he doesn't realize this sometimes. It doesn't show up,  
21 you know, that it has a malfunction.

22 Q Okay. It's not that he can just hit the clear  
23 button without putting anything else in?

24 A Uh-uh.

25 Q All right.

1           A           If it brings up some kind of message, he can call  
2 in and talk to one of us and we can go in and see if that  
3 trouble is still pending. We can get an RST and say, yeah,  
4 your computer didn't close, it's just got the clearing line.  
5 And then we need to go in there and close it, so you would go  
6 in there and close it for the man.

7           Q           All right. Then can you explain to me how Test OKs  
8 generally have been misused?

9           MR. YOCAN: I'd Object to that question. If you  
10 wish to rephrase it, if she knows whether Test OKs  
11 have been misused, I have no problem with that.

12           MS. RICHARDSON: All right. Let's do it that way.

13 BY MS. RICHARDSON:

14           Q           Do you know if Test OKs have been misused?

15           A           Not by me. Now, I haven't had anybody else say  
16 they have. Like I say, if I call the customer and I can't  
17 get them, that means their phone is either not working or  
18 they're not at home, I don't want to close that trouble out  
19 because I'm not really sure they still have service.

20           Q           Okay. Did you have a chance to read Paragraph 2 on  
21 this document?

22           A           Oh, okay. Yes, ma'am.

23           Q           I think by your name is also No. 15, which deals  
24 with exclusion or elimination of trouble reports.

25                       What is an exclude report?

1           A       Reports that we can exclude are ones that deal  
2 with, I'd say, something that can be referred to the  
3 business office, something that we can't handle. It's not a  
4 trouble that we can go out and send a repairman on, it's  
5 something that has to be handled maybe with a service order,  
6 because a lot of people call repair when -- with other  
7 problems besides their phone. Maybe -- you know, they may  
8 have -- they may want something done that would have to have  
9 a service order issued for, so we have things like that that  
10 we can exclude.

11                   We can exclude it if it's another common carrier  
12 like --

13           Q       AT&T?

14           A       -- AT&T or MCI. We check and see if they're  
15 programmed to the correct PIC Code, and then we tell --

16           Q       That's P-I-C, PIC Code?

17           A       PIC, P-I-C, uh-huh, Code. And if it's programmed  
18 to the correct PIC Code in the predictor, then the problem is  
19 evidently, you know, in their long distance carrier.

20           Q       All right. Then what information do you have about  
21 improper exclusion or elimination of trouble reports?

22                   MR. BEATTY: I object to the form of the question.  
23 Your phraseology implies that she has stated previously  
24 that she has knowledge.

25                   MS. RICHARDSON: Okay.

1 BY MS. RICHARDSON:

2 Q Do you have any knowledge about improper exclusion  
3 or elimination of trouble reports?

4 A No, because I've always been instructed if you  
5 exclude it, you exclude it to the proper code. If you go --  
6 you have a list of so many excludes that we're allowed to  
7 use. If it doesn't work with one of them, I don't know what  
8 it would work with. You know, it might be -- I've never been  
9 actually instructed to use -- to exclude something that  
10 didn't have a good reason to exclude.

11 Q But would you exclude an out-of-service report that  
12 already has a disposition and cause code on it?

13 A No.

14 Q Do you know of anyone who has routinely excluded  
15 out-of-service reports to effect that 24 hours?

16 A I have no knowledge of that, no.

17 Q Okay. Have you ever had occasion to protest an  
18 instruction from a manager that you felt was improper in  
19 terms of handling trouble reports?

20 A No. The only thing I used to feel bad about was  
21 those 222s, because sometimes they had to get people to help  
22 -- sometimes the trouble load would be so heavy there was no  
23 way you could actually call that many -- sometimes, you know,  
24 like if you had a lot of storms, you know, I mean there'd be  
25 sheets and sheets of troubles that could not possibly get

1 ahold of all these people before say 5:00 o'clock and they  
2 would try to get some people to help you so you could, you  
3 know, call the customers, but -- and I've missed a few  
4 because I didn't get them in time, I couldn't get ahold of  
5 the customer, and they asked me why I missed them. That's  
6 the only thing I remember about those.

7 Q Do you know of anyone who's been instructed to use  
8 the 222 code without contacting the customer?

9 A No. You have to make that call. I've never known  
10 anybody that's been instructed -- I have never been  
11 instructed. In fact, that's probably why they asked me if I  
12 missed it, why I missed it, because I couldn't get ahold of  
13 them.

14 Q Okay.

15 A If you could leave a message for them -- you know,  
16 if you had somewhere or something like that, but if you  
17 couldn't, you just missed it. I mean, you just couldn't --

18 Q Okay. Have you ever filed a grievance,  
19 Ms. Sheppard, with the company?

20 A No.

21 Q Have you ever helped with sales of services or  
22 products for the company?

23 A Well, we had incentives like, you know, points and  
24 that, but if I had a service order customer that, say, they  
25 called in and reported they didn't have Touchtone, they

1 couldn't break dial tone, and so I'd get a copy of their  
2 service order up, and if I said it's not on the service order  
3 -- in other words, the service rep may have neglected to ask  
4 them if they want -- when they move did they want to keep  
5 this particular feature, and that's the only time I'd sell  
6 something like that because they didn't have it and the  
7 service rep had neglected to ask them at that time whether  
8 they wanted it, so it wasn't put on there and they still  
9 wanted it. They had it before. So that was counted as a  
10 sale.

11 Q Okay. Were you helping to sell, I guess, in your  
12 position as a maintenance administrator?

13 A Uh-huh.

14 Q And did you win anything?

15 A No, never got enough points.

16 Q Never got enough points?

17 A Oh, I take that back. At the end when we couldn't  
18 sell anymore, you know, it was only the service reps, I had  
19 enough -- if I paid \$12.50, I had enough to get a piano  
20 keyboard for one of my grandchildren.

21 Q Okay.

22 A Because I only had about 10 or 15 points total.

23 Q Do you -- have you ever heard the phrase "boiler  
24 room" being used for sales?

25 A I'm sorry, I don't even know what that means.

1 Q Okay. Do you know of anyone who has reported sales  
2 of wire maintenance plans to customers without contacting  
3 them?

4 A No. Now, that's another thing I heard rumors  
5 about.

6 Q But you don't know of anyone who has done that  
7 specifically?

8 A No. But I really did hear rumors. I heard that  
9 they had found some people that had -- this was just a rumor,  
10 like I say. I never actually -- I never knew of anybody that  
11 said I put this or I didn't sell this, but I, you know, took  
12 the credit for it. I never had that.

13 Q Did you ever do just sales, like for a day or two  
14 days or a week or at any point do just sales?

15 A No.

16 Q Okay.

17 A I did it when it came up in a trouble report. I've  
18 never called a customer and actually tried to sell them  
19 anything.

20 Q All right. Were you told to keep track of the  
21 amount of time you spent doing sales versus the amount of  
22 time you spent helping a customer with a trouble report?

23 A No. I've heard that other people had done it, but  
24 like I say, I took it if I got a customer that needed  
25 something that wasn't on their service order.



1 Q Do you know of anyone who has no-accessed a trouble  
2 report without dispatching it?

3 A No.

4 Q Do you know of anyone who has no-accessed an  
5 out-of-service trouble just to stop that 24-hour clock?

6 A Not to my knowledge.

7 Q Have you ever heard of that being done?

8 A No.

9 Q Do you know whether or not the C-O-N, the CON Code  
10 -- the carried-over no code, do you know what that is?

11 A I didn't know that's what it stood for. I'm going  
12 to have to start refreshing my memory. Carried-over what?

13 Q Carried-over no, the CON Code. Are you familiar  
14 with that code?

15 A No, I'm sorry, I'm not familiar with it. I should  
16 be. I realize that.

17 Q It's not in use anymore, so you don't need to worry  
18 about it.

19 A Okay. Thanks. I was going to go look it up.

20 Q I didn't want you to have to do any extra work.

21 A All right.

22 Q Do you know of certain disposition and cause codes  
23 that would take an out-of-service report out of that  
24 out-of-service over 24?

25 A Yes. Weather.

1 Q Weather?

2 A Uh-huh.

3 Q Okay.

4 A Or another contractor that, say, would cut one of  
5 our lines and -- maybe cable TV or something.

6 Q Okay. Do you know of anyone who has used those  
7 specific codes just to keep a report from going out of  
8 service over 24 hours and counting it as a miss?

9 A I've never done it. But, I mean, if the repairman  
10 said that's what happened, I would code it to that.

11 Q Okay.

12 A But I've never had anybody say to me, well, let's  
13 use this code, you know, because it's -- whatever -- because  
14 if it's out of service and it's a weather like lightning --  
15 moisture I don't think does it. And if it's cable multiple,  
16 which is maybe a cut cable affecting a lot of people.

17 Q Have you ever seen that cable multiple code used on  
18 just small cable troubles?

19 A Not that I recall. Every one I've ever seen a  
20 repairman use was usually big, you know, I'd say 15 or 20  
21 troubles on it. It was like a really big cable that was cut  
22 and it affected a lot of people. Because we have to call all  
23 these people back.

24 Q Do you know of a procedure -- not a BellSouth  
25 procedure but a procedure of a manager who's instituted where

1 troubles are not statused up front but they're statused on  
2 closeout, depending upon whether or not they were before or  
3 after that 24-hour period?

4 A You mean like an out-of-service status like --

5 Q Yes.

6 A No. When it comes in now, if it's testing out of  
7 service, we put an out-of-service code on it. If it was no  
8 dial tone and it tested open, then we put -- I was told to  
9 status -- you know, that's the way you status it if it was  
10 out of service.

11 Q Was that true back in the '80s when you first  
12 started?

13 A Now, I really don't remember, but it -- I'm sure it  
14 could have been different then.

15 Q Okay. Was that true back in the late '80s, as long  
16 ago as five years ago?

17 A I think so.

18 Q So you have never received instructions from a  
19 manager then to hold off statusing out of service until  
20 closeout?

21 A Not that I remember.

22 Q Do you know if any manager had a policy just for  
23 cable troubles where they didn't status them up front but  
24 waited until closeout?

25 A I don't know of any procedure where they used that.

1 They might have done that without my knowledge. If I closed  
2 a trouble report out, I would go by that code, whatever the  
3 repairman gave me. But as far as knowing what -- no. If he  
4 was dispatched out on it, he would already be shown  
5 dispatched out on it, unless he was caught -- you know,  
6 unless he was sent there and then they put that trouble on  
7 his time, you know. I mean, they are aware that there are  
8 all these calls coming in. They send somebody out and  
9 they'll start working on it then, then they might -- you  
10 know, they may try and get it statused and put it on his  
11 time. But, meanwhile, he can be, you know, trying to fix it  
12 or start fixing it.

13 Q All right. Do you know of anyone who has falsified  
14 a customer trouble repair record?

15 A Can you --

16 Q Put false codes or false status or false data --

17 A You mean like a customer calls in and they say I  
18 don't have any dial --

19 Q Not a customer, an employee that has falsified a  
20 customer trouble report?

21 A No, I don't. Like I say, I've heard rumors later  
22 that there was problems.

23 Q And where were these problems?

24 A Like outside. But I never heard of any problems  
25 inside, so I don't know.

1 Q Like outside Jacksonville service technicians?

2 A Yeah. I just heard rumors. Like I say, I actually  
3 never knew of anybody that did it. Just like I say, I heard  
4 rumors that the men -- he might have made a report because he  
5 -- that person -- his phone was okay now but it wasn't  
6 working for a while. I heard a rumor, but I actually did  
7 not, say, talk to a particular person or anything. I just  
8 heard that that was -- somebody said that had been going on  
9 and I never had any names mentioned, you know, anybody that  
10 did it. I just heard that that had been happening.

11 Q Okay. Ms. Sheppard, I want to thank you for coming  
12 today and being responsive.

13 A That's it?

14 Q Well, there may be some more questions from other  
15 people around the table before you go, but I want to thank  
16 you.

17 A You're welcome.

18 EXAMINATION

19 BY MS. WILSON:

20 Q Ms. Sheppard, --

21 A Yes.

22 Q -- I'm Jean Wilson, if you remember our names down  
23 here.

24 A I'm glad you repeated it.

25 Q I'm with the Florida Public Service Commission.

1           You testified that there were two instances where  
2 your employee code appeared on a trouble report on a day that  
3 you were not working?

4           A       Uh-huh.

5           Q       Is that correct?

6           A       Uh-huh.

7           Q       And did you say this happened at two different  
8 locations?

9           A       Yes. I mean, like we were in -- one time I think  
10 we were in the other side of the building. We used to be  
11 over here before they combined it.

12          Q       All right. So it was actually in one building but  
13 in different locations, different offices within that  
14 building?

15          A       Yes.

16          Q       And that building is --

17          A       Right here. On both occasions because actually  
18 they remodeled the room we were in, different sections, you  
19 know, we'd be combined or we'd move while they were  
20 remodeling and fixing up. So we might be in a different  
21 location but the same building.

22          Q       Here in Jacksonville?

23          A       Yes, ma'am.

24          Q       And you stated that these incidents were far apart  
25 in time?

1 A Yes.

2 Q Do you have an approximate time that these two  
3 incidents occurred?

4 A I would say at least two or three years~~apart~~ apart. So  
5 that's why I say it didn't seem to me like there was some  
6 kind of pattern or anything like that.

7 Q Do you know when your first incident occurred where  
8 your employee code appeared on a day that you were not  
9 working?

10 A I couldn't give you an exact time. I'd say it was  
11 at least four or five years ago.

12 Q And the second incident occurred possibly two or  
13 three years after that; is that correct?

14 A Uh-huh.

15 Q Thank you.

16 A You're welcome.

17 MR. BEATTY: That's it.

18 MR. YOCAN: No questions.

19 (Witness excused.)

20 (Whereupon, the deposition concluded at 2:55 p.m.)  
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AFFIDAVIT OF DEPONENT

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This is to certify that I, BARBARA E. SHEPPARD, have read the foregoing transcription of my testimony, Page 7 through 44, given on May 6, 1993, in Docket Nos. 910163-TL and 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_  
BARBARA E. SHEPPARD

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
NOTARY PUBLIC  
State of \_\_\_\_\_

My Commission Expires:



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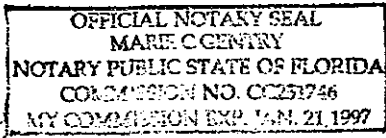
STATEW OF FLORIDA )  
                                  :  
COUNTY OF DUVAL    )

CERTIFICATE OF OATH

I, the undersigned authority, certify that Barbara E. Sheppard personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 24th day of June, 1993.

*Marie C. Gentry*  
Marie C. Gentry  
Notary Public - State of Florida  
My Commission No. CC251746  
Expires: 1/21/97



1 STATE OF FLORIDA)  
2 :  
3 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

4 I, Marie C. Gentry, Court Reporter,

5 DO HEREBY CERTIFY that I was authorized to and did  
6 stenographically report the foregoing deposition of Barbara  
7 E. Sheppard;

8 I FURTHER CERTIFY that this transcript, consisting  
9 of 44 pages, constitutes a true record of the testimony  
10 given by the witness.

11 I FURTHER CERTIFY that I am not a relative,  
12 employee, attorney or counsel of any of the parties, nor am I  
13 a relative or employee of any of the parties' attorney or  
14 counsel connected with the action, nor am I financially  
15 interested in the action.

16 DATED this 4th day of June, 1993.

17 Marie C. Gentry  
Marie C. Gentry, Court Reporter  
Telephone No. (904) 264-2943

18 STATE OF FLORIDA)  
19 :  
20 COUNTY OF DUVAL :

21 The foregoing certificate was acknowledged before  
me this 4th day of June, 1993, by Marie C. Gentry, who  
is personally known to me.

22 Patricia H. Vierengel  
Notary Public - State of Florida  
23 Patricia H. Vierengel  
24 My Commission expires 6-31-93  
25

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the ) DOCKET NO. 910163-TL  
integrity of SOUTHERN BELL )  
TELEPHONE AND TELEGRAPH )  
COMPANY'S repair service )  
activities and reports. )

In re: Investigation into ) DOCKET NO. 910727-TL  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY'S compliance ) FILED: 04/28/93  
with Rule 25-4.110(2), F.A.C. )  
Rebates. )

DEPOSITION OF: MARTHA STEPHENS

TAKEN AT THE INSTANCE OF: The Staff of the Florida  
Public Service Commission

PLACE: Southern Bell  
3100 Emerson Street  
Jacksonville, Florida 32207

TIME: Commenced at 2:57 p.m.  
Concluded at 3:46 p.m.

DATE: Thursday, May 6, 1993

REPORTED BY: Marie C. Gentry  
Court Reporter

**ORIGINAL**

MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
1329-A Kingsley Avenue  
Orange Park, Florida 32073  
(904) 264-2943

## 1 APPEARANCES:

2 J. SUE RICHARDSON, ESQUIRE, Office of Public Counsel,  
3 c/o The Florida Legislature, 111 W. Madison Street, Room 812,  
4 Tallahassee, Florida 32399-1400.

5 JEAN R. WILSON, ESQUIRE, Staff Counsel, Florida Public  
6 Service Commission, 101 E. Gaines Street, Tallahassee,  
7 Florida 32399-0863, Telephone No. (904) 487-2740.

8 STAN L. GREER, Engineer, Florida Public Service  
9 Commission, 101 E. Gaines Street, Room G-28, Tallahassee,  
10 Florida 32399-0866, Telephone No. (904) 488-1280.

11 CARL S. VINSON, JR., Sr. Management Analyst, Florida  
12 Public Service Commission, Division of Research and  
13 Regulatory Review, 101 E. Gaines Street, Tallahassee, Florida  
14 32399-0872, Telephone No. (904) 487-1328.

15 WALTER BAER, Analyst, Office of Public Counsel, c/o The  
16 Florida Legislature, 111 W. Madison Street, Room 812,  
17 Tallahassee, Florida 32399-1400.

18 ROBERT G. BEATTY, ESQUIRE, BellSouth Telecommunications,  
19 Inc., Museum Tower Building, Suite 1910, 150 West Flagler  
20 Street, Miami, Florida 33130, Telephone No. (305) 530-5561.

21 NANCY B. WHITE, ESQUIRE, BellSouth Telecommunications,  
22 Inc., 675 West Peachtree Street, Suite 4300, Atlanta, Georgia  
23 30375-0001, Telephone No. (404) 529-5387.

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25

APPEARANCES (CONT'D)

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MICHAEL R. YOKAN, ESQUIRE, Kattman & Eshelman, P.A., 1920 San Marco Boulevard, Jacksonville, Florida 32207, attorney for Barbara Sheppard, Telephone No. (904) 398-1229.

A. GAVIN PICKETT, Communications Workers of America, Local 3106, 4076 Union Hall Place, Jacksonville, Florida 32205, Union Representative for Barbara E. Sheppard, Telephone No. (904) 384-2222.

SHELBA HARTLEY, 2nd Executive Vice President of Communications Workers of America, Local 3106, 4076 Union Hall Place, Jacksonville, Florida 32205, Telephone No. (904) 384-2222.

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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.



## MARTHA STEPHENS

1  
2 appeared as a witness and, after being duly sworn by the  
3 court reporter, testified as follows:

## EXAMINATION

4  
5 BY MS. RICHARDSON:

6 Q Ma'am, would you please state your name for the  
7 court reporter and then spell it?

8 A Martha B., as in Brett. It's my maiden name.

9 Q Spell that.

10 A B-r-e-t-t, Stephens, S-t-e-p-h-e-n-s.

11 Q All right. And your address, please?

12 A 3100 Emerson.

13 Q And room number?

14 A I'm not sure. 238, I believe.

15 Q And ZIP Code?

16 A 32207.

17 Q And that's Jacksonville?

18 A Yes.

19 Q And that's Southern Bell office?

20 A Yes, it is.

21 Q And do you have a phone number?

22 A 393-9507.

23 Q Okay. And, Ms. Stephens, are you represented by  
24 counsel here today?

25 A Yes, I am.

1 MS. RICHARDSON: And I'll ask him to put his  
2 appearance on record.

3 MR. YOKAN: Michael Yokan, Kattman & Eshelman,  
4 P.A., Jacksonville, Florida.

5 BY MS. RICHARDSON:

6 Q And are you also represented by a union  
7 representative here today?

8 A Yes, I am, Gavin Pickett.

9 MS. RICHARDSON: Okay. I'll ask him to put his  
10 appearance on record.

11 MR. PICKETT: Gavin Pickett, Deputy Vice President,  
12 Jacksonville, Florida, Local 3106, 4076 Union Hall Place,  
13 32205.

14 BY MS. RICHARDSON:

15 Q Ms. Stephens, did you discuss your deposition here  
16 today with anybody besides your attorney?

17 A My counsel.

18 Q All right. Have you been advised that you would  
19 not be disciplined for whatever answers you gave here today?

20 A I've been advised that, yes.

21 Q Okay. Have you been advised that possible criminal  
22 penalties could apply if you perjure your testimony here  
23 today?

24 A I realize that. I don't have to be advised, I know  
25 that.

1 Q Okay.

2 A Perjury is a criminal offense.

3 Q All right. Did you at any time give a statement to  
4 a company investigator regarding these matters?

5 A What matters are you talking about?

6 Q Trouble report processing and mishandling.

7 A At any time was I called before the company?

8 Q Uh-huh.

9 A Yes, I was.

10 Q And can you tell me when this occurred?

11 A I don't know the exact date. It was nearly two  
12 years ago, I know that. It's probably two years ago.

13 Q All right. And was this just one occasion or was  
14 there more than one?

15 A Only once.

16 Q And where did this occur?

17 A I went to the Tower.

18 Q Here in Jacksonville?

19 A Yes, Jacksonville. Do you know where the Southern  
20 Bell Tower is?

21 Q Okay. So it was company headquarters here in  
22 Jacksonville?

23 A Yes, ma'am.

24 Q All right. Do you know who was in the room with  
25 you when you gave those statements?

1 A Names I can't say. I'm sorry. I don't remember  
2 exact names, but I know I was there and I had my union  
3 representative there.

4 Q Okay.

5 A There was a company lawyer and a gentleman -- I  
6 think he was from out of state. He was not from Florida.

7 Q Was he with the company also?

8 A He was with the company.

9 Q And who was your union representative back then?

10 A Shelba Hartley was my union representative that  
11 day.

12 Q Okay. You didn't have an attorney with you?

13 A No, ma'am.

14 Q And were you given any reason why this statement  
15 was being taken?

16 MR. BEATTY: Please respond by saying yes, no, or  
17 I don't know, ma'am.

18 A No, I do not know.

19 Q Okay.

20 A I can't remember what they told me.

21 Q But you were told something?

22 A Yeah. I guess --

23 Q Okay. That's what we're getting at first; you were  
24 told something but you don't remember what it was?

25 A I don't know.

1 Q And what is your position with the company,  
2 Ms. Stephens?

3 A Presently I'm a maintenance administrator.

4 Q And how long have you done that?

5 A Since 1983, somewhere in 1983 I bid on that job.

6 Q About ten years then?

7 A Yes.

8 Q All right. And has all of that time been in  
9 Jacksonville?

10 A Yes, ma'am. I've lived in Jacksonville all my  
11 life.

12 Q Okay. And when did you start with the company?

13 A I started as a long distance operator in 1961, but  
14 I was gone for nine and a half years where I worked at the  
15 school, Trinity Christian Academy, and then I came back to  
16 the company in '81.

17 Q In 1981?

18 A As an outside plant clerk.

19 Q What does an outside plant clerk do?

20 A Clerical work. I did a little bit of typing,  
21 filing.

22 Q And then it was a promotion for you to go to an MA  
23 position?

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

25 Q And who is your present first-level manager?

1 A Presently first-level?

2 Q Yes.

3 A Basil Vann.

4 Q And he's been your manager for about how long?

5 A Since we have merged out test centers from  
6 southeast to northwest, both test centers, and I don't know  
7 the date that we came over here. It's probably about -- it's  
8 been less than two years, I know that.

9 Q Okay. So approximately two years, in that time  
10 frame.

11 A Yes.

12 Q All right. And who was it before Mr. Vann?

13 A Linda Mathis.

14 Q And can you just go back for me before Ms. Mathis  
15 who your first-level was?

16 A Well, see, they changed first-levels around. I  
17 think -- I had at one time Gary Gast.

18 Q Can you spell his last name?

19 A G-a-s-t.

20 Q Okay.

21 A Are you talking about here in this building?

22 Q Well, for the entire ten-year period as many  
23 first-level managers as you can remember.

24 A Oh, as many as I can remember?

25 Q Yes.

1           A        I think Stan Harrington at one time was my  
2 supervisor. I can't remember if it was when I was a clerk or  
3 not that he was my supervisor.

4           Q        So that might have been in '81?

5           A        Yeah.

6           Q        Or '82?

7           A        And Larry Arnold was one of my supervisors at one  
8 time. First level -- I can't remember everybody.

9           Q        That's okay. And do you remember -- who is your  
10 present second-level supervisor?

11          A        Okay. This gentleman that's new -- is it Higgins?

12          Q        Okay.

13          A        He told us to remember him by Bruce. I remember  
14 Bruce.

15          Q        Okay. And he's only been here, what, a short time?

16          A        Yes.

17          Q        All right. And who was it before Mr. Higgins?

18          A        Mr. Keels, Jim.

19          Q        All right. And before Mr. Keels?

20          A        I was under Dwight McGuinness.

21          Q        And I'm going to ask you to do the same thing. Do  
22 you remember any other second-level supervisors that you've  
23 had while you were an MA?

24          A        My mind is blank, but I know I had some others.

25          Q        Okay.

1 A I had Mr. Blightington one time. Jim Blightington.

2 Q Can you spell his last name?

3 A Well, it's fairly easy. B-l-i-g-h-t-i-n -- I guess  
4 I'm spelling it right. I don't know. B-l-i-g-h-t--  
5 Blighting -- i-n-g-t-o-n.

6 Q Thank you. I would have done a c-h, so it's a good  
7 thing I had you spell it.

8 A Maybe I spelled his name wrong but he may tell you  
9 differently. I'm not an expert on spelling.

10 Q Well, neither am I.

11 A But I remember the name.

12 Q Do you remember any other second-levels?

13 A Yes, I remember there were some others. At one  
14 time Jerry Moore; at one time I had -- after Jerry Moore I  
15 forgot who it was now. It was -- I can see his face and I  
16 can't remember his name. I'm sorry.

17 Q Okay.

18 A He's on staff now. I can't remember his name. I'm  
19 sorry.

20 Q All right. And who's your operation manager right  
21 now? Is that Mr. Rupe?

22 A Yes. I'm sorry I can't remember.

23 Q That's all right. If you can't remember, you can't  
24 remember. But you can take time to think about it. But if  
25 you can't remember, that's fine.



1 A Okay.

2 Q All right. Do you remember who it was before  
3 Mr. Rupe?

4 A He's retired. I can't remember. I'm sorry.

5 Q And who is your present union representative?

6 A Gavin Pickett.

7 Q Okay.

8 A You mean the one that's in here with us right now?

9 Q Well, who's on your office job? Who would you  
10 report to, I mean, other than bringing someone here today  
11 with you?

12 A Oh, you mean, in our office?

13 Q In your office.

14 A You said my present union representative, and I was  
15 thinking Gavin Pickett.

16 Q I'm sorry. Do you have another one?

17 A In our office there's a union representative.

18 Q And who is that?

19 A There's an Edna McDaniels and there's a Violet  
20 Willis.

21 Q Okay.

22 A Mary Perry could be a union representative. She's  
23 a union rep.

24 Q Is it P-e-r-r-y?

25 A P-e-r-r-y. They are all in my same office.

1 Q All right. Ms. Stephens, I'm going to just start  
2 off by showing you a document. This document is entitled  
3 Citizens Third Set of Interrogatories, dated June 6, 1991,  
4 Item No. 1. An interrogatory is a question that we pose to  
5 the company in writing instead of just sitting across the  
6 table and talking to them. We write the question out and  
7 send it to the company, and then the company sends us a  
8 written answer.

9 A Okay.

10 Q And you'll see our question and their answer here,  
11 and basically we asked the company to tell us the names of  
12 employees who had information or knowledge about falsifying  
13 completion times on repair reports, and the company gave us  
14 the names of employees that they said might have some  
15 knowledge about this. And they said --

16  
17  
18 MR. BEATTY: Well, no, that's not quite what  
19 we said. What we said was --

20 MS. RICHARDSON: May have responsive information  
21 about backing up clearing times.

22 MR. BEATTY: You may have it and you may not.

23 MS RICHARDSON: I'm sorry, I said could have  
24 instead of may have. I assumed those were the same  
25 but we'll get it straight.

1 THE WITNESS: All right.

2 BY MS. RICHARDSON:

3 Q What I'm going to do is to show you the document  
4 and give you a chance to read it. I said you can read the  
5 whole thing and get familiar with it. I need you to identify  
6 whether this Martha Stephens is you.

7 A Okay.

8 Q And, if it is, then I'm going to ask you questions  
9 about it. While we're off the record, if you want to talk to  
10 your attorney or whatever, that's fine, too.

11 The reason that it's folded and paper-clipped like  
12 this is because the other information under here, the company  
13 is claiming is confidential, so nobody else is supposed to  
14 see it, including you. We don't think it is, but the  
15 Commission hasn't given us a decision on that yet, so until  
16 we get a decision, we treat it confidentially. Okay? So let  
17 me show it to you and we'll go off the record.

18 (Off the record.)

19 BY MS. RICHARDSON:

20 Q Ms. Stephens, what do you know about backing up  
21 clearing times?

22 A Are you talking about clearing times that you put  
23 down when a guy calls in to state that he's finished with  
24 clearing his trouble?

25 Q All right.

1           A        If he calls in like at 5:00 o'clock and he has  
2 cleared the trouble at 4:30, I don't back up, I only put down  
3 what the guy tells me that he cleared a trouble. That's not  
4 backing up. That's just putting down the correct clearing  
5 time.

6           Q        But that time might be earlier than the actual  
7 time?

8           A        Well, yeah, he could have spent 15 or 20 minutes  
9 trying to get an MA to answer.

10          Q        Okay. Do you know of any other instances using an  
11 earlier clearing time?

12          A        No.

13          Q        You haven't heard of someone backing up a clearing  
14 time just to meet an out-of-service over 24-hour commitment?

15          A        Have I ever heard of it?

16          Q        Uh-huh.

17          A        What do you mean?

18          Q        All right. Are you aware that the company has a  
19 requirement that out-of-service trouble reports must be  
20 cleared within 24 hours at least 95 percent of the time?

21          A        If it's a clearing time, it -- you didn't  
22 necessarily state anything like that, and this clearing time,  
23 I don't know whether it's out of service or if it's not out  
24 of service.

25          Q        All right. Let's take out-of-services

1 specifically.

2 A All right.

3 Q Do you know of anyone who has reported an earlier  
4 clearing time just to show that that report did not go over  
5 24 hours?

6 A Do I know of anyone?

7 Q Uh-huh.

8 A No.

9 Q Have you ever been instructed to show clearing  
10 times within 24 hours, whether they were cleared earlier or  
11 not?

12 A Instructed to show clearing time within 24? No, no  
13 one's ever instructed me. The only time -- any time the  
14 question about out-of-services comes up is, if it's not met,  
15 we have to bring it to the attention of the supervisor.  
16 That's all.

17 Q Okay. Before you close it out?

18 A Yes.

19 Q All right. And why do you have to take it to a  
20 supervisor? I mean, don't you know how to clear out a  
21 report? Why would you have to take it --

22 MR. BEATTY I object to the form of the  
23 question as argumentative.

24 A I said you have to bring it to the attention of the  
25 supervisor when there is going to be a missed commitment.

1 Q Why?

2 MR. BEASLEY: If you know.

3 Q If you know why.

4 A I have no idea. It's just policy. At that time, I  
5 don't know -- they don't do this now, maybe, but they used  
6 to.

7 Q Okay. When you say they used to, about when, what  
8 time period?

9 A Previous to whenever we merged with this center,  
10 I'm sure.

11 Q Okay. Do you know what supervisors were asking you  
12 to do this?

13 A That were asking me to bring it to their attention?

14 Q Yes.

15 A Well, anytime that it was -- you know, we were just  
16 told to question the man and ask him when he cleared the  
17 trouble and we take the statement of whoever was in the  
18 field. If we saw that it was going to be close to 5:00  
19 o'clock when they're calling in, we just question them, did  
20 you give this man service, when did you give him service, and  
21 that's when we'd normally put down exactly what the repairman  
22 tells us. That's the normal procedure.

23 Q Okay.

24 A And if there was ever anything else, I don't know  
25 about it.

1 Q All right.

2 A I'm not knowledgeable of mine.

3 Q Okay. Let me show you another document other than  
4 this one.

5 Ms. Stephens, this particular document was filed by  
6 Southern Bell on April 1st, 1993 in a consolidated rate case  
7 docket and it's Southern Bell's Response to Preliminary Order  
8 No. PSC-93-0263-PCO-TL entered on February 19, 1993. And in  
9 this document there is a Martha B. Stephens at No. 551 out of  
10 the 650 names listed.

11 Have you seen this particular document?

12 (Off the record.)

13 BY MS. RICHARDSON:

14 Q First of all, I think it was No. 551, but let's go  
15 back and make sure. It's on Line 551.

16 Are you the Stephens, Martha B., that's listed  
17 here?

18 A Yes, I am.

19 Q Okay. And then after your name there's a series of  
20 numbers?

21 A Yes.

22 Q Okay. And those numbers correspond to an index  
23 listing beginning on Page 2 that the company has provided and  
24 after your name was a No. 6. And it says something about  
25 building the base of out-of-service troubles.

1 I'd like to know what you know about that.

2 MR. BEATTY: If anything at all.

3 A I don't know anything. You would have to verify  
4 what you mean by it, because I don't know what you're talking  
5 about. I know what out-of-services are.

6 Q Okay. Have you ever heard the phrase "building the  
7 base"?

8 A I don't -- not in this context. I don't know what  
9 you're talking about.

10 Q Okay. Well --

11 A You'll have to explain it.

12 Q Okay. Mentally put a period after troubles, just  
13 building a base of out-of-service troubles. So leave off the  
14 rest of that statement. Just building the base with  
15 out-of-service troubles. Have you ever heard of that?

16 A (Pause.) I can't say that I've never heard of it,  
17 but I don't know what you're trying to -- the point of it.

18 Q All right. Are you aware that the company has to  
19 fix out of service over 24s within 95 percent of the time?  
20 95 out of a hundred reports, out of services has to be  
21 cleared within 24 hours? Are you aware of that index?

22 A I don't know the index. I'm sorry.

23 Q Okay. Have you ever heard any of your managers  
24 talking about building some more out-of-services or needing  
25 some more out-of-services?



1 A No.

2 Q Okay. Have you ever heard any of your managers  
3 making reference to having to add more out-of-services to  
4 their base?

5 A No, ma'am, I haven't heard of that.

6 Q Okay. By your name is No. 17 and I think that  
7 indicates intimidation or pressure, and I'd like to know what  
8 you know about that.

9 MR. BEATTY: If anything at all.

10 MR. YOCAN: Intimidation or pressure relating to  
11 something to do with this list or what?

12 MS. RICHARDSON: Or in general. Intimidation or  
13 pressure at work, on the job.

14 A I can't say that I have been intimidated or  
15 pressured. There's always change in our company. You know,  
16 there's just pressure to know everything that's being  
17 changed, but that's not intimidation or pressure. That's  
18 just with job changing.

19 Q Just stress is what you're talking about?

20 A Yes. Well, there's always going to be change and  
21 you have to keep up with everything.

22 Q Okay. Have you ever had managers pressure you to  
23 code or status particular trouble reports in a way that you  
24 felt was improper?

25 A No. There's nothing that I can say that was

1 improper. If it was statused out of service, it's because it  
2 is out of service. If it's not out of service, it's because  
3 the test does not indicate that it's out of service and the  
4 customer doesn't indicate it. It could be another type of  
5 trouble. I mean, the way we status it is according to what  
6 the customer reports and what we test.

7 Q Have you ever felt any pressure to make sure you  
8 clear those out-of-service troubles within 24 hours?

9 A I am a screener. I don't usually have to worry  
10 about the clearing time. I screen it and get it in the pool  
11 fast for someone to go on. The clearing time is up to the  
12 forces in the field to clear the trouble if it's dispatched  
13 out or dispatched in. I mean, I don't feel like that would  
14 be any pressure on me. It is only whenever I'm screening the  
15 trouble to do that accurately.

16 Q Okay. Have you ever felt any pressure from your  
17 managers to put pressure on outside field forces to indicate  
18 that they cleared a trouble within 24 hours?

19 A I don't know about the outside field forces.

20 Q Through you is what I meant.

21 A Pressure through me?

22 Q Yes. When an ST calls in be sure, make sure that  
23 he understands he has to clear this within 24 hours, that  
24 kind of pressure.

25 A When a repairman calls in, you always dispatch them

1 and tell them the clearing time. That's part of the  
2 information they have to have is the clearing time.

3 Q Is that just to do the report or to make sure that  
4 the company meets some index?

5 A That's when they take a report from us. If we  
6 dispatch a repairman, we give them all the pertinent  
7 information on the trouble report and that's part of the  
8 information.

9 Q Okay.

10 A They have access to it now on their own CATs. They  
11 don't really have to call us unless their CAT is out of  
12 service.

13 Q All right. What about No. 27, supervisor  
14 involvement in closing troubles? What information do you  
15 have about that?

16 MR. BEATTY: Objection. It's been asked -- it  
17 hasn't been asked and answered, but certainly the  
18 response that you're going to get has already been  
19 provided twice.

20 You can respond, ma'am, if you can.

21 A Well, supervisor involvement in closing troubles,  
22 what do you mean?

23 Q Okay. Does that mean anything different to you  
24 than what you're already spoken to me about, having to take a  
25 trouble that's about to go out over 24 to your supervisor for

1 information purposes?

2 A We do not have to take anything like that to our  
3 supervisor now.

4 Q Okay. When did that practice --

5 A There's no difference than what I told you before.

6 Q Okay. Do you know when that practice stopped?

7 A No, I don't.

8 Q Okay. Do you know what a no-access is; a  
9 no-access?

10 A Yes.

11 Q All right. Can you briefly tell me what a  
12 no-access is?

13 A It's when a repairman has been dispatched out on a  
14 trouble and the customer is not there to give access, if they  
15 have a jack trouble or some type of trouble inside the house  
16 and they need to go inside to make repairs.

17 Q Okay.

18 A And they have to no-access it.

19 Q All right. And do you know if anyone -- let me ask  
20 you this first: Do you know if a no-access would stop that  
21 24-hour repair clock?

22 A When the customer is not there and available to  
23 give us service, it's no-access, and the time that they  
24 no-access it, of course, is the time that it would stop, I  
25 assume.

1 Q Okay. Do you know anyone who has taken  
2 out-of-service reports and no-accessed them just to keep them  
3 from running over 24 hours?

4 A No, I don't know of anyone.

5 Q Do you know of anyone who has no-accessed reports  
6 without dispatching them?

7 A I have no knowledge of that, no.

8 Q Do you know what a CON Code, C-O-N, carried-over no  
9 code is?

10 A Well, we've been told we don't use that.

11 Q Okay.

12 A I mean, we don't ever have to have the opportunity  
13 to use them. That's when a customer -- like he puts a  
14 commitment way off two weeks from now or something like that,  
15 we don't usually -- we just go ahead and status them to the  
16 pool. We don't use that CON Code. We status them to the  
17 pool.

18 Q Okay. Has that been the case throughout your  
19 roughly ten years as an MA, that you don't use the CON Code?

20 A I really don't know what was happening, but I don't  
21 use the CON Code because I wasn't aware of it.

22 Q Okay. So you've never used it?

23 A It was just brought up that we do not use it.  
24 Someone may have, but I don't know.

25 Q Okay. But you never have personally used it?

1 A A CON Code?

2 Q Yes, ma'am.

3 A Not that I can recall.

4 Q Okay. What's a Test OK report?

5 A It's just whenever the customer comes in and  
6 there's really -- they may have noise on the line but it's  
7 testing okay. You can't always test for noise. Test OK can  
8 be for a lot of different things, like it could be on a jack  
9 problem. It's a report where you have a genuine Test OK.  
10 You know, your equipment tests it --

11 Q All right.

12 A -- and it's okay. We show no shorts, nothing on  
13 there. It's a good test.

14 Q Now, are those the kind of reports that you would  
15 close in-house without dispatching?

16 A No, you don't close those. It's according to the  
17 nature of the report. When the customer calls in a report to  
18 us, if he states that he's having noise, transmission, if he  
19 states he's having a jack problem or a physical drop problem  
20 or some type of trouble where his test may be Test OK, but  
21 there's no indication, you know, from the test that you would  
22 close it out because, if he's having a jack problem, you  
23 don't close it out.

24 Q Okay.

25 A Or if he's got a drop problem, you don't close it

1 out. You send out on it.

2 Q All right. If he's having a jack or a drop  
3 problem, wouldn't he be having more than just noise?  
4 Wouldn't it be out of service?

5 A No, ma'am. There's reattaching of drops, there  
6 could be a loose drop, it could be anything that would not  
7 affect his service at all. There is times when it could  
8 affect his service but you would have a test that would show  
9 it. You'd have a short or a ground or something and he would  
10 let you know that it's a no dial tone then.

11 Q All right. Would those reports, the no-dial-tone  
12 reports, get stasured as Test OKs?

13 A Not if they're testing okay, they do not get  
14 stasured an out-of-service, you know. You know, a test may  
15 not be correct then.

16 Q Okay.

17 A If they're out of service and it's testing okay and  
18 they're saying my jack or -- I mean -- not my jack, my drop  
19 is cut or in half, we know it's affecting his service. I  
20 don't know how it could give a test okay. I mean, our  
21 equipment, I think, is a little bit more sophisticated than  
22 that.

23 Q All right. Based on your experience and training,  
24 would it be proper to take a series of Test OK reports and  
25 just close them out as out of service?

1 A Would you repeat that, please?

2 Q Yes. Based upon your experience and training,  
3 would it be proper in your opinion to take just a group or a  
4 batch of Test OK reports and just close them out as out of  
5 service?

6 A No. You don't close anything out without  
7 contacting the customer?

8 Q Okay. Have you ever heard of that being done, just  
9 taking a batch of Test OKs and close them out as out of  
10 service?

11 A No. I don't know what you're talking about,  
12 because we do -- Test OKs, you have to contact the customer  
13 even on that to close it out. You should try and contact the  
14 customers.

15 Q Have you ever heard of anyone taking the phone book  
16 and just creating a bunch of trouble reports and then closing  
17 them out as Test OKs out of service?

18 A No.

19 Q Have you ever heard of anyone just creating  
20 fictitious trouble reports?

21 A No.

22 Q Have you heard of anyone requiring maintenance  
23 administrators not to status out of service up front but wait  
24 until closeout?

25 A No.



1 Q Has any manager ever told you don't status any  
2 out-of-services today?

3 A No.

4 Q Has that message ever just sort of appeared in the  
5 maintenance center, not necessarily verbally given by one  
6 manager to one MA, but just generally a message board or a  
7 memo going around "Don't status any more out-of-services  
8 today"?

9 A No.

10 Q Do you know anybody who's used somebody else's  
11 employee code?

12 A I haven't got knowledge of that. I mean, I have no  
13 knowledge of that.

14 Q Do you know if anyone has ever used your employee  
15 code to status a report?

16 A Not to my knowledge.

17 Q Okay. Do you know if there are certain disposition  
18 and cause codes that would keep a report from being counted  
19 as a miss against the company on that out of service over 24?

20 A Would you mind repeating that? You're going a  
21 little bit fast.

22 Q Yes. What's a disposition code?

23 A That isn't what you asked me.

24 Q I know. I'm starting over. I'm backing up.  
25 What's a disposition code?

1           A       Disposition code. It's not your disposition or  
2 mine. It is a code.

3           Q       Okay.

4           A       I mean, there's a lot of disposition codes, but I  
5 just cannot tell you every disposition code there is.

6           MR. YOCAN: She's asking what disposition codes  
7 do.

8           Q       What generally is the purpose or definition on a  
9 report? What do they show on a report?

10          A       They usually show what trouble was found when the  
11 repairman goes to close it out. A disposition shows the  
12 trouble that was cleared, what he had to do to clear it.

13          Q       Okay. So one might be a disposition code for a  
14 central office type problem?

15          A       Yes. There is different dispositions for different  
16 type troubles that are cleared.

17          Q       Okay. And cable might be another one?

18          A       Yes. A cable is in a different disposition group.

19          Q       All right. And then what's a cause code?

20          A       A cause code is a three-digit code that we use to  
21 determine the cause of the trouble as well as we can. I  
22 mean, usually if it's unknown, there's a cause code for that.  
23 If they know the cause, there's a cause code for it.

24          Q       All right. Is there a code for when a customer  
25 just deliberately stops his service and he yanks the phone or

1 the jack off the wall or malicious damage type?

2 A Is there a cause code for what now?

3 Q For that malicious damage, customer fault. The  
4 customer created his own trouble.

5 A Yes, there is a code for that. I mean, I don't  
6 have my cause codes here and I haven't got -- I'm not that  
7 well up that I can tell you the exact code it is.

8 Q That's all right. I'm not going to ask you the  
9 number.

10 A Okay.

11 Q Are there certain cause codes for weather-type  
12 conditions?

13 A Yes, there are.

14 Q Okay. Now out of these disposition and cause codes  
15 are there certain ones of those that would exclude an  
16 out-of-service report from being counted as a miss against  
17 the company on that out-of-service over 24?

18 A I only know the cause codes. I don't know what  
19 you're talking about. I can tell you what cause codes are  
20 and I can tell you that you know if there's a hurricane or if  
21 there's a tornado or if there's lightning, that's an act of  
22 God and we use a cause code for that.

23 Q Okay. And are acts of God counted against the  
24 company if they're not fixed within 24 hours?

25 A I would assume not an act of God. I don't know.

1 Q Do you know if anyone has ever required you to use  
2 certain cause codes like acts of God codes on trouble reports  
3 even when they didn't apply?

4 A No.

5 Q Have we talked about excluding reports yet? I'm  
6 trying to remember. I don't want to cover it if you've done  
7 it.

8 A We talked about all of them I think.

9 MR. YOCAN: I thought we had covered that at  
10 least in relation to how different reports are handled,  
11 whether they've been used when we were discussing the  
12 base and all that.

13 BY MS. RICHARDSON:

14 Q Well, let me talk to you about excluding report on  
15 final status.

16 Are you aware of the company practice on excluding  
17 reports?

18 A I know what are legitimate excludes that the  
19 company has.

20 Q That's exactly what I want to ask you.

21 A And that's exactly what we do.

22 Q That's what I'm going to ask you about, the  
23 legitimate excludes. All right.

24 Do you know whether an out-of-service report that  
25 has been dispatched, has a disposition and cause code, could

1 be legitimately excluded?

2 A A dispatch?

3 Q Dispatched and it has a disposition and cause code.  
4 There was a real trouble out there, it was fixed, it was  
5 repaired, can that be legitimately excluded?

6 A I don't know. I wouldn't think so. I mean I don't  
7 -- if you give me an incident, maybe I'd know what you're  
8 talking about.

9 Q All right. Do you know of anyone who has on final  
10 status taken out-of-service reports and excluded them to keep  
11 them from showing as out of service over 24?

12 A No.

13 Q Have you ever been given instructions to exclude a  
14 series of reports?

15 A No.

16 Q Okay. Have you ever been given instructions to  
17 exclude reports that you felt was improper, the instruction  
18 being improper?

19 A I thought I answered that.

20 Q Let me ask you: I believe you said something about  
21 the CON type reports are statused to the pool. Do you  
22 remember making a statement like that today?

23 A Would you mind repeating that?

24 Q C-O-N type reports are statused to the pool. Did  
25 you say that?

1 MR. YOCAN: I think she did use the phrase  
2 "stated to the pool."

3 THE WITNESS: But I didn't say C-O-N type reports  
4 were stated. We don't use CON. I status to the pool.  
5 I don't status to C-O-N.

6 BY MS. RICHARDSON:

7 Q And what is statusing to the pool?

8 A Well, we have dispatch pools.

9 Q Okay. That clarifies it for me. Thank you.

10 Well, let me ask you: When you say status to the  
11 pool, do you mean you're just putting it in the dispatch pool  
12 to be put out on dispatch?

13 A When we screen a trouble and we put something in  
14 the dispatch pool, it's stated a certain way where there  
15 will have to be a repairman to go on it on a commitment date.

16 Q All right.

17 A Like you said something about two weeks from now  
18 they want a jack fixed.

19 Q All right.

20 A You put it in the dispatch pool. That's what we  
21 call it, a dispatch pool. You're not familiar with that?

22 Q Okay.

23 A Okay.

24 Q When you do that does that affect at all that  
25 24-hour commitment?

1           A        It does not affect the 24-hour commitment because  
2 why would it be out of service if it said jack problem two  
3 weeks from now. If it really is out of service, we status it  
4 out of service.

5           Q        Okay. And that has a different commitment time  
6 then?

7           A        I don't know. If they can give them an earlier  
8 commitment, they give them earlier commitments. But if the  
9 customer is not able to be there, how can you make a  
10 commitment earlier than what the customer wants? You don't  
11 want to dispatch a man out tomorrow and he's not even going  
12 to be there. And if it's a jack problem, you wouldn't want  
13 him to go out on a jack problem tomorrow if he's not going to  
14 be there and he's not going to be there until the date he  
15 tells you.

16          Q        All right. Do you handle those as future date  
17 requested?

18          A        No. I put it into the pool. I don't know if I'm  
19 doing it right, but I put it in the pool.

20          Q        Okay.

21          A        It it's a future -- I mean, I'm elaborating when I  
22 say two weeks from now. I haven't ever had one to have --  
23 you know, make a commitment like that, but I'm just using  
24 that to let you know what I mean. If you go on it tomorrow  
25 and the man's not going to be there, that wouldn't be

1 logical. So whenever I'm going to be there, that's the date  
2 you dispatch, but it's in the dispatch pool.

3 Q Have you ever been disciplined by any of your  
4 managers for improper handling of trouble reports?

5 A What do you mean by disciplined?

6 Q Received a B Form?

7 A No.

8 Q Has anyone, any manager ever verbally counseled you  
9 about your handling of trouble reports?

10 A Any time we have an evaluation, they go over any of  
11 our errors. Is that what you're talking about?

12 Q And these evaluations are annual evaluations?

13 A No. They are usually set up on three months.

14 Maybe it hasn't been right on the dot. Sometimes six months.

15 Q Okay. That's not really what I'm talking about.

16 Have you ever had occasion to protest an  
17 instruction that you received from a manager that you felt  
18 was improper -- the instruction being improper?

19 A I can't remember any time, no.

20 Q Okay. Have you ever protested to a higher level  
21 supervisor instructions you've received from a manager on  
22 statusing or coding trouble reports?

23 A No.

24 Q Have you ever filed a grievance?

25 A Oh, I have filed a grievance, yes. I think one



1 time when I was PTIMC. I don't really think it went  
2 anywhere. I don't remember filing a grievance since I've  
3 been a maintenance administrator.

4 Q Okay. Have you ever worked in sales for the  
5 company?

6 A No.. I've never been in any department except  
7 network, long distance operator, and one time I was in yellow  
8 pages and white pages, but I never did do any sales.

9 Q Okay. Has anyone while you were an MA asked you  
10 help sell products or services for the company?

11 A While I was an MA?

12 Q Yes.

13 A I have sold features to customers. Whenever you  
14 contact a customer and they don't have certain features, I  
15 have sold them features at one time, but it was personal  
16 contact, you know, where you know the customer doesn't have a  
17 certain feature and you explain it to them and ask them if  
18 they want it during the sales periods when they were offering  
19 the service order fee where the customer would not have to  
20 pay it, let them try it out, and, yes, some of them did  
21 accept. It wasn't pressure though.

22 Q No pressure on you or no pressure from you?

23 A No, no pressure on me.

24 Q To sell?

25 A No.

1 Q Okay. Were you trained to do that sales? Did you  
2 get any training for that?

3 A I have training in all the features and how they  
4 used them and -- because we have to deal with it every day,  
5 explaining features to people.

6 Q Did you have any specific training in the sales  
7 techniques you might be using? Not in the meaning of the  
8 features or how the features are used, but any particular  
9 sales techniques and how to go about selling a feature to a  
10 customer?

11 A Well, I don't know what you call training.

12 Q Okay.

13 A In other words, you're saying that I being an MA  
14 would not be able to tell another person about a feature?

15 Q I'm not saying you shouldn't or couldn't, I'm  
16 asking -- I'm trying to figure out a way to say sales  
17 training.

18 For instance, do you know if service  
19 representatives for the company go through some kind of sales  
20 training course before they start selling features to  
21 customers?

22 A I don't know what they do in that department.

23 Q Okay. Then let me ask you this: Do you know of  
24 anyone who has sold a service, a feature of service, wire  
25 service maintenance plan type of thing to a customer without

1 that customer's permission? Or approved it, I guess is the  
2 way to put it.

3 A I don't know. I really don't know. I just know  
4 there's been some internal investigation about that, but I  
5 don't know who they are or who did it.

6 Q Okay.

7 A I can't tell you specifics on that. I just read  
8 the papers like you did.

9 Q Okay. Do you or have you ever yourself recorded a  
10 sale of a feature or service to the customer without the  
11 customer's approval?

12 A No.

13 Q Has any manager ever given you a list of customers  
14 and said just report sales from these without contacting the  
15 customer?

16 A No.

17 Q Did you ever spend any time, not necessarily  
18 connected to your MA duties but off your MA duties, just  
19 putting strictly on sales, a day, two days a week, something  
20 like that?

21 A No.

22 Q When you were doing the sales while you were an MA  
23 did you get any instructions for keeping track of the amount  
24 of time that you spent doing the sales versus the amount of  
25 time you spent working on the repair part?

1 A No.

2 Q Ms. Stephens, I think that's all the questions that  
3 I have for you unless somebody jogs my memory. I want to  
4 thank you for being here today and for answering my  
5 questions.

6 A Okay.

7 Q Maybe the Commission Staff or someone may have a  
8 few questions before you go.

9 EXAMINATION

10 BY MR. VINSON:

11 Q Ms. Stephens, I have a couple of real quick  
12 questions for you.

13 This is where you were about to close a trouble  
14 report that would be over 24 hours, an out-of-service trouble  
15 report that you were to contact the manager at one time?

16 A Well, we always had to bring it to their attention,  
17 and they would have -- this was just what we did. Out-of-  
18 services, we brought it to the manager's attention if we saw  
19 it was going to be over so that they would have knowledge of  
20 it and put it in the narrative in my final status.

21 Q In those instances, would you, yourself, be the  
22 person who made the entries and entered the actual final  
23 status time or clear time?

24 A Yes.

25 Q So in those instances the manager didn't ask you to

1 change it?

2 A No. You don't change any of it, no.

3 Q Okay.

4 A What the repairman says, we take that as the time  
5 he cleared it.

6 Q You were just notifying the manager and then you  
7 just enter it as the ST told you?

8 A Right.

9 MR. VINSON: Okay. Thank you.

10 MS. RICHARDSON: Thank you, Ms. Stephens.

11 (Witness excused.)

12 (Whereupon, the deposition concluded at 3:46 p.m.)

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This is to certify that I, MARTHA STEPHENS, have read the foregoing transcription of my testimony, Page 7 through 43, given on May 6, 1993, in Docket Nos. 910163-TL and 910727-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_  
MARTHA STEPHENS

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
NOTARY PUBLIC

State of \_\_\_\_\_

My Commission Expires:



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STATE OF FLORIDA )

CERTIFICATE OF OATH

COUNTY OF DUVAL )

I, the undersigned authority, certify that Martha Stephens personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 4<sup>th</sup> day of June, 1993.

*Marie C. Gentry*  
Marie C. Gentry  
Notary Public - State of Florida  
My Commission No. CC251746  
Expires: 1/21/97

OFFICIAL NOTARY SEAL  
MARIE C GENTRY  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC251746  
MY COMMISSION EXP. JAN. 21, 1997

1 STATE OF FLORIDA )  
2 COUNTY OF DUVAL )

CERTIFICATE OF REPORTER

3 I, Marie C. Gentry, Court Reporter,

4 DO HEREBY CERTIFY that I was authorized to  
5 and did stenographically report the foregoing  
6 deposition of Martha Stephens;

7 I FURTHER CERTIFY that this transcript,  
8 consisting of 43 pages, constitutes a true record of the  
9 testimony given by the witness.

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

15 DATED this 4th day of June, 1993.

16 Marie C. Gentry  
17 Marie C. Gentry, Court Reporter  
18 Telephone No. (904) 264-2943

18 STATE OF FLORIDA )  
19 COUNTY OF DUVAL )

20 The foregoing certificate was acknowledged before  
21 me this 4th day of June, 1993, by Marie C. Gentry, who  
22 is personally known to me.

23 Patricia H. Vierengel  
24 Notary Public - State of Florida  
25 Patricia H. Vierengel  
My Commission expires 6-31-93