

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL
FILED: June 16, 1993

920260-FL

In re: Petition on behalf of
CITIZENS OF THE STATE OF FLORIDA
to initiate investigation into integrity of
SOUTHERN BELL TELEPHONE & TELEGRAPH COMPANY'S
repair service activities and reports.

DEPOSITION OF: MELANIE DAVIS

DATE: June 30, 1993

TIME: Commenced at: 4:35 p.m.
Concluded at: 7:00 p.m.

PLACE: Southern Bell Telephone and Telegraph Co.
666 Northwest 79th Avenue, Room 674
Miami, Florida 33126

REPORTED BY: AMAR KREDI
Registered Professional Reporter,
Notary Public, State of Florida At Large
Suite 1014, Ingraham Building
25 Southeast 2nd Avenue
Miami, Florida 33131

TAKEN BY: The Citizens of Florida, by and through
Janis Sue Richardson,
Associate Public Counsel

PURSUANT TO: Florida Rule of Civil Procedure
1.310 (b) (6)

DOCUMENT NUMBER-DATE

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I-N-D-E-X**WITNESS****DIRECT CROSS REDIRECT RECROSS**

Melanie Davis

(By Ms. Richardson)

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(By Mr. Vinson)

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EXHIBITS**Identification**

Davis Exhibit No. 1

26

1 THEREUPON:

2 MELANIE DAVIS,

3 having been first duly sworn, was

4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. RICHARDSON:

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

9 A. Melanie Davis, M-E-L-A-N-I-E, Davis, D-A-V-I-S.

10 Q. Would you please give us your address, Ms. Davis?

11 A. 666 Northwest 79th Avenue, Room 626, Miami, Florida.

12 Q. Is there a zip code for that?

13 A. Yes, but I'm not sure what it is.

14 Q. Is that a business address?

15 A. Yes.

16 Q. Do you have a phone number, please?

17 A. 305-263-3363.

18 Q. Are you represented by an attorney here today?

19 A. Yes, I am.

20 MS. RICHARDSON: I'll ask him to place his appearance
21 on the record.

22 MR. SCOLA: Robert Scola on behalf of Melanie Davis.

23 BY MS. RICHARDSON:

24 Q. Ms. Davis, have you discussed this deposition here
25 today with anyone other than your attorney or the attorney for

1 Southern Bell?

2 A. No.

3 Q. Has anyone advised you that you would not be
4 disciplined based upon whatever you told us here today?

5 A. Yes.

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

9 A. Yes.

10 Q. Have you given a statement to a company investigator
11 in the past?

12 A. Yes.

13 Q. Do you remember when that was?

14 A. No, I don't remember the exact date, no.

15 Q. Do you remember an approximate time frame?

16 A. Sometime in '91.

17 Q. Okay. Did you give just one statement or make two or
18 three?

19 A. I either made three or four. I'm not sure. I can't
20 remember.

21 Q. Was the first one in 1991?

22 A. All of them were, I believe.

23 Q. Okay. Who was present at your first statement?

24 A. Hampton Booker. And I don't remember if anyone else
25 was there or not.

1 Q. Was Mr. Booker representing the Security Department at
2 that time?

3 A. Yes.

4 Q. Do you know if there was an attorney present?

5 A. I'm sure there was but I don't remember who.

6 Q. Okay. And on the second occasion, do you remember who
7 was there for your second statement?

8 A. All but one of my statements were given to Hampton
9 Booker. And again, I don't recall who else was there. Someone
10 else was present each time, but I don't recall who.

11 Q. Do you remember if there was an attorney present at
12 any of these other three statements?

13 A. I believe there was an attorney present. Who, I do
14 not remember.

15 Q. Did you discuss those statements with anyone?

16 A. No.

17 Q. Have you given a statement to the Attorney General?

18 A. Yes.

19 Q. Do you remember when you made that statement?

20 A. I think that was last year, 1992.

21 Q. Okay. How many statements did you make to the
22 Attorney General?

23 A. You mean how many times did I visit? I mean, did I
24 have to go back or what?

25 Q. Okay. In terms of your first statement, did it take

1 more than one visit to complete your first statement?

2 A. Yes. Yes, I had to go twice.

3 Q. All right did you make any further statements after
4 those two visits?

5 A. No.

6 Q. What's your present position with the company?

7 A. I'm a staff manager for network.

8 Q. Is that a first level position, do you know?

9 A. No, it's a second level position.

10 Q. Second level.

11 Okay. And how long have you held that position?

12 A. Six or seven years. I'm not sure.

13 Q. Okay. And what was your job right before you became a
14 staff manager for network?

15 A. I had a central office job, first level in switch
16 services.

17 Q. Did that position in the central office involve
18 working with customer trouble reports?

19 A. Occasionally.

20 Q. Okay. And what was the nature of your work with
21 customer trouble reports at that time?

22 A. If there was something in the central office that
23 caused a customer's service to go out, it was their
24 responsibility -- our responsibility to repair it once it was
25 called to our attention.

1 Q. Okay. Who is your present supervisor?

2 A. Robert Suarez.

3 Q. And how long has Mr. Suarez been your supervisor?

4 A. About two years.

5 Q. Who was it before Mr. Suarez?

6 A. April Ivy.

7 Q. And how long was Ms. Ivy your supervisor?

8 A. Two to three years.

9 Q. And did you have any other supervisors while you were
10 in staff network then?

11 A. John O'Hare.

12 Q. Were those three individuals the only supervisors you
13 had while you were in staff network?

14 A. For a very brief time, maybe two months or so, I had a
15 gentleman by the name of Tom Calvert.

16 Q. And who was your supervisor when you were working in
17 the central office?

18 A. Well, the most recent one I had was Dave Worley.

19 Q. And do you recall any other supervisors besides
20 Mr. Worley while you were in the central office?

21 A. I had a gentleman by the name of Steve Greenwell, Don
22 Kemp, John Benedict. That's all I can remember.

23 Q. Okay. Who is your operations manager right now?

24 A. T. C. Taylor.

25 Q. And how long has he been your operations manager?

1 A. Almost five years.

2 Q. Okay. Did you have another operation manager while
3 you were working in network besides Mr. Taylor?

4 A. Just John O'Hare and Tom Calvert briefly.

5 Q. Okay. Do you recall who your operations manager was
6 while you were in the central office?

7 A. I recall several but I'm not sure which order.

8 Q. That's fine.

9 A. One was a gentleman by the name of Tad Rubin, John
10 Benedict. I think that's all I can remember.

11 Q. Okay.

12 A. That's going pretty far back.

13 Q. All right. What does your work involve as a staff
14 manager for network?

15 A. To -- currently? Are you speaking about currently
16 today?

17 Q. Yes, your position presently.

18 A. Right now I am -- I do compliance reviews for the IMCs
19 in the State of Florida.

20 Q. Do you work the entire state?

21 A. Predominantly South Florida but other areas when it's
22 necessary to meet a schedule.

23 Q. Okay. Are these reviews on a set schedule?

24 A. Yes.

25 Q. And how often are these compliance reviews conducted?

1 A. There are two per IMC per year.

2 Q. And when was that schedule set?

3 A. I'm not sure. I think December of '92.

4 Q. What was it before that schedule was set? How often
5 were reviews done?

6 A. The previous year for myself, '92, I did one per IMC
7 per month.

8 Q. Okay. The December 1992 scheduling of two per IMC per
9 year, was that a change over what had been done or was that
10 just a written policy that was taking a standard policy and put
11 it in writing?

12 Do you understand what I'm saying? I'm a little
13 tired. I can rephrase if you need me to.

14 A. Would you mind rephrasing?

15 Q. I'll gladly try to do that.

16 I believe you indicated that the policy of two per IMC
17 per year you thought started in December of 1992.

18 Is that part right?

19 A. Correct.

20 Q. All right. Before December of '92, were you following
21 that policy, also, of two compliance reviews per IMC per year?

22 A. No. I did more in 1992 than I'm doing in '93.

23 Q. Okay. It's my problem with thinking about dates.

24 So the policy was really set for '93 then.

25 Okay. In 1991 was there a policy on the number of

1 compliance reviews that were to be done?

2 A. Not to my knowledge.

3 Q. Okay. When you were doing one per IMC per month, was
4 that at your discretion to do that many?

5 A. No.

6 Q. All right. Were you directed to do those particular
7 reports?

8 A. Yes.

9 Q. And who directed you to do those reports?

10 A. My immediate supervisor.

11 Q. And who was that at that time?

12 A. Robert Suarez.

13 Q. Okay. And who initiated the policy of two per IMC per
14 year?

15 A. I'm not -- the policy of two? The current policy?

16 Q. Yes, the current policy.

17 A. I believe that is as a result of a settlement
18 agreement.

19 Q. Is that the settlement agreement that Southern Bell
20 reached with the Attorney General?

21 A. I believe so.

22 Q. Do you do any other work besides the two compliance
23 reviews per IMC per year in your present position?

24 A. Yes.

25 Q. And what other work do you do?

1 A. Well, the job assignment or the position that I'm on,
2 the staff I'm on is the implementation staff. New technology
3 when it is introduced has to be -- people have to be trained on
4 that, and part of their training is my responsibility.

5 Q. Okay. Have you done any training in the past prior to
6 this present work?

7 A. Yes.

8 Q. What kind of training did you do in the past?

9 A. Any new technology that's come to the maintenance
10 center arena associated with customer service of any type that
11 involves maintenance center personnel, I've done training on
12 that.

13 Q. Okay. Ms. Davis, I'm going to show you a document and
14 this particular document this is called Citizens Third Set of
15 Interrogatories.

16 An interrogatory essentially is a question that I've
17 asked in writing of the company, and they send me back a
18 written response.

19 I asked the company to identify all employees who had
20 knowledge about recording out of service reports as affecting
21 service reports on customer records.

22
23
24 And what I'd like to do is to show you this document
25 and give you a chance to read it. We'll go off the record.

1 And if you want to discuss it with Mr. Scola, you'll have time
2 to do that, and when you're ready, then we'll go back on the
3 record and I'll ask you some questions about it.

4 (Discussion off the record, with the agreement of the
5 witness and all parties present)

6 BY MS. RICHARDSON:

7 Q. The question that was posed here in this document was
8 employees who had knowledge about recording out of service
9 reports as affecting service on repair forms.

10 What information do you have about that?

11 MR. BEATTY: If any at all.

12 A. Every review has a module on out of service versus
13 affecting service.

14 Q. Okay.

15 A. So very generally I'm aware that there are times when
16 out of service reports are not statused out of service, and I'm
17 also aware of reports that are not out of service -- excuse me.
18 I'm aware of reports not statused out of service that should be
19 and vice versa in day-to-day work.

20 Q. Okay. In any of those reviews that you've done that
21 you've become aware of this, do you know of or have you formed
22 any opinion that these statusing problems arose from an attempt
23 to manipulate the out of service -- let me start over.

24 A. Okay.

25 Q. In any of these reviews where you've found a problem

1 with statusing, have you formed any opinions as to whether this
2 problem was associated with an attempt to manipulate the PSC
3 out of service over 24-hour index?

4 MR. BEATTY: I'm going to object to that question.

5 The answer may possibly fall within the purview of the
6 attorney-client privilege and attorney work product
7 doctrine with respect to certain duties that Ms. Davis
8 assumed on behalf of the Legal Department; therefore, at
9 least to that extent, I would request with indulgence of
10 counsel that she not respond.

11 Of course, if the witness can respond other than
12 providing information as I've just indicated, of course,
13 the witness should do that.

14 A. With regard to reviews that I personally have
15 performed, I have no opinion to that effect.

16 BY MS. RICHARDSON:

17 Q. Okay. Did you participate in the company's internal
18 investigation?

19 A. Yes.

20 Q. What was the nature of your participation?

21 MR. BEATTY: I would object on the grounds that to
22 disclose that would disclose attorney-client privilege,
23 attorney work product privileged information, and with
24 indulgence of counsel, I would request the witness not
25 respond.

1 A. I'm sorry but I refuse to answer that question.

2 BY MS. RICHARDSON:

3 Q. Okay. Do you have any evidence of employees
4 deliberately mis-statusing trouble reports in order to
5 manipulate the PSC index?

6 MR. BEATTY: I would object on the grounds that the
7 information disclosed in the answer may fall within the
8 purview of the attorney-client privilege and attorney work
9 product doctrine, and to that extent, with the indulgence
10 of counsel, I would request that she not respond.

11 Of course, she can respond to the extent that
12 information is not included in the information I've just
13 described.

14 MR. SCOLA: If the question calls for an answer which
15 is based upon the knowledge that she gained apart from her
16 work as part of the company's investigation, then she can
17 answer it.

18 A. With regard to the North Dade Maintenance Center and
19 , specifically, who were found to
20 be involved in statusing trouble reports that were test okayed
21 to out of service, I am aware that and did see that that was
22 being done in that maintenance center.

23 BY MS. RICHARDSON:

24 Q. Okay. And then do you have any other evidence that
25 you are withholding based upon counsel's claim of privilege?

1 MR. BEATTY: And please just respond yes or no or I
2 don't know without getting into the substance of any
3 answer that you may have.

4 A. Yes.

5 BY MS. RICHARDSON:

6 Q.

7

8 We asked the company to identify employees who had
9 knowledge about recording an extension of time for repairs when
10 a customer was not contacted.

11

12

13

14 And again, we'll go off the record and I'll allow you
15 to read the whole thing and discuss it with Mr. Scola, and when
16 you're ready, then we'll go back on the record.

17

18 (Discussion off the record, with the agreement of the
witness and all parties present)

19 BY MS. RICHARDSON:

20 Q. What information do you have about the improper use of
21 the CON procedure?

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

23 It's ambiguous.

24 A. First of all, none of this knowledge has anything to
25 do with the internal audit that I assisted with.

1 BY MS. RICHARDSON:

2 Q. All right.

3 A. The only knowledge I have about the CON status code
4 came as a result of some -- of a telephone call to my boss
5 regarding the Miami Metro District.

6 Q. Who was your boss at the time?

7 A. April Ivy.

8 Q. And what was occurring in the Miami Metro District
9 that created that phone call?

10 A. A large volume of CONs when compared across the state,
11 a large percentage of the CONs occurred in that area, Miami
12 Metro.

13 Q. Okay. And did you do any research into that?

14 A. No, I did not.

15 Q. Was anyone given an assignment to do a review of the
16 CON procedure or research it?

17 A. Not that I know of.

18 Q. Do you know what, if any, findings were made regarding
19 that phone conversation with Ms. Ivy?

20 A. No, I don't know.

21 Q. Okay. Do you know how the results were found that
22 statistically across the state more were being done in Miami
23 Metro than across the state?

24 A. I know that my co-workers were working investigating
25 something else, that, which I don't know, and accidentally

1 discovered this. And when it was discovered, we were notified.

2 Q. Do you know if any action was taken after Ms. Ivy
3 received this information?

4 A. What do you mean by that?

5 Q. Was anyone in Miami Metro contacted regarding a
6 follow-up conversation to the initial conversation with
7 Ms. Ivey?

8 A. When Ms. Ivey was notified, the maintenance center was
9 contacted that same day.

10 Q. Do you know who was contacted in that maintenance
11 center?

12 A. Yes.

13 Q. And who was that?

14 A. Sandy Terry.

15 Q. Sandy Terry.

16 Do you know if Ms. Terry -- what Ms. Terry's response
17 was regarding this information?

18 A. Yes. To the best of my recollection, I cannot give
19 you a direct quote, her response was, we are aware of this
20 situation, it was an employee who did not understand what
21 they were doing and this employee no longer works here.

22 Q. Okay. And do you know which employee that was?

23 A. No, I do not.

24 Q. In any of the reviews that you've done in the Miami
25 Metro Center since that time, have you found any other above

1 average use of the CON code?

2 MR. BEATTY: Is your question to the exclusion of any
3 work that she may have done that would be privileged and
4 confidential?

5 MS. RICHARDSON: No, I'm not excluding any information
6 that she may have from the privileged audit.

7 MR. BEATTY: To the extent that an answer might
8 include information that is privileged pursuant to the
9 attorney-client and the attorney work product doctrine, I
10 would request with indulgence of counsel that she not
11 respond.

12 A. The answer is no.

13 BY MS. RICHARDSON:

14 Q. Do you have any information that you're withholding
15 based upon counsel's claim of privilege?

16 A. No, I do not.

17 Q. Do you know if a review was done of the CON procedure
18 or the use of the CON code statewide?

19 MR. BEATTY: I will object to the question to the
20 extent that the answer would include information that is
21 within the attorney-client or the attorney work product
22 privileges and request with indulgence of counsel that the
23 witness not respond.

24 A. I don't know.

25 BY MS. RICHARDSON:

1 Q. All right. I'm going to show you a third page from
2 the same set of interrogatories.

3 And we asked the company to identify the names of any
4 employee who had any knowledge about changing test okay repair
5 service forms or records to out of service repair forms or
6 reports,

7
8
9 We'll go off the record again.

10 (Discussion off the record, with the agreement of the
11 witness and all parties present)

12 BY MS. RICHARDSON:

13 Q. What information do you have about the statusing of
14 test okays as out of service?

15 MR. BEATTY: I would object to the extent this
16 question elicits an answer which is subject to the
17 attorney-client privilege and the attorney work product
18 privileges. I would object and request the witness not
19 respond unless she has information other than that which I
20 have just defined.

21 A.

22 and test okays out of service, and I have other
23 information which I'm refusing to give you answers to.

24 BY MS. RICHARDSON:

25 Q. Would you briefly explain the information related to

1
2 A. During a review that was performed there, a module
3 called test okay out of service was performed, and it was
4 discovered during that through analysis that the maintenance
5 center was statusing test okay trouble reports as out of
6 service when they clearly were not.

7 As a result of that were terminated.

8 Q. Have you had occasion to review that center since that
9 time on the use of test okay reports?

10 A. Yes.

11 Q. Have you found any further problems with statusing
12 test okay reports as out of service in that center since
13 were terminated?

14 MR. BEATTY: Objection. I would object to the extent
15 that that question would elicit a response that falls
16 within the purview of the attorney-client privilege
17 and the attorney work product doctrine, and therefore,
18 with indulgence of counsel, I would request the witness
19 not respond to the extent that she has no other
20 information.

21 A. I'll answer only to the extent that it is not
22 associated with the internal audit but with reviews that I have
23 done as a staff person on the North Dade Maintenance Center,
24 and I have not found this instance to occur since.

25 BY MS. RICHARDSON:

1 Q. Okay. I'd like to show you another document
2 Ms. Davis.

3 This one is titled Southern Bell's Response to
4 Preliminary Order Number PSC-93-0263-PCO-TL entered on February
5 19th, 1993. The company filed this document in its rate case
6 before the Commission on April 1st, 1993.

7 MS. RICHARDSON: Thank you, Mr. Scola. Page six.

8 BY MS. RICHARDSON:

9 Q. There is a Melanie Davis, line 130 on page six. Okay.
10 And by your name appears a series of numbers, and I would like
11 to ask you about a few of those.

12 Number three indicates rebates for out of service over
13 24 hours.

14 Do you know if a customer is due a rebate if they are
15 out of service more than 24 hours?

16 A. Yes.

17 Q. Do you know of any customers who may have been denied
18 a rebate because of improper handling of their customer trouble
19 records?

20 MR. BEATTY: To the extent that this question would
21 elicit a response from this witness that falls within the
22 purview of the attorney-client privilege and the attorney
23 work product privilege, I would object and request the
24 witness not respond.

25 A. I can answer you only about that which does not

1 pertain to the internal audit but rather to those items that I
2 have noticed during reviews that I have performed myself on the
3 various maintenance centers.

4 BY MS. RICHARDSON:

5 Q. All right.

6 A. Currently, and I would say from January of '92
7 forward, when as a reviewer it was determined by myself that an
8 out of service rebate had been denied a customer, I have made
9 sure that a manual rebate was made to that customer, but
10 prior to the beginning of 1992, it was not something that I was
11 familiar with or understood that it was necessary to be done;
12 so consequently any reviews that I personally may have
13 performed on the various maintenance centers in day-to-day
14 business where a rebate was not applied, I am aware of.

15 Q. Do you know if any attempt has been made to go back
16 and search through those prior reviews to find customers who
17 may not have been rebated?

18 MR. BEATTY: To the extent that this question would
19 elicit a response that would disclose activity conducted
20 pursuant to the attorney-client privilege and attorney
21 work product doctrine, I would request with indulgence of
22 counsel that the witness not respond.

23 (Discussion off the record, with the agreement of the
24 witness and all parties present)

25 A. All right. With the exception of anything that I may

1 have known from the internal audits, those customers that I
2 personally saw as out of service that were not -- they were
3 denied a rebate, I could not tell you whether or not they have
4 been since rebated. I do not know.

5 BY MS. RICHARDSON:

6 Q. Okay. By your name appears the number six, and number
7 six says, building the base of out of service troubles. And
8 we'll stop right there.

9 What do you know about building the base of out of
10 service troubles?

11 MR. BEATTY: To the extent that anything that the
12 witness may respond to would fall within the purview of
13 the attorney-client privilege and attorney work product
14 doctrine, I would object, and with the indulgence of her
15 counsel request the witness not respond.

16 A. I'll answer this question based on information that I
17 received not related to the internal audit.

18 My first knowledge of building the base was as a
19 result of the incident in North Dade which I've discussed
20 already with .

21 Basically what building the base means is creating out
22 of service trouble reports that may or may not have been out of
23 service but making them out of service so that enough volume
24 would be there mathematically to overcome those trouble reports
25 which were out of service and not cleared in under 24 hours.

1 Q. Okay. Do you have information that you are
2 withholding based upon counsel's claim of privilege?

3 A. I'm unclear as to what.

4 Could you rephrase your question for me?

5 Q. Yes.

6 Do you have other information that's responsive to my
7 question about knowledge about building the base of out of
8 service troubles that you are not responding based upon
9 counsel's claim of privilege?

10 A. Yes.

11 Q. Okay. And I need to do a clean up on number three.
12 I'd like to repeat that same question I just asked you for
13 number three.

14 Do you have information that is responsive to my
15 question about finding or determining whether or not there were
16 customers who did not receive a rebate and then performing
17 manual rebates that you were withholding at that time based
18 upon counsel's claim of privilege?

19 A. My response to number three would be the same.

20 Q. As it was originally to number three, you mean?

21 A. Yes.

22 Q. That's what I meant. Instead of the last one you just
23 answered with a response. Never mind. We'll leave it at that.
24 Okay. I think we understand each other.

25 Let's move down to number 21.

1 It says wet and dry rules.

2 What are wet and dry rules?

3 MR. BEATTY: I'm going to object to this question to
4 the extent that any information with regard to wet and dry
5 rules including a mere definition may have been gained
6 through matters that are privileged pursuant to the
7 attorney-client privilege and the attorney work product
8 doctrine.

9 Accordingly, assuming that the answer would be so
10 inclusive, I would request with indulgence of counsel that
11 the witness not respond.

12 A. I refuse to answer the question.

13 BY MS. RICHARDSON:

14 Q. Based upon counsel's claim of privilege?

15 A. Correct.

16 Q. Number 22 is by your name.

17 22 says staff review procedures.

18 What information do you have about the ineffectiveness
19 of staff review procedures prior to 1991?

20 MR. BEATTY: I would object to that question to the
21 extent that the answer falls within the purview of the
22 attorney-client privilege and attorney work product
23 doctrine, and to that extent, I would request with
24 indulgence the of counsel that the witness not respond.

25 A. Could you state the question again for me?

1 MS. RICHARDSON: Would you mind reading it back?

2 (Thereupon the foregoing question was read back by the
3 Court Reporter as above recorded)

4 A. None.

5 BY MS. RICHARDSON:

6 Q. What information do you have about the ineffectiveness
7 of staff review procedures after 1991?

8 A. None.

9 Q. In your opinion were staff review procedures adequate
10 before 1991?

11 MR. BEATTY: Objection to the extent that any
12 information you may have, the witness may have was gained
13 or learned through the -- through matters that are
14 privileged pursuant to the attorney-client privilege
15 and the attorney work product privilege, and if so, with
16 indulgence of counsel, I request that the witness not
17 respond.

18 MR. SCOLA: The question was whether she felt the
19 staff procedures prior to 1991 were sufficient?

20 MR. BEATTY: Right. What's her opinion.

21 MS. RICHARDSON: What's her opinion.

22 MR. BEATTY: And my objection was that to the extent
23 that her opinion was gained as a result of activities
24 undertaken pursuant to the privileges, I would request
25 that she not respond.

1 A. I refuse to answer the question.

2 BY MS. RICHARDSON:

3 Q. Based upon the claim of privilege?

4 A. Yes.

5 Q. Have there been any changes in staff review procedures
6 after 1991?

7 A. Yes.

8 Q. Would you please tell me what those changes are?

9 A. We've done a lot of changes to the criteria that we
10 look at. We've made a lot of changes in our review process.
11 Now, I could go all night long with the specific
12 changes.

13 Q. Let me see if we can get specific, then. And I will
14 apologize in advance because I have already used this as an
15 exhibit in another deposition and I have one copy left.

16 This is titled "Standardization and Compliance Review"
17 and at the bottom it says, "S and C Review 1992."

18 And I would like to have this labeled as Exhibit One
19 for your deposition, and I'd like to ask you some questions
20 based upon this particular document.

21 Okay. What I'd like to do right now is to go off the
22 record for a minute and give you a chance to look at it for a
23 minute with Mr. Scola and Mr. Beatty just generally, and when
24 we get back on the record, I will ask you questions about each
25 one of these specific modules. You may have this document in

1 front of you the entire time. And at any time that you need to
2 go off the record and discuss it or show it to Mr. Beatty so
3 that he feels comfortable with the question, I understand we're
4 trying to work around the fact that I've only got one and I do
5 apologize for that.

6 MR. BEATTY: I would also point out the fact that the
7 document appears to be reasonably lengthy, and, you know,
8 to the extent that substantive questions are going to be
9 asked, I would object to the procedure.

10 I think that the witness is certainly entitled to have
11 a reasonable opportunity to review this document which
12 appears to be somewhat substantive as I look at it, and,
13 of course, we'll determine as we go through whether or not
14 we have enough time. I wanted to make that statement of
15 record.

16 MR. SCOLA: This is a blank form?

17 MS. RICHARDSON: Yes.

18 (Discussion off the record, with the agreement of the
19 witness and all parties present)

20 (Thereupon the foregoing instrument was marked Davis
21 Exhibit No. 1 for identification, this date)

22 BY MS. RICHARDSON:

23 Q. Ms. Davis, have you seen this document before?

24 A. Yes.

25 Q. Do you work with this document?

1 A. Not any longer, no.

2 Q. Okay. When did you stop working with this '92
3 operational review document?

4 A. The last review I did on it was in March of '93.

5 Q. Has this document been updated?

6 A. Yes.

7 Q. Is that why you no longer follow this document?

8 A. Correct.

9 Q. Can you give me an approximation of how many reviews
10 you did following this 1992 Standardization and Compliance
11 Review?

12 A. Would you please ask the question again?

13 Q. I'll be glad to.

14 About how many times did you do a review following
15 that particular document?

16 MR. BEATTY: Do you understand that question?

17 THE WITNESS: Yes. I'm just trying to get a count.

18 MR. SCOLA: When you say "following," do you mean
19 using this form?

20 MS. RICHARDSON: Yes.

21 A. I would say six to eight.

22 BY MS. RICHARDSON:

23 Q. Has that document had any changes in it from the
24 reviews that you did prior to 1992? And that can be a general
25 yes or no at this point.

1 A. Yes, there are changes.

2 Q. Okay. Then what I'd like to do is start with Section
3 A, and it's titled "Employee Reports."

4 Can you tell me what changes were made in the 1992
5 review on this section, if any?

6 A. No.

7 Q. No, you can't tell me or no, there were no changes?

8 A. No, I couldn't tell you if there were any changes.

9 Q. Okay. If you would look under "Reviewers Hints," can
10 you briefly summarize the very first reviewer hint?

11 MR. BEATTY: I'm going to object to this procedure.

12 The document -- unless counsel is asking for something
13 specific of this witness other than what is written here,
14 the document is the best evidence of what it says.

15 There's no evidence in the record, there's no predicate in
16 this record previously made that this witness has any kind
17 of authorship of this document, and I would object to the
18 procedure.

19 BY MS. RICHARDSON:

20 Q. What is the purpose of the reviewers hints?

21 A. I'm not sure.

22 Q. Okay. When you do a review, do you use the reviewers
23 hints at all?

24 A. No, I don't.

25 Q. Who are the reviewers hints directed to?

1 A. I don't know.

2 Q. When you do a review under the employee reports
3 section, what do you look for?

4 A. I'd look to be sure that the employee report is
5 genuinely an employee report and not some other category of
6 report.

7 Q. Okay. And what kinds of errors do you find under this
8 section?

9 MR. BEATTY: I'm going to object to the form of the
10 question as ambiguous.

11 A. Without referring to the internal audit which I
12 participated in but with regard to reviews that I have done,
13 common errors in this section are the improper issuance of
14 trouble reports by the CRSAB.

15 Meaning that a clerk that is taking the trouble report
16 for unknown reasons issues a trouble as an EO report instead of
17 a customer direct. It's a very frequent error.

18 Other errors that I have seen are maintenance center
19 personnel issuing employee direct reports without documentation
20 to support their issuance so that the reviewer is unsure
21 whether they're looking at an employee report or a customer
22 direct report.

23 Those are the most frequent errors that I've
24 witnessed.

25 Q. Okay. And the reviews that you have done, have you

1 found employee reports that were issued in order to complete
2 repairs on an out of service report that was closed before it
3 was completed in order to close it out before the 24-hour time
4 period was up.

5 MR. BEATTY: I'll object to the form of the question
6 to the extent that it includes information that falls
7 within the purview of the attorney-client privilege
8 and the attorney work product privilege, and with
9 indulgence of counsel, if information does in fact fall
10 within that purview, I would request that the witness not
11 respond.

12 A. Without reference to the internal audit, with regard
13 only to those items that I've seen in reviews that I've done, I
14 cannot recall a specific telephone number or instance to
15 provide you with, but I know that I have seen examples such as
16 that where customer trouble reports have been closed out
17 erroneously and employee reports have been issued to complete
18 repair work.

19 BY MS. RICHARDSON:

20 Q. Do you know if any of these reports that you have seen
21 were done in order to manipulate the out of service over
22 24-hour index?

23 A. No, I do not.

24 Q. Did you ask any questions of managers or others when
25 you were doing this review and found these errors to determine

1 whether or not an attempt was being made to manipulate the
2 index?

3 A. I don't recall any situation such as that, no.

4 Q. Do you know if your manager or anyone you reported
5 this report, these findings to, did any further investigation
6 to determine whether or not an attempt was being made to
7 manipulate the index?

8 A. No.

9 Q. In regard to Section A and the reviews that you have
10 done on Section A according to the '92 S and C review, are
11 there any negative findings on any of the reports that you've
12 done under this section where in your opinion an attempt was
13 being made to manipulate the Public Service Commission out of
14 service over 24-hour index?

15 MR. BEATTY: I would object and request the witness
16 not respond to the extent that her response would include
17 information that is privileged subject to the
18 attorney-client privilege and the attorney work product
19 privilege.

20 A. Without reference to the internal audit, I have not
21 seen any intentional misuse of this.

22 BY MS. RICHARDSON:

23 Q. Is there any information that is responsive to any of
24 my questions regarding this section that you are withholding on
25 the basis of counsel's claim of privilege?

1 A. I'm not sure.

2 Q. Okay. Would you move to Section B, Excluded Reports?

3 MR. SCOLA: Excuse me. Do you know how much longer
4 this is going to be?

5 MS. RICHARDSON: There are sections -- I'm doing all
6 of the sections but one.

7 MR. SCOLA: Can we take a two-minute break?

8 MS. RICHARDSON: We may take a two-minute break.

9 (Thereupon the deposition was recessed briefly and was
10 thereafter resumed, with the agreement of the witness and
11 all parties present)

12 MR. BEATTY: If counsel will stipulate to an
13 abbreviated version of my wonderful narratives with regard
14 to my assertion of the privileges with attorney-client and
15 work product, I'll be more than happy make a relatively
16 short statement recognizing that you will miss the long
17 one to accomplish the same objective.

18 Will you stipulate?

19 MS. RICHARDSON: I will stipulate. As long as the
20 word "privilege" appears somewhere in your short version,
21 then I think we can handle that.

22 MR. BEATTY: Very good.

23 MS. RICHARDSON: It will be understood that the
24 version you've given will equate to the short version.

25 MR. BEATTY: Well, the version I've given will equate

1 to the long version. Vice versa.

2 MS. RICHARDSON: Vice versa.

3 BY MS. RICHARDSON:

4 Q. All right. We're on Section B, Ms. Davis, Excluded
5 Reports.

6 Would you please explain what an excluded report is?

7 A. An excluded report is a trouble report which is not
8 counted in our official results.

9 Q. Okay. Are those official results, do they appear on
10 A-2700 forms?

11 A. Yes.

12 Q. Do they also appear on any of the PSC result forms?

13 A. Yes.

14 Q. Would an excluded report be excluded from a PSC
15 result?

16 A. Yes.

17 Q. Okay. Under this particular section, do you recall
18 any changes that were made in 1992 to the way that you were
19 doing reports in 1991 or previously?

20 A. Yes.

21 Q. Would you please tell me what those changes were?

22 A. I don't recall all the changes, but in number three we
23 added this section related to "O" routed and "M" routed service
24 orders to further clarify when it was appropriate to exclude a
25 service order.

1 Q. Okay. Did that change impact any results that were
2 reported to the Public Service Commission?

3 A. Not to my knowledge.

4 Q. Okay. What errors did you look for when you reviewed
5 an IMC on Section B?

6 MR. BEATTY: I would object and insert the privilege
7 at least to the extent that this is information that falls
8 within its purview.

9 A. Excluding any knowledge that I have related to the
10 internal audit but only to reviews that I've performed on the
11 IMC, the major thing that they look for with excluded reports
12 is that the report is excluded under the guidelines in our
13 practice, specifically those items that are covered there, and
14 I'm not sure how many there are. 20 some items are valid
15 excludable trouble reports. We look to make sure that
16 everything that is excluded meets that criteria.

17 Q. In your reviews that you have conducted under this
18 section, have you found any out of service reports that were
19 excluded?

20 MR. BEATTY: Insert the privilege to the extent that
21 any information that would be disclosed would fall within
22 its purview.

23 A. Excluding information that I have associated with the
24 internal audits but only with reviews that I've performed, the
25 answer is yes.

1 BY MS. RICHARDSON:

2 Q. Do you recall how many out of service reports were
3 excluded in those that you recall?

4 A. No.

5 Q. Do you know if any of those reports were excluded
6 deliberately to assist in meeting the PSC index of out of
7 service over 24 hours?

8 A. No.

9 MR. BEATTY: Our insertion of the privilege continues.

10 A. Correct.

11 BY MS. RICHARDSON:

12 Q. Did you form any opinion as to whether the exclusion
13 of out of service reports was an attempt to manipulate the PSC
14 results?

15 A. No.

16 Q. So that was no, you did not form an opinion?

17 A. Correct.

18 Q. Have you learned since you've done any of these
19 reports whether or not those exclusions were an attempt to
20 manipulate the PSC results?

21 A. No.

22 Q. Was any follow-up done to your review by your manager
23 or any other manager on these excluded out of service reports
24 that you found?

25 A. Not to my knowledge.

1 Q. Were you ever given any reason for the exclusion of
2 these out of service reports?

3 A. No.

4 Q. There are parts one and two under the Excluded
5 Reports.

6 Can you tell me what part one looks at?

7 A. Yes. Part one looks at subsequent reports that are
8 associated with appointment changes on an existing or open
9 report.

10 Q. Okay. And what errors do you find or do you look for
11 under part one?

12 A. We look to insure that if the maintenance center is in
13 fact changing appointments on customer reports, that they are
14 changing them for administrative reasons only.

15 Q. Okay. And what would be an improper change?

16 A. An improper change would be a maintenance center
17 person using a category six report to move an LMOS appointment
18 into the future at the discretion of the company, not of the
19 customer.

20 Q. Okay. And why would it be improper to do a category
21 six report instead of issuing that as a CD report?

22 A. Because a category six report will change the LMOS
23 appointment date and time. A category one report will not.

24 Q. Will a category six report change the original
25 appointment date and time that shows at the top of the line

1 record that was entered by the CRSAB?

2 A. I'm not sure I understand your question.

3 Q. Okay. When a customer calls into the CRSAB, are they
4 given an appointment time that's shown in LMOS?

5 A. Yes.

6 Q. And when a category six subsequent is entered by the
7 maintenance center with a change in the appointment time, does
8 that change the original appointment time that was entered by
9 the CRSAB?

10 A. Do you mean for result purposes or for the picture on
11 the DLETH?

12 Q. DLETH.

13 A. It does not change the appearance of the DLETH.

14 Q. Does it change the appearance of the result purposes?

15 A. Would you repeat that?

16 Q. Okay. Does it change the appearance of the time for
17 result purposes?

18 A. It does not change the appearance on the DLETH.

19 Q. Okay. Does it change the appointment time for the
20 missed appointment results index?

21 A. Only if the appointment has not already been missed.

22 Q. Okay. Would the company's changing the appointment
23 time to a future time without contacting the customer assist
24 the company in meeting the missed appointment index?

25 A. Which missed appointment index are you referring to?

1 Q. Okay. Do you know if the Public Service Commission
2 requires the company to meet 95 percent of the appointments it
3 sets with customers unless the company contacts the customer
4 first before the appointment to let them know that the company
5 won't be making it?

6 A. I'm familiar with that rule.

7 Q. Okay. Now, do you know if using the category six
8 subsequent to change that appointment date without contacting a
9 customer would assist the company in meeting that rule
10 requirement?

11 A. I don't think so. I'm not sure, though.

12 Q. Okay. What does part two look at under the Excluded
13 Reports, Section B?

14 A. Part two looks at what I told you about earlier which
15 is those items that the maintenance center would exclude and
16 cause not to be counted as a trouble report based on our method
17 and procedure 660-169-011, and there are 20 some reasons that
18 we can exclude a trouble report, and what we do is validate the
19 reason that a specific report was excluded is covered in that
20 method and procedure.

21 Q. Do you know of -- we've already talked about that.
22 Let me ask you this final question then on this section.

23 Is there any information that has been responsive to
24 my questions under Section B that you have withheld based upon
25 counsel's claim of privilege?

1 MR. BEATTY: I would object to this after the fact
2 question in this respect. It places an incredible burden
3 upon the witness to recall the plethora of questions that
4 you've asked, and I think it's placing the burden where
5 the burden should not rest.

6 MS. RICHARDSON: Okay. Then let me at risk of
7 repeating a question that I've asked earlier, let me ask
8 it again so that I can do the follow-up.

9 BY MS. RICHARDSON:

10 Q. Is there any information you have about the exclusion
11 of out of service reports as an attempt to manipulate the PSC
12 index, whether it was part of the interim audits that you may
13 have participated in or otherwise?

14 MR. BEATTY: Privileged or otherwise.

15 A. With exception to the part of the internal audit that
16 I was involved with, just associated with my own experience, I
17 do not recall any to this effect.

18 BY MS. RICHARDSON:

19 Q. Okay. Now, is there any information you have that's
20 responsive to my question that you are not providing based upon
21 counsel's claim of privilege?

22 A. I don't recall any.

23 Q. Okay. The next section is C, and it says, "CPE
24 Codes."

25 What is CPE?

1 A. Customer provided equipment.

2 Q. Are those inside wire codes?

3 A. Yes.

4 Q. Okay. Are there other certain disposition codes that
5 are used to designate CPE problems?

6 A. Yes.

7 Q. All right. Under this section what errors do you look
8 for?

9 A. We look to assure again that our practice, our method
10 and procedure 660-169-013 and the definition of a 12 code which
11 is a CPE code is strictly adhered to.

12 By that we look to insure that the person using a 12
13 code to close a trouble report out has specifically isolated
14 and made contact with the subscriber prior to closing out that
15 trouble report.

16 Q. Okay. Do you determine the isolation through reading
17 the narrative?

18 A. Yes.

19 Q. Is there any other way that you determine whether or
20 not the problem has been isolated to the CPE code properly?

21 A. Occasionally.

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

23 A. Usually through specific MLT VER codes you can get a
24 CPE indication.

25 Q. Can you tell me when MLT VER codes give you a specific

1 CPE situation?

2 A. I can think of two: OC and 71. There may be more. I
3 don't recall them.

4 Q. Is 71 receiver off hook?

5 A. Yes.

6 Q. What does OC stand for?

7 A. I don't know.

8 Q. Have there been any changes or were there any changes
9 in the 1992 version over prior versions?

10 A. I don't remember.

11 Q. Do you recall any instances of reviews you've done
12 where you have found errors in this area?

13 A. Yes.

14 Q. Okay. Can you recall any significant errors in this
15 area?

16 A. No.

17 Q. Do you recall any errors that were explainable by
18 other than training problems?

19 A. No.

20 Q. Have you done any analysis as to the statistical use
21 of the CPE code in one particular area as opposed to other
22 areas of the state?

23 MR. BEATTY: I would insert the privileges and request
24 with indulgence of counsel that the witness not respond.

25 A. I refuse to answer the question.

1 BY MS. RICHARDSON:

2 Q. Okay. Do you have information -- well, never mind.
3 You're refusing to answer.

4 Okay. Do you have any evidence of the use of the CPE
5 codes to assist the company in meeting the PSC out of service
6 index?

7 MR. BEATTY: Insert the privileges and request the
8 witness not to respond.

9 A. With respect to the internal audit participation that
10 I had, setting that aside, and with regard to reviews that I
11 have personally performed, no, I do not have any evidence to
12 that effect.

13 BY MS. RICHARDSON:

14 Q. Do you have any information that's responsive to my
15 question that you are not providing based upon counsel's claim
16 of privilege?

17 A. I'm not sure.

18 Q. Section D speaks about out of service statusing and
19 incorporates three different parts.

20 Were there any changes in the '92 version that you can
21 remember from prior versions?

22 A. Yes. We changed -- we used to look at four parts in
23 this. We used to look at out of service greater than 24, out
24 of service less than 24 and then the test okay section and out
25 of service result not out of service, and in this particular

1 year, and I don't remember why, we changed it to just out of
2 service manual statusing and then the other two modules.

3 Q. Okay. What errors do you look for in out of service
4 statusing under part one? Let's first, what does part one look
5 for?

6 A. Part one is manual out of service statusing.

7 Q. And what errors do you look for under this section?

8 A. Aside from the internal audit and just on reviews that
9 I personally performed, we look to insure that the maintenance
10 administrator who is statusing a trouble out of service
11 supports the decision to status this report out of service in
12 her test narrative, his or her test narrative.

13 Q. Do you also determine or look for any other evidence
14 of support for an out of service status besides the narrative
15 under this section?

16 MR. BEATTY: You're asking generally, are you not?

17 MS. RICHARDSON: Generally.

18 BY MS. RICHARDSON:

19 Q. I can give you an example if you need me to clarify my
20 question.

21 A. I do need some clarification.

22 Q. All right. In other words, do you look at the MLT
23 test result code and the type code when you also look at manual
24 statusing under this section?

25 A. Oh, yeah.

1 Okay. When we look at this section, we're looking
2 already -- we look at the full trouble report. We look at what
3 the customer reported, what the initial VER code was and what
4 customer conversation the maintenance administrator had with
5 the customer may have indicated, we look for a combination of
6 all of that and we hope that that information will be provided
7 in the test narrative. That's where we look.

8 If you look at a DLETH, you'll see the trouble
9 description, you'll see the initial VER code, and the last
10 thing you look at is the test narrative description that the MA
11 gives you.

12 I'm sorry I didn't clarify that.

13 Q. No, that's fine.

14 Do you determine whether or not it was statused out of
15 service by the result code?

16 A. The determination of out of service is based on all of
17 those criteria, the customer -- the description the customer
18 has given us combined with the initial VER code, combined with
19 conversation with the customer.

20 All of these reports are troubles that do not have an
21 automatic out of service VER code, okay, so the decision is up
22 to the human being, and they have more than one tool to use to
23 make that decision.

24 And what we're looking at is to make sure that once
25 the decision to status out of service has been made, which is

1 how these reports fall into this Section One, that that can be
2 justified based on those three things that we've discussed.

3 Q. Okay. My question wasn't clear. Let me try it a
4 different way on this.

5 When you pull reports to review under this section, do
6 you look at out of service and affecting service reports, both,
7 on the manual statusing?

8 A. No. We look at out of service, yes, only.

9 Q. Only.

10 Have you found any errors in out of service statusing,
11 manual statusing under Section One when you did these reviews?

12 MR. BEATTY: I'm object, insert the privilege and
13 request that the witness with indulgence of counsel not
14 respond to the extent it falls within the protected areas.

15 A. Excluding my participation in the internal audit, my
16 answer would be only associated with reviews that I performed,
17 and my response is very, very minimal, very, very minimal
18 errors in this section.

19 BY MS. RICHARDSON:

20 Q. Okay. Did you find any evidence -- wait. Before I do
21 that, I better ask my follow-up question.

22 Is there any information that you are withholding
23 based upon counsel's objection of privilege?

24 A. No.

25 Q. Have you found any evidence of an attempt to

1 manipulate the PSC results based upon your findings under this
2 section?

3 A. No.

4 Q. Part two of Section D, Out of Service Statusing, what
5 do you look for under is section part two, Section D, part two?

6 A. This section is again only on those items that are
7 stated out of service. It also further is trouble reports
8 that are closed out by IMC personnel, and it is further trouble
9 report closed out to disposition code seven which is a test
10 okay. So qualifying it that way, we are looking at maintenance
11 center close outs of trouble reports that are test okay that
12 were stated out of service.

13 Q. Okay. And is that an improper statusing?

14 A. Not necessarily.

15 Q. Okay. What errors have you found in conducting this
16 review or reviews using this document?

17 MR. BEATTY: I object to the form of the question and
18 insert the privilege and request the witness not respond
19 to the extent that information you may have falls within
20 the purview of the privilege.

21 A. Excluding my participation in the internal audit and
22 only in reviews that I have been involved in personally, I have
23 seen errors in this module.

24 And your question was what kind of errors have I seen?

25 BY MS. RICHARDSON:

1 Q. Yes.

2 A. Okay. I have seen -- the predominant error that I've
3 seen is no documentation that supports the out of service
4 status.

5 Q. On a test okay?

6 A. On a test okay. This is the test okay module.

7 Q. I just want to get myself clear. I'm getting a little
8 tired, too.

9 A. That's okay.

10 Q. And did you find whether this was being done in order
11 to manipulate the PSC service results?

12 A. In the case of in North Dade in the
13 review in 1990 we found that it was being done to manipulate
14 PSC results.

15 Any reviews that I've been involved in and excluding
16 the internal audit that I have witnessed since August of 1990,
17 I do not have any knowledge that PSC results have been
18 impacted.

19 Q. Okay. Is there any information that you are
20 withholding based upon counsel's claim of privilege?

21 A. No.

22 Q. Have you formed any opinion as to whether any test
23 okay reports have been closed out of service that you have
24 found in order to manipulate the PSC results?

25 MR. BEATTY: My previous assertion of the privilege

1 remains with respect to this question as well.

2 A. As your question is phrased, I refuse to answer it.

3 BY MS. RICHARDSON:

4 Q. Based upon privilege?

5 A. Yes.

6 MS. RICHARDSON: You did raise the objection, didn't
7 you?

8 MR. BEATTY: I sure did.

9 MS. RICHARDSON: I am getting tired. When I miss your
10 raising an objection, I am tired.

11 MR. BEATTY: I'll work with you here.

12 MS. RICHARDSON: Thank you.

13 BY MS. RICHARDSON:

14 Q. Okay. Ms. Davis, I believe there's a part three to
15 this section.

16 A. Yeah.

17 Q. Okay. What errors did you look for or what do you
18 look for generally under part three?

19 A. Part three specifically searches those trouble reports
20 not statused out of service.

21 Q. That should have been statused out of service?

22 A. Not necessarily.

23 Q. What errors do you look for under part three?

24 A. We again compare the trouble description that the
25 customer provides us with, the initial VER code and the

1 conversation that the maintenance administrator had with the
2 subscriber.

3 We compare that data to insure that in fact this
4 report should not have been statused out of service. That is
5 what we're looking at when we look at these.

6 Q. Okay. Have you found any errors in this section when
7 you were doing this review in 1992?

8 MR. BEATTY: I object to the form of the question to
9 the extent that it includes matters within the privileges,
10 and I request that the witness not respond.

11 A. Excluding the audit, referencing only the reviews that
12 I've been involved in, I've seen errors in this category.

13 BY MS. RICHARDSON:

14 Q. Okay. Have any of these errors amounted to
15 unsatisfactory performance by an IMC, a rating of
16 unsatisfactory?

17 A. We don't give ratings.

18 Q. Okay. In your opinion have any of these errors
19 indicated an attempt to manipulate the PSC results?

20 A. No.

21 Q. Do you have any knowledge as to whether or not these
22 errors under this section have been an attempt to manipulate
23 PSC results?

24 A. No.

25 Q. Do you have any information that you are withholding

1 based upon counsel's claim of privilege?

2 A. No.

3 Q. Part E deals with no access reports.

4 Can you tell me if there were any changes made to this
5 section?

6 A. Yes.

7 Q. Which changes were those?

8 A. I'm sure that I'm not going to be able to cover all
9 the changes since I don't have an earlier document to refresh
10 myself with.

11 Basically I think reviewers hint number seven is new,
12 six is new, five has been changed, and I think that's all that
13 really got changed around.

14 Q. Okay. Were any of these changes made as a result of
15 the findings that were made in the 1991 audit?

16 MR. BEATTY: I object to the form of the question and
17 insert the privileges and request that the witness not
18 respond to the extent that the response would include
19 information within those privileges.

20 A. I refuse to answer the question.

21 BY MS. RICHARDSON:

22 Q. Okay. What errors do you look for under this section
23 that are related to processing trouble reports?

24 A. Excluding the internal audit, with reference only to
25 reviews that I've been involved in, we look specifically to

1 make sure that the intermediate status narrative that the
2 technician provides us with that no access, supports proper no
3 access of the trouble; that it supports isolation either
4 towards the customer's equipment or the last point of test that
5 the technician was able to make.

6 And specifically what we're looking for is that the no
7 access gives us isolation information in that narrative.

8 Q. Okay. Have you found any errors on the reviews that
9 you've done according to this '92 procedure?

10 A. We have found administrative errors.

11 Q. Okay. Have you found any errors that indicate an
12 attempt to manipulate the out of service index report to the
13 Public Service Commission?

14 A. No.

15 Q. Do you know if the no access stops that 24-hour repair
16 clock on an out of service report?

17 A. No, it does not.

18 Q. I'm a little confused. I want to make sure that I was
19 clear on that question and that you were clear about your
20 answer to that question because my understanding was a little
21 off there.

22 On the no access subscriber, the NAS code, do you know
23 if that NAS when applied on an out of service report would stop
24 that 24-hour clock on that report?

25 MR. BEATTY: I object. It's been asked and answered,

1 and there was no hesitancy on the part of the witness in
2 her response.

3 A. No, it does not.

4 BY MS. RICHARDSON:

5 Q. Have you ever found any reports that were no access
6 before dispatch?

7 A. No.

8 Q. Have you formed any opinion as to the no access
9 reports that you reviewed for errors under this section as to
10 whether or not an attempt was being made to manipulate a PSC
11 result index?

12 A. No.

13 Q. Do you have any evidence of the misuse of the no
14 access code in an attempt to manipulate a PSC result index?

15 MR. BEATTY: I would insert the privilege and request
16 the witness not respond to the extent that her information
17 might be inclusive.

18 A. No.

19 BY MS. RICHARDSON:

20 Q. Section F says, "Non-Network Codes."

21 What is a non-network code?

22 A. That's a disposition code other than -- that's
23 associated with something owner Southern Bell's plant or
24 equipment.

25 Q. Do you know if a non-network code when appearing on an

1 out of service trouble report has any impact on a PSC index?

2 A. Yes, I do know.

3 The answer is no, it does not have an impact on the
4 index.

5 Q. Okay. Do you know if a non-network code, disposition
6 code appearing on an out of service report has any impact on
7 the availability of the customer receiving a rebate?

8 A. A customer will not get a rebate if a non-network code
9 is used on an out of service trouble.

10 Q. Do you know of any instances where non-network codes
11 appeared on out of service over 24-hour troubles that prevented
12 a customer from receiving a rebate?

13 MR. BEATTY: I would object and insert the privilege
14 to the extent that the answer and its response to this
15 question is not responsive and would request with
16 counsel's indulgence that she not respond.

17 A. With reference to any information I may have learned
18 in the internal audit, excluding that, my personal experience
19 with this module is that there are times when administrative
20 errors are made regarding using a non-network code improperly.

21 BY MS. RICHARDSON:

22 Q. Okay. Is there any information that you're
23 withholding based upon counsel's claim of privilege?

24 A. I do not recall any.

25 I'd like to correct my statement where I said

1 improperly used non-network codes. I'd like to say
2 incorrectly.

3 Q. All right. Section H has three parts to it and is
4 titled "Cause Codes."

5 A. Yes.

6 Q. What is a cause code?

7 A. That's the code that we use on trouble reports to
8 describe the cause of the trouble.

9 Q. Okay. And can you give me some examples of cause
10 codes, just one or two?

11 A. We have a cause code 100 which would signify employee,
12 we have a cause code 300 which would signify defective.

13 Q. Under number part one, first of all, were there any
14 changes that you can recall that were made in that 1992
15 version?

16 A. I think this whole section may be new in '92.

17 Q. Do you know why this section was added in '92?

18 MR. BEATTY: I would object to the form of the
19 question and insert the privileges to the extent that the
20 answer and its response to this question was learned
21 through matters that are protected by the privileges.

22 A. I refuse to answer the question.

23 BY MS. RICHARDSON:

24 Q. Under part one what do you look for?

25 A. I don't know. I'm not sure. Let me see.

1 Okay. Part one deals with exempted cause codes, those
2 cause codes which we do not report to the PSC on. So we look
3 to insure that that cause code would be supported.

4 Q. All right. And what cause codes don't you report to
5 the PSC?

6 A. Do you want the numbers, the meaning of them, what?

7 Q. The meanings would be fine.

8 A. I cannot be all-inclusive in my answer.

9 Q. That's fine.

10 A. Specifically or generally speaking, those things which
11 would be considered an act of God such as weather, any weather
12 condition, and also, then, troubles which are caused by other
13 utilities for miscellaneous reasons like fire, theft, vandalism
14 squirrels biting through our wires, trees falling on them.
15 This type of thing is generally what's considered an exempted
16 cause code.

17 Q. Okay. I'd like to turn that question around.

18 What is an inclusive cause code?

19 A. Pardon me?

20 Q. What is a code that is not exempt from the PSC
21 requirements then?

22 A. A trouble that is caused by us, which is a telephone
23 employee, trouble that is as a result of defective plant or
24 equipment, a trouble the cause of which is unknown. That's
25 pretty much it.

1 Q. All right. Have you found any errors under part one
2 in the reports that you did?

3 MR. BEATTY: I would object to the extent that the
4 information that may be disclosed in the answer is
5 privileged and would request that the witness not respond.

6 A. Excluding the internal audit, with regard only to
7 reviews that I've been involved in, we have found
8 administrative problems in this module.

9 Q. Okay. Have you found significant problems in this
10 module?

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

12 It's ambiguous.

13 A. No, I would not say so.

14 BY MS. RICHARDSON:

15 Q. Have you found errors ranging in the percentile of 80
16 percent or lower in this module?

17 A. I don't remember.

18 Q. Okay. Do you have any information that you are
19 withholding based upon counsel's claim of privilege?

20 A. Yes.

21 Q. Under part two what do you look for?

22 A. Part two we're looking at those items that had a cause
23 code other than a PSC exempted cause code.

24 Q. And those are the ones you stated earlier that might
25 have been caused by a telephone employee?

1 A. Correct.

2 Q. Have you found any errors in this section?

3 A. Yes.

4 Q. Have you found any errors other than administrative
5 errors in this section?

6 A. No.

7 Q. Have you found any errors in this section that were an
8 attempt to assist the company in meeting its out of service
9 reports index?

10 A. No.

11 Q. Under Section One did you find any errors in any of
12 the reports that you have done that were -- that appeared to
13 you to be an attempt to help meet the PSC out of service
14 results index?

15 MR. BEATTY: I insert the privilege and request the
16 witness not respond to the extent that she has information
17 that is inclusive.

18 A. Based upon reviews that I've performed only, excluding
19 the internal audit, my answer would be no.

20 BY MS. RICHARDSON:

21 Q. Do you have any information responsive to my question
22 that you're withholding based upon counsel's claim of
23 privilege?

24 A. Yes.

25 Q. Part three, what do you look for in part three?

1 A. We don't use this module in Florida. As you can see,
2 it says other than Florida. This is for our sister state
3 Alabama who does not have the same PSC rules as we do. They
4 use this module when they're performing a cause code review.

5 Q. Have you seen any comparisons between Florida and
6 Alabama on cause code review?

7 MR. BEATTY: I would object on the grounds of
8 relevancy. I'm not sure where counsel is going with this
9 at all.

10 Is counsel seeking information with regard to another
11 state?

12 MS. RICHARDSON: I'm asking for a comparison.

13 BY MS. RICHARDSON:

14 Q. Have you seen any a comparison between Florida and
15 Alabama in relation to the cause code review section?

16 MR. BEATTY: I would object and ask for a few moments
17 to speak with counsel.

18 (Discussion off the record, with the agreement of the
19 witness and all parties present)

20 MR. BEATTY: Back on the record. To the extent that
21 the dockets about which this proceeding is concerned has
22 absolutely nothing to do with states other than Florida, I
23 object to the question, I assert that the question is not
24 relevant at all because it is substantially outside of
25 scope of the four corners of this document and accordingly

1 I would request the witness not answer this question.

2 MS. RICHARDSON: As long as the question can be
3 considered reasonably calculated to lead to admissible
4 evidence, and I am including a comparison with the State
5 of Florida itself and Florida's own results, I submit that
6 it is relevant to that extent and that the witness should
7 answer.

8 MR. BEATTY: What you've asked, if I understand your
9 question, is for a comparison between Florida and Alabama
10 with respect to cause codes?

11 MS. RICHARDSON: I've asked her if she's ever seen
12 such a comparison. I didn't ask her to give me any
13 results or any opinion. I've just asked her has she ever
14 seen any comparison between Florida and Alabama on the use
15 of cause codes in terms of operational reviews.

16 MR. BEATTY: If that is the extent of your question
17 and the response is merely a yes or a no or some other
18 response that does not include disclosing the substance of
19 the comparison, then I will not object.

20 MS. RICHARDSON: That was the question. That's the
21 question before the witness at this time.

22 MR. BEATTY: I did not understand. I don't think it
23 was, but that being the case, then fine.

24 A. No, I have not.

25 MS. RICHARDSON: We don't need to go any further. She

1 hasn't seen one. She can't respond to one.

2 MR. BEATTY: Good.

3 BY MS. RICHARDSON:

4 Q. When you do operational reviews, do you ever look to
5 see if the clearing time on a report has been backed up?

6 A. Excluding the internal audit and only on reviews that
7 I have been involved in myself, the answer is no.

8 Q. Have you ever looked during your participation in the
9 internal audit at the question of whether or not reviews or
10 reports have been backed up, the clearing time on reports have
11 been backed up?

12 MR. BEATTY: I would object and request the witness
13 not respond and assert the privilege.

14 A. I refuse to answer the question.

15 BY MS. RICHARDSON:

16 Q. Okay. Do you have any direct evidence of employees
17 backing up clearing times on trouble reports in order to
18 manipulate the PSC results index?

19 MR. BEATTY: I would object and assert the privilege
20 and request the witness not respond.

21 A. I refuse to answer the question.

22 BY MS. RICHARDSON:

23 Q. Do you have any evidence of employees using another
24 employee's code to status trouble reports?

25 MR. BEATTY: I object and assert the privilege and

1 request that the witness not respond to the extent that
2 her only knowledge is obtained from the privileged
3 information.

4 MR. SCOLA: Can we have one second, please?

5 (Discussion off the record, with the agreement of the
6 witness and all parties present)

7 A. Excluding my experience with the internal audit and
8 only with regard to reviews that I've performed, I don't have
9 any evidence to that effect.

10 BY MS. RICHARDSON:

11 Q. Okay. Do you have information that is responsive to
12 my question that you are refusing based upon counsel's
13 objection?

14 A. No, I do not.

15 Q. Do you have any evidence of employees placing false
16 information on trouble reports?

17 MR. BEATY: I would object and assert the privilege
18 and request the witness not respond.

19 A. Could you restate the question for me?

20 BY MS. RICHARDSON:

21 Q. Okay. Do you have any evidence of employees
22 placing -- what's another way to say false -- deliberately
23 placing incorrect information on customer trouble reports other
24 than what we may have already discussed here today?

25 MR. BEATY: I again object and insert the privilege

1 and request that the witness not respond.

2 A. I'll answer this question to the extent that it
3 doesn't relate to the internal audit, and my answer would be
4 no.

5 BY MS. RICHARDSON:

6 Q. Okay. Do you have information that you are
7 withholding based upon counsel's claim of privilege?

8 A. No.

9 Q. Do you have any instance or do you know of any
10 instances of managers attempting to manipulate the PSC service
11 results other than what you may have already testified here to
12 today?

13 MR. BEATTY: I object, I assert the privilege and
14 request that the witness not respond to the extent that
15 she has information that is inclusive.

16 A. Other than information I may have learned during the
17 internal audit, the answer would be no.

18 BY MS. RICHARDSON:

19 Q. Do you have information that you are withholding based
20 upon counsel's claim of privilege that is responsive to my
21 question?

22 A. Not that I recall.

23 Q. Does security ask you to assist them in investigating
24 hot line reports?

25 A. They may. They have never come to me and said I have

1 a hot line report but we do aid security.

2 Q. Okay. Do you know of anyone in your department who
3 has assisted security in the investigation of a hot line
4 report?

5 A. No.

6 Q. Have you ever been disciplined in relation to your
7 work with customer trouble reports?

8 A. No.

9 Q. Do you have any information related to employees
10 recording sales of services to customers that customers did not
11 authorize?

12 A. Other than that which I read in the newspapers, no.

13 MS. RICHARDSON: Ms. Davis, I believe I finished all
14 my questions unless someone jogs my memory, but I think
15 I'm through. I do want to thank you for coming. I do
16 really appreciate you staying late so that we could finish
17 this interview today, and I thank you very much. There
18 may be some questions from some of the Commission staff.

19 DIRECT EXAMINATION

20 BY MR. VINSON:

21 Q. Ms. Davis, I have some questions for you and I would
22 like to try to move through them as fast as we can.

23 I'd like to base some of the questions upon the
24 statements that you gave to the Attorney General that we
25 alluded to earlier, and I believe that it would be of benefit

1 to you if I provide a copy of the statements that you gave on
2 February 14th and February 20th, 1992.

3 And what I'd like to do is preface each of my
4 questions with a reference to a section in the statement and
5 then let you look at it, familiarize yourself a little bit,
6 just with a paragraph or two of the context that I'll be
7 dealing with.

8 First let me just give you a few minutes to look at
9 that, and is that the transcript of the statement that you gave
10 to the attorney general in February of 1992?

11 A. Yes.

12 Q. Let me direct your attention to page 41 of the portion
13 of your statement that was taken on February 14th, and
14 specifically line seven through 25, page 41, line seven through
15 25.

16 A. I'm sorry. Line what?

17 Q. Seven through 25.

18 This section that I've referenced deals with your
19 attempts to review prior staff reviews upon your joining the
20 sector staff, and it makes reference to some staff reviews that
21 Mr. Booker told you would possibly be available that you were
22 not able to locate.

23 Did you bring the fact that these prior reviews were
24 missing to the attention of Mr. Taylor, T. C. Taylor, your
25 operations manager?

1 A. No.

2 Q. Okay. He was your operations manager at the time?

3 A. Yes.

4 Q. Okay. And did you bring the fact that these reviews
5 were missing to the attention of your immediate supervisor?

6 A. Yes.

7 Q. Okay. And what did you tell her?

8 A. That I could not locate the reviews.

9 Q. Okay. That's Ms. Ivy?

10 A. Yes.

11 Q. Okay. What was her response?

12 A. Okay.

13 Q. Was she concerned that there were no prior copies of
14 these reviews available, that the copies of the reviews that
15 Mr. Booker had referred to were not available?

16 MR. BEATTY: I would object to the form of the
17 question.

18 If this witness has personal knowledge as to whether
19 or not Ms. Ivy was or demonstrated concern, then she can
20 respond.

21 A. I don't know if she was concerned or not.

22 BY MR. VINSON:

23 Q. Why did you not report -- let me ask one other leading
24 question.

25 Did you ever determine whether there were other copies

1 of these prior reports other than the ones that Mr. Booker was
2 referring to available for your review as a new member of the
3 sector staff?

4 A. I'm not sure I understand what you mean.

5 MS. RICHARDSON: You mean in someone else's
6 possession?

7 BY MR. VINSON:

8 Q. Did you determine whether there were other copies of
9 these prior reviews, perhaps a file copy, an official staff
10 file copy that was permanently retained for review purposes?

11 A. We did not have a procedure in effect such as that at
12 that time.

13 Q. Let's move on to another section of your statement.

14 Let's look at page 110, lines 14 through 18.

15 And I believe that's consistent with what you were
16 saying in your last response that there may have been no -- it
17 was your understanding at the time you gave this statement that
18 there may have been no retention policy.

19 Have you found out since the date of this statement
20 whether there was or was not a retention policy regarding these
21 staff reviews?

22 A. To my knowledge, there was not. My statement has not
23 changed.

24 Q. Let me ask you a question that's not related to your
25 statement. It's a general question about your sampling and

1 performing the reviews.

2 At the time that you were conducting reviews as a
3 member of the sector of staff, were you familiar with the
4 practice of obtaining a statistically valid sample for an
5 analysis of trouble reports?

6 A. At what time? What year are you referring to?

7 Q. At the beginning of your -- let's say 1990, during
8 1990, during your time on the sector staff.

9 A. No.

10 Q. Do you use such a technique today?

11 A. Yes.

12 Q. When did you begin to employ that particular --

13 A. 1992.

14 Q. Let's move on to page 124 of your statement.

15 Actually, I direct your attention to page 123 starting
16 on line 23.

17 A. I'm sorry. 23 did you say?

18 Q. Right. Page 123 beginning with line 23 and continuing
19 down to the bottom of that page, then on to the top of page 124
20 through line two.

21 I would like for you, if you would, to please explain
22 how you reached the conclusion that these -- the existence of
23 these other reviews may have been a figment of somebody's
24 imagination?

25 A. Well, let me say that in the instance of my testimony

1 here with Mr. Malloy and Mr. Hogue, there were at times that
2 the element of humor was necessary and this was one of those
3 times.

4 As you well know, they were in possession of those
5 reviews which I hadn't seen at that time, and this was
6 something that I was well aware of; so obviously it was not
7 something that was a figment of anyone's imagination; however,
8 none of the maintenance centers involved nor I, a
9 representative of the sector staff, nor my immediate supervisor
10 nor my immediate supervisor's immediate supervisor was in
11 possession of those reviews. Taking all that into
12 consideration you can see why I might have thought it was a
13 figment of somebody's imagination. Jokingly, of course.

14 Q. So your statement does not imply that there are in
15 addition to the reviews that you say that Mr. Hogue and company
16 were in possession of, beyond those that some may not have
17 existed that are claimed to have existed?

18 A. What are you asking me? Maybe I misunderstood what
19 you were saying.

20 Q. In other words, are you saying to any extent that
21 maybe not as many reviews as are claimed to have existed
22 actually did ever exist?

23 A. I didn't know that there was a claim -- I'm not
24 familiar with a claim of any number prior to my coming on the
25 staff. I'm not sure that there was a number quoted to me that

1 there were "X" number of reviews.

2 Q. The ones that Mr. Booker said that were on the
3 credenza that could be found, you're not aware --

4 A. I mean, I don't recall Mr. Booker telling me that
5 there was a specific amount even at that junction, at that
6 point in time.

7 I know that he said there were reviews that I could
8 find and I didn't find them, but I don't remember him telling
9 me there were two, four, six, eight or ten.

10 Q. Okay. Let's move on to Volume Two of the section of
11 your statement that was taken on February 20th, 1992 and get
12 page 21, lines ten through 15.

13 This passage relates to a South Dade review that you
14 participated in during -- I believe the report was dated
15 October of 1990; is that correct?

16 A. Let's see. Yeah, October of '90. South Dade, yes.

17 Q. And specifically Section E, part three, that relates
18 to out of service test okays. The finding that's quoted here
19 in this section, lines ten through 15, states that seven of the
20 12 errors were caused by a employee number.

21 Did I understand you correctly earlier that you stated
22 that you did not know of instances where employees' numbers
23 were used by other employees to close a trouble?

24 A. Yes, you did.

25 Q. I understood you incorrectly?

1 A. No, you understood me correctly.

2 Q. So you believe that these seven were instances where
3 the manager's number reflected that that manager had closed
4 that trouble?

5 A. I have no -- all I know is that there were seven
6 errors here that had a management employee code attached to
7 them.

8 Who it was, I do not know.

9 Q. Let's refer to page 29, line seven.

10 MR. SCOLA: We got to read a little more than that.

11 BY MR. VINSON:

12 Q. Did you believe that the seven test okays closes out
13 of service reflected managers who did not understand what
14 they were doing? Is that what your statement there means when
15 you say that you were trying to point out to the local
16 management that there was a problem within their own management
17 ranks as far as understanding or being responsible in coding
18 out of service test okay?

19 A. I believed that there was a problem. I did not know
20 what the problem was. I referred it to the local manager to
21 make that determination.

22 Q. Did you develop any opinion as to whether or not these
23 managers were making an attempt to manipulate the results of
24 the percentage of troubles cleared within 24 hours?

25 A. At that time I had an opinion.

1 Q. And what was that opinion?

2 A. That they were.

3 Q. Did you mention that opinion to your supervisor or to
4 Mr. Taylor?

5 A. I don't remember. Let me see.

6 I never mentioned it to Mr. Taylor. I did discuss it
7 with April.

8 Q. And what was Ms. Ivy's reaction?

9 A. She found it to be significant as well. It was
10 something that we both thought should be mentioned, and that's
11 why I wrote it in the review.

12 Q. Do you know if Ms. Ivy reported that significant
13 finding to Mr. Taylor, do you know if she discussed that with
14 him?

15 A. No, I don't. He was in the feedback, I believe.

16 Q. So he would have been aware of the finding.

17 At the feedback did you communicate your concern that
18 possibly these managers were attempting to manipulate the out
19 of service over 24 percentage?

20 A. No, I did not. I was not the person who provided the
21 feedback. I was not present during the feedback. I was out of
22 town and someone else gave the feedback for me.

23 Q. Okay. And did you brief that person on how to conduct
24 the feedback and what information should be provided?

25 A. In feedback we simply read the statement as its

1 written in the review.

2 Q. Did you explain to her your statement so that she'd be
3 able to adequately answer questions?

4 A. Yes, and also April.

5 Q. Okay. Who was that person?

6 A. The person was Ray Kummer.

7 Q. Okay. Did you inform Mr. Kummer that you had this
8 concern that the managers may be involved in attempting to
9 manipulate the results?

10 A. I don't remember.

11 Q. Let's move on to page 52, lines 11 through 15. This
12 is still the South Dade review, and it's discussing the CON
13 module.

14 MR. SCOLA: Maybe that's Miami Metro review.

15 BY MR. VINSON:

16 Q. We're on Miami Metro, October 9th review that you
17 participated in.

18 MR. SCOLA: Give us one minute.

19 A. And the question was about which page and which line
20 again?

21 BY MR. VINSON:

22 Q. That's page 52 and the specific lines are 11 through
23 15.

24 I was interested in the statement that says, "In these
25 14 errors it was simply a CON with no documentation as to why,

1 which is severely wrong."

2 A. Uh-huh.

3 Q. I was interested in the word, choice of words
4 "severely wrong."

5 Can you explain?

6 A. Yes, I certainly can.

7 We strongly stress support through the narrative of
8 the decision to CON, and in these instances there was
9 absolutely no documentation at all and that is severe.

10 Q. So it's merely the documentation is missing is what
11 you consider to be severe?

12 A. Correct.

13 Q. But in the next statement -- I didn't refer you to
14 these lines but let me let you read on if you haven't. 16 down
15 to 19 or beyond if you want to read further.

16 The question you were asked, "Is it possible that
17 those were still legitimate CONs even though they had none of
18 the documentation you say should have been there?"

19 And you answered "No, not in my opinion."

20 Could you just explain why you felt they still were
21 not legitimate CONs?

22 A. As I recall, and I don't have any of the telephone
23 numbers to research, but as I recall in that instance they did
24 not have the appearance of a CON as what we would consider a
25 legitimate CON, there was no customer information there showing

1 contact with the customer, there was none of the normal
2 mechanized method that a CON would normally come to the
3 maintenance center as, and for that I felt that there was
4 something abnormal with those particular reports.

5 Q. When you say there was not the "normal mechanized
6 method," you mean that they were not received as CONs from the
7 CRSAB?

8 A. Correct.

9 Q. They were CON'd later on in the process of handling?

10 A. Yes.

11 Q. One last quick pair of questions.

12 Did you assist in the North Dade review in August of
13 1990 more or less as a training exercise?

14 A. In a limited fashion. Not really thoroughly, no. Not
15 all-inclusive. I had another assignment that I was working on
16 at that time. I was there for a little bit of time. I don't
17 even recall what specific modules I may have been looking at.

18 Q. Do you recall, I'm just looking for a month here, when
19 you became aware of the findings in that North Dade review that
20 you related earlier that were
21 involved in trying to falsify and manipulate the percent of
22 24 -- troubles handled in less than 24 hours?

23 A. Immediately I was involved in the review itself. We
24 did an operational review that was more than just
25 standardization and compliance. We were looking at all aspects

1 of the maintenance center. I did perform other analysis on
2 other parts of the maintenance center. I was there during the
3 course of the review. I was involved in the staff discussions
4 informally regarding this Standardization and Compliance Review
5 and was involved in the process all the way through as far as
6 the incident although I was not the person who
7 discovered it.

8 Q. Okay. I just want to clarify. So you said you were
9 involved in the incident.

10 So you would have found out about that as soon as
11 Mr. Booker did?

12 A. I knew about it before Mr. Booker did.

13 Q. So you were aware of that incident before you
14 conducted the Miami Metro review that we discussed in October
15 of '90?

16 A. Yes.

17 Q. Did you participate in -- it was a South Dade October
18 '90 review, also?

19 A. The South Dade October '90 review that you're
20 referring to was a follow-up review on the original South Dade
21 review which I performed with Mr. Fecht as a training review.
22 The follow-up review was on modules that we felt more attention
23 was needed on in October.

24 Q. And that follow-up, was that conducted by you alone?

25 A. Yes, and fed back by Ray Kummer.

1 Q. We're closing in on the end here.

2 Page 98, line 20. This is a real quick question.

3 MR. BEATTY: I'm sorry. Page?

4 MR. VINSON: 98, line 20.

5 BY MR. VINSON:

6 Q. Mentions the name Robbie Brent.

7 Is he any relation to Wanda Brent who was a North Dade
8 Maintenance Center manager?

9 A. Yes.

10 Q. Okay. Is he her husband?

11 A. Yes.

12 Q. Do you recall what his duties were at the time that
13 you mentioned that you were mentioning him in this context?

14 MR. BEATTY: Are you asking what his title was?

15 MR. VINSON: What his duties were.

16 MR. BEATTY: Title and duties?

17 MR. VINSON: Title and duties both, if she can recall.

18 A. All right. Obviously Exhibit 15 was a review that
19 Hampton Booker made.

20 Does anybody know specifically what time frame that
21 review was done without me having to read through this whole
22 thing?

23 BY MR. VINSON:

24 Q. I may not have all of the exhibits.

25 MR. BEATTY: As best you can, why don't you reference

1 that as the general time frame if you don't have any
2 better information.

3 A. Okay. The February of '88. As far as I know, during
4 February of '88 Ronnie Brent was the manager of Miami Metro
5 Maintenance Center.

6 Q. Do you know if he was ever employed at North Dade?

7 A. I don't know.

8 Q. Let me ask you to just very quickly define. You just
9 mentioned two types of reviews. You distinguished, I guess,
10 between an operational review and a standardization and
11 compliance, was it?

12 A. Uh-huh.

13 Q. Okay. Could you distinguish between those?

14 A. Briefly an operational review looks at the entire
15 organization of the maintenance center and every discipline
16 within that, standardization and compliance looks more
17 specifically at trouble report statusing and handling.

18 Q. And the operational review, does that include the
19 modules that are in the Standardization and Compliance Review?

20 A. An operational review as it was during that time
21 period, I cannot say what it is today, I'm not familiar with
22 one today, during that time period an operational review
23 contained within it a submodule called standardization and
24 compliance with everything that you know as standardization and
25 compliance included. One section of the operational review was

1 called standardization and compliance.

2 MR. VINSON: Those are all the questions that I have.

3 MS. RICHARDSON: May I ask one other that I forgot to
4 ask. I know this is really stretching it.

5 MR. BEATTY: Yes.

6 REDIRECT EXAMINATION

7 BY MS. RICHARDSON:

8 Q. Ms. Davis, you mentioned that there was a new review
9 being done in 1993 as opposed to the '92 one that we went
10 through extensively.

11 Do you know if any changes were made to the
12 Standardization and Compliance Review based upon the 1992
13 reaudits of the audits that counsel has claimed are privileged?

14 MR. BEATTY: I'm sorry.

15 MS. RICHARDSON: You want me to repeat that?

16 MR. BEATTY: Would you, please?

17 BY MS. RICHARDSON:

18 Q. Do you know if there were any changes made to the '93
19 version of the compliance reviews based upon the company's
20 findings in the 1992 reaudits of the '91 audits the company
21 claims are privileged?

22 MR. BEATTY: We insert the privilege and request the
23 witness not respond to the extent that the witness has
24 information that she gathered through the privileged
25 matters that she was involved in.

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A. No.

MS. RICHARDSON: Thank you.

(Thereupon the deposition was concluded at 7:00 p.m.)

(Date)

MELANIE DAVIS

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

Notary Public, State of Florida At Large

My Notary Commission No. _____

Expires:

STANDARDIZATION

AND

COMPLIANCE REVIEW

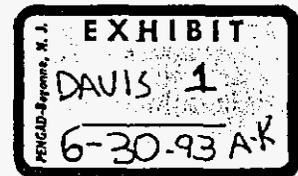
DIVISION NAME: _____

PERIOD COVERED: FROM: _____
TO: _____

PRIMARY REVIEWERS NAME: _____

PHONE NUMBER: (____) _____ - _____

FEED BACK DATE: _____



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SECTION A
EMPLOYEE REPORTS

This section looks at employee reports. Excluded are ITE generated service orders, Official Services, and all Coin classes of service.

Source documentation:

660-169-011BT Issue D, January, 1992

660-169-013BT Issue H, January, 1992

REVIEWERS HINTS:

1. Proper documentation is required in the trouble narrative to substantiate the employee report. This must include the department and the initials of the employee reporting the trouble if different than the employee entering the report. Reports not having the required information will be scored as errors.

2. Employee reports issued for reasons other than those described in the practice will be scored as errors.

EXAMPLES:

Employee reports issued to complete repairs on an existing trouble report.

Employee reports issued to clear a customer trouble report and the original report was excluded. This includes employee reports issued to complete/repair installation orders. These type of troubles should be cleared on the service order.

Employee reports issued to clear multiple troubles on a customer report. This includes reports issued to install network interfaces while on repair visits.

Employee reports issued when a trouble report is received on a special call-back number located in the district/turf given to the customer on a repair or installation visit, previous no-access, or on a repeat report reduction plan.

SECTION A
EMPLOYEE REPORTS

USE MTAS 686-30

CRITERIA: CAT=4&CS*=08;09;11;14;18;19&TLCP=N&FTYP*=897;898;899&RSA*=007

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION B
EXCLUDED REPORTS

This section looks at excluded reports. Excluded are ITE generated service orders, Official Services, and all Coin classes of service.

Source documentation:

660-169-011BT Issue D, January, 1992

660-169-012BT Issue F, January, 1992

REVIEWERS HINTS:

1. Close narratives must substantiate the exclude. Only those reasons given in the practice are valid excludes and close narratives must include at least the information given in the examples.

2. As per 660-169-012BT, par. 3.1, A change of appointment for Company reasons to a later time than originally given the customer shall be considered a Missed Appointment. If the appointment is changed, a Customer Direct report will be used. DO NOT use a CX subsequent to change appointment. Any change of appointment by other than the customer through the CRSAB, must be documented.

3. A trouble report associated with service order activity cannot be excluded if the service order has been completed. A report excluded for service order activity will require verification of the date and time the order was completed.

"O" routed service orders will have an ITE employee report associated with the trouble report. This should be sufficient documentation to justify the exclusion. If further verification is required, the SHAK number and completion date can be obtained by requesting the '/FOR IFSTQT' mask and inputting the NPA and TN. When the SHAK number and date are known, request the '/FOR IFSTQU' mask. Input the Completion Date, NPA, Telephone Number, and SHAK number. This additional information should help in determining the validity of the exclude.

"M" route or automatic completion orders without errors complete at 5:00 PM on the due date.

SECTION B

PART 1

EXCLUDED REPORTS - LEAD TICKET ONLY

USE MTAS 686-31

CRITERIA: CAT=6&CS*=08;09;11;14;18;19&TLCP=N<=0&FTYP*=897;
898;899&RSA*=007

TOTAL IN CATEGORY: _____

NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____

% DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION B

PART 2

EXCLUDED REPORTS

NOT LEAD TICKET - NOT ISSUED BY CRSAB

USE MTAS 686-32

CRITERIA: CAT=6&CS*=08;09;11;14;18;19&TLCP=N<=1&RSA>=580

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION C

CPE CODES

This section looks at all CPE disposition codes. It excludes No-Accessed reports, Official Services, and all Coin classes of service.

Source documentation:

660-169-013BT Issue H, January, 1992

REVIEWERS HINTS

1. All CPE codes must have a close narrative explicitly isolating the trouble causing condition to the customer's equipment/wiring. Isolation of the trouble will include CUSTOMER NOTIFICATION for close out purposes.

SECTION C

CPE CODES

USE MTAS 686-33

CRITERIA: CAT=1&SUB=0&AR=0&CS*-08;09;11;14;18;19&TLCP=M&DISP
=12&NA=0

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION D
OUT OF SERVICE STATUSING

This section looks at out of service statusing. It excludes Official Services, Disposition code 07XX, all Coin classes of service, and those reports statused out of service by auto screen.

Source documentation:

660-169-012BT Issue F, January, 1992

REVIEWERS HINTS

1. Test narratives should be on all reports manually tested by the maintenance center. Test narratives which state an out of service condition existed at the time of the test must have an out of service RSLT code.

2. Reports manually scored as out of service should qualify as per the definition in the practice. Reports concerning custom calling features, test OK's where the VER code does not indicate an out of service condition existed at the time of test, etc., should not be scored out of service unless test or close narratives indicate otherwise. An example of this would be a central office failure. These reports will probably test OK per MLT but should be scored out of service if the customer has lost the ability to receive or originate calls.

SECTION D

PART 1

MANUAL OUT OF SERVICE STATUSING

USE MTAS 686-34

CRITERIA: CAT=1&SUB=0&AR=0&CS*=08;09;11;14;18;19&TLCP=N&SP*=
299&OOS=1&DISP*=07

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION D

PART 2

OUT OF SERVICE STATUSING

TEST OK

USE MTAS 686-35

CRITERIA: CAT=1&SUB=0&AR=0&CS*=08;09;11;14;18;19&TLCP=N&OOS=1&DISP=07&SP*=299

TOTAL IN CATEGORY: _____

NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____

% DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION D

PART 3

NOT OUT OF SERVICE STATUSING

RSLT INDICATES OOS - STAT NOT OOS

USE MTAS 686-36

CRITERIA: CAT=1&SUB=0&AR=0&CS*=08;09;11;14;18;19&'440,1'=1;2
;3&'439,1'*=1&SP*-299&OOS=0

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____
NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION E

NO-ACCESS STATUSING

This section looks at no-access statusing by maintenance center personnel. It excluded Official Services, and all Coin classes of service.

Source documentation:

660-169-012BT Issue H, January 1992

660-169-314SV Issue B, March, 1989

REVIEWERS HINTS

1. Was the trouble report dispatched on the appointment date and time? Be sure to check the before and after fields in the trouble narrative. These will be filled if the customer has requested a specific time for access.
2. In some cases it may be beneficial to dispatch a report of trouble before the appointment date. This may be due to extended appointments on out of service reports, bulk type reports, etc. Where possible, the customer should be contacted and advised of the earlier appointment to reduce the possibility of additional no accesses.
3. Be sure the proper no-access code is used. (NAO vs NAS)

The NAS status will stop a report from scoring as a missed appointment. Be sure this status code is being used properly by the IMC. A more detailed look may be necessary if problems are suspected.
4. The vehicle for new appointments on no-accessed reports is the subsequent report. If a report is closed by the IMC and a subsequent report was received indicating a new appointment and existing trouble, be sure the close narrative states the customer was contacted and agrees with the final disposition. If the close narrative indicates the report was closed without regard to the subsequent report, score an error.
5. 660-169-314SV documents the use of Disposition Coded 1207 for closing no access reports in the IMC. 660-169-013BT supersedes this Disposition Code. All other no access procedures are valid.
6. Be sure 3rd party reports are being handled properly. This can become a problem if billing is involved.
7. Be sure reports are being held the proper amount of time before closing. Failure to do so will result in an error. You may want to look at the day reports are closed vs how many repeat. Reports closed on Friday, Saturday, Sunday and Monday, usually repeat at a higher rate than those closed out during the week.

SECTION E
NO-ACCESS STATUSING
USE MTAS 686-37

CRITERIA: CAT=1&SUB=0&AR=0&CS*=08;09;11;14;18;19&TLCP=N&NA=1

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____
NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION F
NON-NETWORK CODES

This section looks at all customer direct reports closed to non-network disposition codes. Disposition Codes other than 03XX, 04XX, 05XX, 07XX, 08XX, 09XX. It excludes all Coin classes of service, Disposition Codes 12XX, and No access reports.

Source documentation:

660-169-013BT Issue H, January, 1992

REVIEWERS HINTS

1. Non-network codes, just like any other disposition require proper documentation in the close narrative for use.
2. The use of disposition 01XX is reserved for use on service orders and will be scored as an error if used on a trouble report.

SECTION F
NON-NETWORK CODES

USE MTAS 686-38

CRITERIA: CAT=1&SUB=0&AR=0&CS*=08;09;11;14;18;19&TLCP=N&N=1&
DISP*=12&NA=0

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION G

SSMMP CLASSES OF SERVICE

This section looks at all SSMMP classes of service. It excludes coin classes of service.

Source documentation:

660-169-011BT Issue D, January, 1992

660-169-012BT Issue F, January, 1992

660-169-013BT Issue H, January, 1992

REVIEWERS HINTS

1. These trouble reports should be handled the same as any other type of trouble report in regard to coding. The only difference is the objective established for average clearing times. For this reason, particular care must be used when evaluating these reports. The clear date and time should be compared to the final status day and time for abnormally large intervals. These large intervals may happen occasionally, but should be documented as to why. If an excessive number of reports with abnormally large clear to FST intervals are found, the backing up of clearing times should be investigated. Subsequent reports issued by the CRSAB are issued in real time. Any status or clearing times prior to the subsequent but appearing after the receipt of the subsequent report on the DLETH is documented proof that times are being backed up.

2. Look for improperly excluded or closed reports. In some cases a new report may have been generated to complete repairs (particularly on weekends).

3. Dummy Line Records (Issued to clear trouble reports not tracked in LMOS) should not be issued as Customer Direct reports. Any Dummy reports that should have been issued as Category 1 reports should be scored as errors.

SECTION G

SSMMP CLASSES OF SERVICE

USE MTAS 686-39

CRITERIA: CAT=1&SUB=0&AR=0&TLCP=N&((CS=02;12;15;16;17)/(CS=2
1&'96,3'*=X2W;X4W))

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

S&C REVIEW 1992

SECTION H
CAUSE CODES

This section looks at Cause coding. It Excludes coin classes of service and no-access reports.

Source documentation:

660-169-013BT Issue, H, January, 1992

REVIEWERS HINTS

1. Cause coding relies for the most part on the information in the close narrative supplied by the person closing the report. If this information is not complete enough to determine the proper cause code, score the report as an error.
2. Some Cause Codes do not apply to certain Disposition codes.

Example:

Cause code 320 MULTIPLE CABLE FAILURE, is used with cable failures cause by sheath problem, cable support hardware, etc. Use of this code on DLC failures or other problems not associated with cable failures should be scored as an error.

Cause Code 420 MOISTURE, applies to trouble conditions caused by rain, dew, humidity, condensation, etc. If a cable gets wet because of a taped opening, splice case failure, gaffed cable, etc., the report should not be closed to moisture. The Cause Code should relate to what allowed the moisture to enter the cable.

SECTION H

PART 1-H

CAUSE CODES - PSC EXEMPT

FLORIDA USE ONLY

USE MTAS 686-40

CRITERIA: CAT=1&SUB=0&AR=0&CS*=08;09;11;14;18;19&TLCP=N& (('1
67,1'*=4)/('167,2'*=31;32;35;50)/(FCAS*=200;210;22
2;280;303;304))

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

S&C REVIEW 1992

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SECTION H

PART 2-H

CAUSE CODES - NON-PSC EXEMPT

FLORIDA USE ONLY

USE MTAS 686-41

CRITERIA: CAT=1&SUB=0&AR=0&CS*=08;09;11;14;18;19&TLCP=N&'167
,1'*=4&'167,2'*=31;32;35;50&FCAS*=200;210;222;280;
303;304

TOTAL IN CATEGORY: _____

NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____

% DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

SECTION H
PART 3-H
CAUSE CODES
OTHER THAN FLORIDA

USE MTAS 686-42

CRITERIA: CAT=1&SUB=0&AR=0&CS*=08;09;11;14;18;19&TLCP=N

TOTAL IN CATEGORY: _____ NUMBER SAMPLED: _____

NUMBER DEVIATIONS: _____ % DEVIATIONS: _____

FINDINGS:

RECOMMENDATIONS:

DEFINITIONS FOR RESULT SHEET

1. TOTAL IN CATEGORY

The number of reports derived using the "00" MTAS report for the section being reviewed.

2. TOTAL SAMPLED

The number of "DLETH" pulled for analization for the section being reviewed.

3. NUMBER DEVIATIONS

The number of deviations found from the "DLETH" pulled for analization for the section being reviewed.

4. PERCENT DEVIATIONS

The percent of deviations found as compared to the number of "DLETH" pulled for analization for the section being reviewed.

DIVISION _____

PERIOD COVERED: _____ TO _____

	TOTAL IN CATAGORY	TOTAL SAMPLED	NUMBER DEVIATIONS	PERCENT DEVIATIONS
SECTION A EMP REPORTS	_____	_____	_____	_____
SECTION B EXCLUDED REPORTS				
PART 1	_____	_____	_____	_____
PART 2	_____	_____	_____	_____
TOTAL SECTION B	_____	_____	_____	_____
SECTION C CPE CODES	_____	_____	_____	_____
SECTION D OUT OF SERVICE				
PART 1	_____	_____	_____	_____
PART 2	_____	_____	_____	_____
PART 3	_____	_____	_____	_____
TOTAL SECTION D	_____	_____	_____	_____
SECTION E NO ACCESS	_____	_____	_____	_____
SECTION 7 NON-NETWORK CODES	_____	_____	_____	_____
SECTION G SSMMP	_____	_____	_____	_____
SECTION H CAUSE CODES				
PART 1	_____	_____	_____	_____
PART 2	_____	_____	_____	_____
PART 3	_____	_____	_____	_____
TOTAL SECTION H	_____	_____	_____	_____
OVERALL RESULT		_____	_____	_____

MTAS REPORTS
SCRATCH PAD 686

- 30. _____ EMPLOYEE REPORTS
- 31. _____ EXCLUDED REPORTS - LEAD TICKET ONLY
- 32. _____ EXCLUDED REPORTS - NOT LEAD TICKET - NOT
ISSUED BY CRSAB
- 33. _____ CPE CODES
- 34. _____ MANUAL OUT OF SERVICE STSTATUSING
- 35. _____ OUT OF SERVICE STATUSING - TEST OK
- 36. _____ NOT OUT OF SERVICE STATUSING
- 37. _____ NO-ACCESS STATUSING
- 38. _____ NON-NETWORK CODES
- 39. _____ SSMMP CLASSES OFSERVICE
- 40. _____ CAUSE CODES - PSC EXEMPT - FLORIDA ONLY
- 41. _____ CAUSE CODES - NON-PSC EXEMPT - FLORIDA ONLY
- 42. _____ CAUSE CODES - ALL OTHERS

STANDARDIZATION AND COMPLIANCE

REVIEW FEED BACK

DATE: _____

PLEASE PRINT

NAME: _____

TITLE: _____ DEPT: _____

PHONE: (_____) _____ - _____

NAME: _____

TITLE: _____ DEPT: _____

PHONE: (_____) _____ - _____

NAME: _____

TITLE: _____ DEPT: _____

PHONE: (_____) _____ - _____

NAME: _____

TITLE: _____ DEPT: _____

PHONE: (_____) _____ - _____

NAME: _____

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NAME: _____

TITLE: _____ DEPT: _____

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S&C REVIEW 1992

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