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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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.)

DOCKET NO. 910163-TL

920060-TL

COPY

DEPOSITION OF: CARL J. KINGCADE
TAKEN AT THE INSTANCE OF: Citizens of the State of Florida, by and through Jack Shreve, Office of Public Counsel
DATE: Tuesday, July 28, 1992
TIME: Commenced at 10:40 a.m. Concluded at 11:45 a.m.
PLACE: 666 N.W. 79th Avenue Room 642 Miami, Florida
REPORTED BY: JANE FAUROT Notary Public in and for the State of Florida at Large

ACCURATE STENOTYPE REPORTERS, INC.
100 SALEM COURT
TALLAHASSEE, FLORIDA 32301
(904) 878-2221

DOCUMENT NUMBER-DATE

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1750-RECORDS/REPORTING

1 APPEARANCES:

2 REPRESENTING THE SOUTHERN BELL TELEPHONE AND
3 TELEGRAPH COMPANY:

4 ROBERT G. BEATTY, ESQUIRE and
5 PHILLIP CARVER, ESQUIRE
6 Southern Bell Telephone and Telegraph Company
7 Museum Tower Building
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9 Miami, Florida 33130

10 REPRESENTING THE CITIZENS OF THE STATE OF FLORIDA:

11 SUE RICHARDSON, ESQUIRE
12 Office of Public Counsel
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17 REPRESENTING THE FLORIDA PUBLIC SERVICE
18 COMMISSION:

19 JEAN WILSON, ESQUIRE and
20 STAN GREER, Class B Practitioner
21 FPSC Division of Legal Services
22 Florida Public Service Commission
23 101 East Gaines Street
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25 REPRESENTING CARL J. KINGCADE:

ERIC L. ANSEL, ESQUIRE
Ansel & Simon
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Hollywood, Florida 33019, and
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Pembroke Pines, Florida 33024

ALSO PRESENT:

WALTER BAER, Office of Public Counsel.

CARL VINSON, FPSC Division of Communications.

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I N D E X

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WITNESS:

PAGE NO.

CARL J. KINGCADE

Direct Examination by Ms. Richardson
Cross Examination by Mr. Greer

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CERTIFICATE OF REPORTER

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S T I P U L A T I O N S

The following deposition of CARL J. KINGCADE was taken on oral examination, pursuant to notice, for purposes of discovery, for use in evidence, and for such other uses and purposes as may be permitted by the Florida Rules of Civil Procedure and other applicable law. Reading and signing of said deposition by the witness is not waived. All objections, except as to the form of the question, are reserved until final hearing in this cause; and notice of filing is waived.

* * * * *

Thereupon,

CARL J. KINGCADE

was called as a witness, having been first duly sworn, was examined and testified as follows:

MR. BEATTY: My name is Robert Beatty, of course, Carl. And I am here on behalf of Southern Bell. And Phillip Carver is also present for Southern Bell. We have entered into a previous stipulation which we'll just apply to the deposition this morning.

Carl, as you know, a previous investigation, internal investigation, conducted by Southern Bell was conducted pursuant to the attorney/client privilege and the attorney work product privilege. And I just want to reiterate that today, and to let you know that those

1 privileges remain intact with regard to that
2 investigation. So, I would request that you not
3 disclose in this deposition anything that occurred in
4 the context of that investigation, okay?

5 THE WITNESS: Okay.

6 MR. BEATTY: Good.

7 MS. RICHARDSON: But if you know anything outside
8 of that investigation, or have a source outside of the
9 investigation, then we would ask that you answer the
10 questions fully and honestly based upon that outside
11 information.

12 THE WITNESS: Okay.

13 MS. RICHARDSON: Did you want to put your
14 appearance on the record for Mr. Kingcade?

15 MR. ANSEL: Eric Ansel. I'm private counsel for
16 Mr. Kingcade.

17 MS. RICHARDSON: And then I have just a couple of
18 clarifying things as well before we get started. If
19 you respond to me and use the words "I don't know"
20 something, that means you really don't know. You have
21 absolutely no knowledge personal, firsthand, secondary,
22 rumor, hearsay, you just don't know. Is that your
23 understanding?

24 THE WITNESS: Yes.

25 MS. RICHARDSON: Fine. Kind of the same thing

1 with "I can't remember" or "I can't recall," or I ask
2 you, "Do you remember such and such," and you say "No,"
3 then you have no memory. Your memory is a blank.
4 There aren't any little niggling things, kind of, out
5 here, "I sort of have something, but I'm not quite
6 sure." That's a more appropriate response than "I
7 can't remember".

8 THE WITNESS: Okay.

9 MS. RICHARDSON: Okay. And then if there are any
10 questions at any point, if you don't understand my
11 question or you need clarification, please stop me and
12 ask. Can you agree on that?

13 THE WITNESS: Sure.

14 MS. RICHARDSON: The last thing is if I ask you
15 questions, for instance, do you know of anyone or have
16 you heard of anyone doing this that or the other, when
17 I make sort of an inclusive statement like that, I am
18 asking about you personally, as well as anyone else?

19 THE WITNESS: Okay.

20 MS. RICHARDSON: So, when you respond, you're also
21 responding about yourself having done or not done
22 something?

23 THE WITNESS: Okay.

24 MS. RICHARDSON: And you may certainly break your
25 response up, your answer to me, clarify it, "I haven't,

1 but I know someone who did," or "I did not; no one else
2 that I know of did." Are we agreed on that?

3 THE WITNESS: Yes, we do.

4 DIRECT EXAMINATION

5 BY MS. RICHARDSON:

6 Q Okay. Then if we could start, if you will please
7 state your name and spell your last name for the court
8 reporter.

9 A Okay. It's Carl J. Kingcade. That's
10 K-I-N-G-C-A-D-E.

11 Q And your address, please.

12 A

13 MR. BEATTY: Just one second, Carl. Was that
14 K-I-N-G?

15 THE WITNESS: K-I-N-G-C-A-D-E.

16 BY MS. RICHARDSON:

17 Q And if you would give us your present position
18 with the Company?

19 A Currently I'm an engineer in the South Florida BIC
20 organization. That's the Building Industry Consulting
21 Service Organization of Southern Bell.

22 Q That's B-I-C?

23 A B-I-C is the acronym.

24 Q All right. And who is your present supervisor?

25 A Orlando J. Soto, S-O-T-O.

1 Q And who is Mr. Soto's immediate supervisor?

2 A John O'Hare.

3 Q O'-H-A-R-A?

4 A R-E, E at the end. O'-H-A-R-E.

5 Q Okay. And what pay grade level are you,
6 Mr. Kingcade?

7 A Pay Grade 3.

8 Q Do you have any supervisory or managerial
9 responsibilities?

10 A In this present job, no.

11 Q What position did you hold immediately prior to
12 this position?

13 A I was an assistant manager in the North Dade IMC.

14 Q And what pay grade level was that?

15 A Pay Grade Level 3, the same.

16 Q Pay Grade 3. And what were your duties as an
17 assistant level manager for the IMC, and was this North
18 Dade, South Dade?

19 A This is North Dade.

20 Q North Dade.

21 A I was a cable control foreman or cable control
22 assistant manager.

23 Q And what does a cable control assistant manager
24 do?

25 A It's basically a load control job. I was

1 dispatching cable troubles, failures, individual troubles
2 that were in the cable.

3 Q All right. And how did you find out about these
4 particular troubles that were in the cables?

5 A Well, these were troubles that came through our
6 Centralized Repair Service Bureau. Depending on the area,
7 of course, being North Dade it came to the maintenance
8 center, were then dispatched out by a service technician. A
9 service technician went out and determined that he could not
10 fix the trouble, because it was in the cable or it could be
11 a failure of some sort. So, he would then have the cable
12 sent to my dispatch pool. That is how I got it.

13 Q All right. And then do you decide who goes out on
14 the dispatch?

15 A Yes, I do, basically.

16 Q And do you decide how many people go out?

17 A No, I don't. That's left up to the cable control
18 manager, outside manager, outside plant manager. I dispatch
19 the trouble, and if the technician determines that he needs
20 additional help, then another repair technician will then go
21 out. And he will either call me, and I would get in touch
22 with his boss to go out and take a look at the situation.
23 Or he will get in touch with his boss, and his boss would
24 call me and say, "Dispatch another technician here."

25 Q All right. Is your position, then, also

1 responsible for clearing and closing these reports?

2 A Yes, it is.

3 Q So, you are familiar with cable disposition codes
4 and cause codes for cable problems that get reported on
5 these reports?

6 A At the time, yes.

7 Q That you were doing --

8 A Exactly. I may be a little hazy now, but, yes, at
9 the time.

10 Q Sort of general.

11 A Yes.

12 Q Okay. Why did you move from that position as Pay
13 Grade 3 to your present position?

14 A Well, I wanted a different position, basically. I
15 had been trying to become an engineer for a couple of years.
16 I took an assessment test, passed it, and when the job came
17 open -- I took the test, I think, in 1990, the early part of
18 the year, passed it. And when a position came open, I then
19 was asked if I wanted it, which I stated I did, and that is
20 why I took it.

21 Q Okay. And what was your entry level position with
22 the Company?

23 A A Pay Grade 3.

24 Q Pay Grade 3, and doing what?

25 A I was a station repair foreman, my initial job. I

1 had a team of service technicians that would go out and
2 repair. I managed that team, go out and repair service
3 troubles, customer service troubles.

4 Q Okay. Did you do business as well as residential?

5 A No. No, at the time. It was strictly
6 residential.

7 Q All right. And when was this, what year?

8 A This would be 1980.

9 Q So, you have been with the Company quite awhile,
10 then?

11 A Yes.

12 Q Are you familiar with TRACKER, the TRACKER?

13 A With TRACKER, yes, I am.

14 Q Are you familiar with the Public Service
15 Commission index and requirement that out-of-service
16 troubles should be cleared within 24 hours at a 95 percent
17 rate?

18 A Yes, I am.

19 Q All right. And does that apply to your present,
20 or to the work that you did as a cable repair foreman?

21 A Yes, it did.

22 Q Does it at all apply to what you do now?

23 A No, it doesn't.

24 Q Okay. Was one of your duties and responsibilities
25 to make sure that that index was met?

1 A No, it was not.

2 Q Okay. Was it your supervisor's responsibility at
3 that time to make sure that that index was met, that
4 troubles were cleared within 24 hours, so that the Company
5 could meet that 95 percent rate?

6 A Well, whenever possible. And if I understood your
7 question, basically it was our responsibility to get the
8 troubles cleared as soon as possible, okay? Not necessarily
9 -- you know, it was not honed in that you needed to be at a
10 95 percent rate or whatever. Okay? It was not hammered in.

11 Q Okay. But you were told?

12 A Well, I knew what the index was.

13 Q You knew?

14 A Yes. And if I could make the index, I made it; if
15 I couldn't, I couldn't.

16 Q Okay. Were you evaluated at all on making the
17 index? Was it made part of your personnel evaluation and
18 review?

19 A If I can remember correctly, I think that was one
20 of our objectives.

21 Q Okay. And as an objective, this went in your
22 record whether or not you met it, your personal employee
23 record on a monthly basis, as to whether or not you met that
24 objective?

25 A On a monthly basis, no.

1 Q Quarterly?

2 A And to be honest with you, I cannot remember -- I
3 can't remember the times when we made it and when we didn't
4 make it. Okay. It was just an objective. If we missed it,
5 it was missed. And that was just one objective of many that
6 was missed.

7 Q Okay. While you were in the position of cable
8 repair foreman, were you eligible for bonus pay based upon
9 your performance?

10 A I was eligible for it, yes. Did I ever receive
11 it, no.

12 Q All right. Was your eligibility based in part
13 upon whether or not the out-of-service objectives were met?

14 A I don't know if I can -- if I'm qualified to
15 answer that, being that I never received it. I honestly
16 don't know. I mean, I'm assuming that if a person made all
17 of their objectives that that would be, you know, a feather
18 in their cap, but I'm not sure. I don't know.

19 Q Okay. Going back to TRACKER on closing out
20 trouble reports.

21 A Okay.

22 Q Okay. Out-of-service trouble reports -- not the
23 affecting service, but just out-of-service right now -- is
24 it possible or was it possible, when you were cable repair
25 foreman, to bulk process in terms of handling more than one

1 report at a time in the computer system and in TRACKER? Say
2 there is a lead cable failure.

3 A Right.

4 Q And then we attach other cable failures, other
5 phones, customer phone lines that are attached to that cable
6 failure, is that an appropriate understanding of what we can
7 do under TRACKER?

8 A Well, TRACKER did it itself, yes.

9 Q TRACKER did it itself?

10 A Right.

11 Q Okay. Then what happened when you closed out that
12 lead report? What happened to all of those attached
13 reports?

14 A Well, basically, there was a lead report that you
15 closed out and that report was typically placed in the man's
16 log, okay? And once that trouble was closed out, we would
17 then go back and close the failure, the actual troubles that
18 had attached.

19 Q Individually, then you'd call each one?

20 A No. It was closed out on a bulk transaction. I
21 really can't remember exactly what it was, but it was a bulk
22 type transaction. Whereas, if you had 150 trouble reports
23 in that particular failure, once you closed out one, it
24 closed out the entire failure. So, you didn't have to do it
25 individually.

1 Q All right. Now, let's say we have got the 150
2 trouble reports, and that lead report is an out-of-service
3 report. I mean, it has already been statused
4 out-of-service?

5 A Correct.

6 Q Okay. And you close that one out, what happens to
7 the status of those other 149?

8 A Okay. Again, the one that's in the man's log is
9 not attached to the failure. And if I remember correctly,
10 once a cable failure was made, once you made a cable
11 failure, anything that attached that happened to be in that
12 particular cabling account, anything that attached were not
13 statused as out-of-service troubles, okay. I mean, if I
14 remember correctly.

15 Q Okay. So, if I closed the lead out-of-service,
16 then you're saying the 149 other ones that are attached
17 would be affecting service?

18 A Well, I'm not saying that it would be affecting
19 service. I don't know what the status code was on it. The
20 way it would work is if you had, say, five troubles that
21 were already in the cable pool or already in the station
22 pool, okay, in a particular cable complement. And let's say
23 those five troubles, okay, were out-of-service, were
24 statused out-of-service initially. Once we determined that
25 a failure -- or TRACKER determined that a failure is made,

1 it would automatically take those four troubles and make
2 them a cable failure. So, we would now have five troubles
3 attached. We would then take a trouble out of that failure
4 and place it in the man's log. So, now we have four
5 troubles and a failure. And we have one in the man's log.
6 Anything else, if the other 144 attached afterwards, those
7 would not be statused out-of-service. And that was just
8 unique to the system.

9 Q Okay.

10 A And conversely, if you had just the one trouble at
11 the time that was in the pool statused out-of-service, and
12 somebody called in and said, "Hey, we have got a cut cable."
13 Okay, if we knew beforehand, if a technician happened to be
14 there or passing by and said, you know, "This cable is cut,
15 you know, it looks like a 50 pair. It's Cable 26, Pairs 101
16 to 150, place that in the system as a failure." Then we
17 would go ahead and place it in there, even though we may not
18 have any -- the customers may have not called in. So, when
19 they do call in, they were automatically attached to the
20 failure. And that was done to stop double dispatching, so
21 that we wouldn't have two and three repair people out on the
22 same failure.

23 Q Do you know what a ghost ticket is?

24 A No, I don't.

25 Q In your last scenario example of the employee

1 calls in, that's going to be an employee-originated report,
2 correct?

3 A No.

4 Q I mean, no customer called that cable failure in.
5 He was out there. From what you said, he just road by, he
6 saw a cable cut and he called it in and reported that.

7 A No.

8 Q That is not an employee report?

9 A No. That's not. Now, at cable control, that is
10 not an employee report. Basically, the only thing I would
11 do if he called in and said, "There is a cut 50," as I told
12 you before, we would just go ahead and put in the parameters
13 of that cable. He would give me the cable, Cable 25, and
14 the pair count, and that is what I would place in the
15 system.

16 Q In TRACKER?

17 A That is what I would place in TRACKER, yes.

18 Q Okay.

19 A And that would be that. Now, if something came
20 up. If a customer called in, and the trouble automatically
21 attached to that particular cable range, I would then take
22 that first trouble out, put it in his log, so that we would
23 have something to close out. And then that would be that.
24 If nobody else called in, then there would never be another
25 trouble in there for us to close out. We would just delete

1 the pair range and that would be it. But we would close the
2 trouble out that's in his log.

3 Q Okay. So, the only way that we get customer
4 repair reports on cable failure -- let me start off
5 differently. There would not be an employee-originated
6 report with a cable failure?

7 A No.

8 Q There would only be customer reports for cable
9 failures?

10 A Exactly.

11 Q And those may be attached to a cable failure that
12 was already existing in TRACKER?

13 A That was already existing or TRACKER would make up
14 one, once the report started coming in.

15 Q Okay.

16 A And if I remember correctly, I think it was three
17 or more. Once we got three or more in the same pair range,
18 TRACKER would then make it.

19 Q All right. On clearing these cable failures and
20 how they were cleared out in the system, do you know of
21 anyone or have you ever recorded a clearing time other than
22 the actual time for a particular cable failure?

23 A No.

24 Q Has anyone else ever reported a clearing time
25 other than the actual time the clearing time was called in

1 for a cable failure?

2 MR. ANSEL: Excuse me. I object to the form of
3 the question. You said you or anybody else ever?

4 BY MS. RICHARDSON:

5 Q Anyone else that you are aware of in the Company,
6 any other employee that you're aware of in the Company?

7 A No, not to my knowledge.

8 Q Okay. Do you, or has anyone else that you know of
9 that you are aware -- and this, again, is through rumor, as
10 well as actual firsthand, direct knowledge, backed up the
11 time, the clearing time, in order to meet an
12 out-of-service-over-24-hour index?

13 A No. However, I would like to clarify a point.

14 Q Please.

15 A And that point being, if you could just explain
16 what "backed up" means. What does that mean?

17 Q Okay. Backing up the time, let's say that the
18 cable failure, the person who is clearing the cable failure,
19 the ST in the field, has cleared the failure at, let's say,
20 1:00.

21 A Okay.

22 Q Okay. He has actually done the work, and he has
23 cleared the failure at 1:00. And he calls in in order to
24 clear this out, to get it in the system that it has been
25 cleared. And the maintenance administrator that he calls

1 and talks to says, "1:00, are you sure? This report went
2 out-of-service over 24 hours at noon?"

3 A Okay.

4 Q "Are you sure that you really cleared it at 1:00?"
5 And he says, "Well, you know, now that I think about it, it
6 may have been 11:50."

7 MR. BEATTY: For the record, I do object.

8 MS. RICHARDSON: That is a hypothetical.

9 MR. BEATTY: I object to the hypothetical as
10 equally, if you will, the notion of backing up time.

11 BY MS. RICHARDSON:

12 Q As one concept of backing up time?

13 A Okay. Under the situation that you just
14 explained, no.

15 Q Okay. In terms of an alternative for backing up
16 time, because this is sort of a loose term that I am using.
17 I am trying to get some clarification for your purposes.
18 The cable repair person calls in and is aware that noon is
19 the 24-hour time on out-of-service, and reports closing or
20 clearing, clearing the cable report, at 11:50. Are you
21 aware, or have you ever personally done this?

22 A If I'm understanding your question correctly, if a
23 cable repair technician called in, and if he said he cleared
24 the trouble at 11:00 or 11:50, then that was the time that
25 we placed on it. Okay.

1 Q Even if he may have actually cleared it at 1:00 in
2 the afternoon?

3 A That I would have no idea of knowing. I can't
4 answer that. I don't know. I don't know when he actually
5 cleared it.

6 Q Have you ever heard or used the term yourself
7 "backing up the time"?

8 A Under the scenario that you explained?

9 Q Under any scenario, under any example.

10 A Yes.

11 Q And in what context have you heard it?

12 A Well, basically, I've explained that -- it's
13 basically like I said, we gave a man a trouble at 8:00,
14 okay. And let's say it's a cable failure, or let's say he
15 had to go into the cable, or he had to go into a manhole or
16 something like that. Typically what was happening out in
17 the field, what would happen, is a guy would go in, he would
18 give service, let's say, at 10:00. Okay. And if he had to
19 reclose the sleeve or the manhole or whatever, and he called
20 in at 2:00, okay. Depending on -- I mean, forgetting
21 whatever the clearing time was, we would ask the man when
22 did he provide service to the customer. Now, this was at
23 cable, because we knew that a lot of times when guys go out,
24 they are not done. They are not finished breaking down all
25 the equipment that they have. And, typically, they may call

1 in at 5:00 and say, "Okay, the trouble is clear." And it
2 would take a real astute maintenance administrator to ask,
3 "What time did you actually provide service?" And if he
4 said, I provided service at 10:00, he got the trouble at
5 8:00, that's the time we put in. If he said he provided
6 service at 5:00, that was the time it was placed in.

7 Q Okay. And that is the only context --

8 A Right.

9 Q -- that those words of backing up time have been
10 used that you are aware of?

11 A Yes, to my knowledge.

12 Q To your knowledge. And in your work as a cable
13 repair foreman and supervising the STs who went out and
14 cleared the job, the actual work on the cable, is that a
15 safe statement about what you did? You supervised them on
16 the job?

17 A No, I didn't. All I did was get the trouble
18 reports to them. They had their own boss, field supervisor.

19 Q Okay. In your responsibility and duties of giving
20 the trouble reports to these people --

21 A Yes.

22 Q -- did you provide them with information, in terms
23 of training type information? Did you do training with
24 them?

25 A No, I did not.

1 Q Did you pass along information to them, either
2 from yourself or from another supervisor or manager in Bell,
3 in Southern Bell, about the out-of-service clearance within
4 24 hours index? Were they aware of the 24-hour index?

5 A Oh, sure, yes.

6 Q They were aware of it?

7 A Yes.

8 Q How were they aware of it, from you or someone
9 else?

10 A Well, it could be anybody, whoever is dispatching
11 the trouble, if I'm understanding your question. They were
12 told that this is an out-of-service trouble, just like they
13 would be told it's a service affecting trouble. We would
14 give them as much information pertaining to that particular
15 repair trouble as possible.

16 Q So, they were conscious of each report they were
17 working on about when it would go over 24 hours?

18 A Correct.

19 Q Do you know or have you ever --

20 MR. ANSEL: I object to the last question as being
21 speculative. Go ahead.

22 MR. BEATTY: I would also object. It assumes
23 facts that have not been put in.

24 BY MS. RICHARDSON:

25 Q In your responsibilities as supervising these

1 individual service technicians on dispatch, in terms of
2 telling them it was out-of-service, what did you tell them
3 about the timing of the report, received timing, or anything
4 else in terms of the timing on that report? What kind of
5 information did you pass along?

6 A Nothing. Because, if I remember correctly, when
7 it comes up on the screen, we had no idea as to when it came
8 in, if I remember correctly. Now, I have been out of this
9 for almost two years.

10 Q Okay. In terms of your experience and knowledge
11 of the job that they did and the dispatching of the trouble
12 reports, how could they be aware of the timing, then, and of
13 the 24 hours?

14 A Well, that is what I'm stating. I'm stating they
15 were told that it was an out-of-service trouble. If you're
16 asking me were they told that the trouble came in at 8:00
17 today, no.

18 Q Were they given a commitment time?

19 A Yes, they were.

20 Q All right. And, generally, how far out from the
21 initial time set of the receiving of the trouble to the
22 commitment time?

23 A It depended on the trouble and it depended on the
24 load. There were times where you could have an
25 out-of-service trouble, or a service affecting trouble, that

1 might have come in on Sunday. And due to the load
2 conditions may not have gotten out until Tuesday; may not
3 have been dispatched out depending on the load.

4 Q Would that normally happen for an out-of-service
5 trouble?

6 A At cable control, most of the times that we got
7 troubles, they were already missed, whether they were
8 service affecting or out-of-service.

9 Q Already missed, you means in terms of the 24-hour
10 time they had gone beyond the --

11 A I'm saying 24 hours or just a regular service
12 affecting commitment time. It was generally known that when
13 the troubles went to cable, a cable man clears a trouble
14 maybe twice a day, because he has to go into the cable.
15 It's a lot more tenuous than it is regular service repair
16 type trouble. So, I'm saying that most of the troubles or a
17 lot of troubles, when they came to cable control, they were
18 already missed. That is not to say that all of them were,
19 but I'm saying most of them, yes.

20 Q Okay. Are you familiar with, or do you know of a
21 practice, or have you heard of a practice, of having service
22 technicians call a manager specifically to close out a cable
23 trouble?

24 A To close out a cable trouble?

25 Q Yes, to clear and close.

1 A No. Now, I do know cable failures, we did have a
2 practice whereas cable failures they were called, they would
3 call and close them out. As far as any other trouble,
4 whether it be out-of-service or service affecting, that was
5 handled through a maintenance administrator.

6 Q Okay. Now, on the cable troubles, why would they
7 need to talk to a manager and not just one of the MAs on the
8 desk?

9 A Well, cables failures were -- if you made a
10 mistake on a cable failure, okay, you could severely hurt
11 yourself. You could hurt the actual clearing time on it.
12 And, basically, what I'm saying, using the same -- and one
13 thing you have to understand, is using the same scenario
14 that I gave earlier, most of the time, when you had a big
15 cable failure, those troubles were not statused
16 out-of-service, okay? Because TRACKER made the failure.
17 The failure was already -- as long as those troubles were
18 not in the base when the cable failure originated, when
19 TRACKER originated it, those troubles were attached and they
20 were not statused as an out-of-service trouble, okay? Only
21 the ones that were there before TRACKER.

22 Q All right. Were you personally involved in this?

23 A Yes, I did. I closed out some, yes.

24 Q You closed some out?

25 A Yes.

1 Q And then you had the STs call you?

2 A I had the cable repair technician call me, yes.
3 Well, they would call back at cable control.

4 Q But they would end up talking to you?

5 A They would talk with me or whomever my assistant
6 for that day would be.

7 Q All right. And the purpose of doing that was so
8 that you could question them as to when it was -- service
9 was actually rendered, rather than the times they were
10 calling in? Is that --

11 A No.

12 Q No. Then I missed something. Would you try again
13 for me?

14 A Okay. Again, what I'm stating is, if you had a
15 failure that was 300. You had 300 troubles in there, okay?
16 And I will give you a hypothetical situation. If the
17 troubles had commitments on them of 5:00 on Tuesday, the
18 cable failure was originated 10:00 on Tuesday morning, okay.
19 And the guy cleared the troubles. He called in Wednesday
20 morning at 11:00 to say, "Okay, I'm completely done." Okay.
21 I would know, or my assistant, or whatever manager that
22 would be back there, would know to delve a little deeper and
23 say, "When did you actually clear the trouble?" We didn't
24 want to take a chance of an uninformed MA that just states,
25 if the cable repair technician said, "Okay, I'm done. It's

1 11:00," and he would say, "Okay, what is your disposition
2 and cause code," and they would type it in. If you
3 understand what I'm staying. We did want to -- we wanted to
4 get more information. If the guy stated that, "I just
5 cleared the trouble at 11:00," then that is the time it was
6 closed out. But when you had -- we didn't want to take 300
7 missed appointments, that were not truly missed because an
8 MA failed to ask, "When did you actually provide service?"
9 Because, as I stated before, unlike a service repair
10 technician -- usually when the technician calls in, the time
11 that he calls is the time that he had cleared the trouble.
12 Okay. With cable repair, it's totally different, a total
13 different animal, because they have to do a lot more. As I
14 stated before, they have to set up, go into cables, close
15 manholes, whatever else. So, a lot of times when they call
16 in, okay, it's not the time that they actually provided
17 service.

18 Q Are you familiar, or are you aware of any person
19 -- again, all of these include yourself --

20 A Okay.

21 Q -- who have used dummy employee codes for
22 statusing on trouble reports?

23 A No.

24 Q Or who have used unassigned employee code numbers
25 for statusing trouble reports?

1 A No.

2 Q Are you aware, or have you used any other
3 employee's number instead of their own number --

4 A No.

5 Q -- for statusing trouble reports?

6 A No.

7 Q Are you aware of anyone who may have statused a
8 series of affecting service reports on bulk closeout as
9 out-of-service in order to build the repair index base?

10 A No, I'm not.

11 Q Or on individual closeout -- maybe I should state
12 the whole question.

13 Are you aware, or do you know of anyone who has
14 taken individual customer trouble reports that were
15 affecting service and closed them out as out-of-service in
16 order to build the out-of-service base?

17 A No. The only thing that I would know would be
18 rumor.

19 Q And that's what I'm asking.

20 A Okay. And that would just be, I guess, the
21 situation with one of my former employees. And I don't
22 know, basically, what the scope of that was. It's just,
23 basically, some out-of-service -- excuse me, some service
24 affecting troubles, I guess, that were test okays. If I am
25 answering your question. And that is it. And I don't know

1 that to be factual or whatever.

2 Q But you have heard of that?

3 A Yes.

4 Q And who was this employee?

5

6 Q All right. And where did you hear this rumor?

7 A I was involved in a -- it was, I guess, a review
8 type feedback. And I am trying to remember the date. I
9 know it was in 1990. And it was probably in August or
10 September of '90. And I am not sure of the month. And we
11 were sitting in a conference room much like this. My
12 general manager was there, as well as my boss, and all the
13 IMC managers, along with some of our staff personnel. And
14 we were just going through the actual feedback, and that is
15 basically when it came out. When it came out, I had no -- I
16 didn't even know it was happening. It went totally over my
17 head.

18 Q And who else besides you, that you can recall,
19 attended that meeting?

20 A All of the IMC managers at the time, Nancy,
21 myself, Earl Mergelsburg, Dacet (phonetic) Freeman, Diane
22 Edwards, Alex Moir and Florida Green. And I think I got
23 everybody.

24 Q Was Ms. Isenhour present?

25 A Yes, Ms. Isenhour. She's the general manager.

1 Q Was there anyone else present that maybe was not
2 part of your specific IMC group?

3 A There were some gentlemen, as I stated, from the
4 IMC staff. At this point in time, I honestly can't remember
5 their names. But I think it was like three, and I do
6 remember a gentleman, T.C. Taylor, who is the operations
7 level, over the IMC staff. He was there.

8 Q Okay. Have you, or do you know of anyone, who has
9 used the no access status code?

10 A No, I don't. Improperly?

11 Q I was going to say, period, do you know what an
12 ISS code is?

13 A I do.

14 Q You do know what it is. Does it apply at all in
15 cable repair?

16 A Sometimes, but very few and far between.
17 Sometimes, but not that often.

18 Q Okay. Have you ever seen it crop up on sort of a
19 repetitive pattern more often than you would expect to see?

20 MR. BEATTY: Object to the form, seen.

21 BY MS. RICHARDSON:

22 Q Seen the use of the no access code more often than
23 you would normally expect at any point in time?

24 A No, I have not.

25 Q Have not. Do you know or have you ever used a no

1 access code itself to stop the clock on a repair?

2 A No, I have not.

3 Q Do you, or do you know of anyone else, who has
4 used the carryover no or the CON code to stop the commitment
5 clock?

6 A Okay. I do not. I don't even know what those
7 are.

8 MR. BEATTY: I object to the form of the question.
9 It assumes facts not in evidence.

10 BY MS. RICHARDSON:

11 Q Do you, have you, or do you know of anyone who has
12 excluded an out-of-service report in order to meet the
13 24-hour clock and then reopened a secondary report to finish
14 clearing and closing?

15 A No, I do not.

16 Q Do you know of anyone, or have you ever extended a
17 time, a commitment time, for repair without contacting the
18 customer first?

19 A No, I have not.

20 Q Do you know of anyone else who has?

21 A No, I do not.

22 Q Okay. Other than the one incident that you have
23 spoken about, closing affecting service to test okay, do you
24 know of any other incidents similar to that that have
25 occurred?

1 A No, I do not.

2 Q Have you ever, yourself, closed out affecting
3 services to test okay?

4 A Are you asking me improperly?

5 Q Well, let's make the distinction. Tell me when
6 it's proper and then tell me if you have ever done it
7 improperly.

8 A Well, the only time that I've done it, okay, would
9 have been -- in closing out a service affecting trouble to
10 test okay?

11 Q To test okay, uh-huh.

12 A You will have troubles in your dispatch pool.
13 Periodically, we do call to -- we will call the customer to
14 find out, "Is your service working properly?" "Are you
15 still experiencing a problem? You called in two days ago."
16 A lot of times it would be -- you may have had a severe
17 rain, okay. And as soon as the sun comes out, it dries the
18 cable, the moisture is out of it, and the static problem,
19 which is the service affecting trouble that they might have
20 been reporting is now gone. And you will call the customer
21 and ask, "Is service okay?" And if they indicate, "Yes, my
22 service is fine now, maybe it was just the rain or
23 whatever." Yes, we would then close it out as test okay,
24 advised by whomever the customer was.

25 Q And have you ever used test okay improperly?

1 A No, I haven't.

2 Q Do you know or have you ever taken an
3 out-of-service -- I'm using this term instead of affecting
4 service this time -- an out-of-service, a trouble report
5 statused out-of-service and closed it to test okay?

6 A Without contacting the customer?

7 Q All right. Without contacting the customer.

8 A No, I have not.

9 Q Do you know of anyone else who may have done so?

10 A No, I do not.

11 Q Are you familiar with disposition and cause codes
12 that would exclude an out-of-service report from being
13 counted in that 95 percent index?

14 A At the time, yes, I was. Right now, I'm a little
15 hazy.

16 Q Do you remember any of them?

17 A To be honest, I can't remember the specific code
18 itself, but I do know that there were codes for malicious
19 customer action, cut cables by vendors or -- that were not
20 caused by Southern Bell. I don't remember the actual cause
21 codes, no, but I was aware of codes like that, such as what
22 you're stating.

23 Q The 320 multiple cable failure code -- and, first
24 of all, would you agree that 320 -- do you remember that it
25 means multiple cable failure?

1 A I remember multiple cable failure. I honestly
2 don't remember if it was 320.

3 Q Subject to checking your memory. The multiple
4 cable failure code, we will just call it that, okay?

5 A Okay.

6 Q Did assigning that multiple failure code to an
7 out-of-service report take it out of the index base for the
8 95 percent repair?

9 A Yes, it would.

10 Q And what is your understanding of the size of
11 multiple cable failure?

12 A Well, honestly, right now, I really couldn't tell
13 you. I honestly do not remember.

14 Q Did you use the multiple cable failure code when
15 you were a cable repair foreman?

16 A I'm sure if a cable repair technician called in
17 and gave us a 320 code that we used it, yes.

18 Q Okay. Do you recall whether or not that code was
19 ever defined in terms of size for service techs?

20 A No, I don't.

21 Q You don't know if it was defined?

22 A I really don't. I can't remember.

23 Q Okay. As cable repair foreman, are you familiar
24 with the different sizes of cable that are out there and how
25 many lines a cable would carry, customer lines?

1 A No.

2 Q You were not familiar with that?

3 A No, I wasn't.

4 Q So, if we had a six-inch diameter cable, one about
5 this size, about six inches in diameter, you would have no
6 idea how many customer lines might be carried on that
7 particular cable?

8 MR. BEATTY: Objection. Objection, it's
9 speculative. It's been asked and answered.

10 BY MS. RICHARDSON:

11 Q Do you have any idea?

12 A At the time, no, I didn't.

13 Q Okay. Do you have it now? Do you have an idea
14 now?

15 A Yes, I do now.

16 Q You do now?

17 A Yes.

18 Q At the time that you were dispatching and
19 assisting or overseeing the clearing and closing of cable
20 reports, in your experience, about how many of those reports
21 were closed to multiple cable failures, in terms of just
22 sort of a general overall? Percentagewise, if we had 100
23 percent cable reports that you're dealing with, about what
24 percentage of those might be closed to multiple cable
25 failures?

1 A Just speculating --

2 MR. BEATTY: Objection on that basis.

3 THE WITNESS: Maybe 10 percent. When you're
4 talking about an actual cable failure, 20 percent. Not
5 every trouble that we got was a cable failure. We had
6 our share, of course.

7 BY MS. RICHARDSON:

8 Q Out of just the cable failures?

9 A Oh, I'm sorry. I misunderstood your question.
10 Out of the cable failures, I have no idea. I honestly
11 couldn't tell you. Most of the failures that I can recall
12 -- and this, again, is speculative -- were of the cut
13 nature, okay? Where somebody just with a backhoe or
14 something just hit the cable. I honestly don't remember
15 what percentage would have been multiple or whatever. I do
16 know we had a lot of cut cables.

17 Q And was the cut cable generally considered a
18 multiple cable failure? Does that fall into that category?

19 A I don't remember, being that I don't remember what
20 a multiple cable failure was.

21 Q Okay. We will move off of that, then, Mr.
22 Kingcade.

23 Do you know, or have you ever falsified a customer
24 repair report?

25 A No, I haven't.

1 MR. BEATTY: Object to the form. It's compound.

2 BY MS. RICHARDSON:

3 Q Have you ever falsified a customer repair report?

4 A No, I have not.

5 Q Do you know of any other employee for the Company
6 who has falsified a customer repair report?

7 A No, I have not. No, I do not.

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20 MS. RICHARDSON: All right. I will accept that

21 rephrasing of the question.

22 BY MS. RICHARDSON:

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MR. BEATTY: I'm also going to object if, in fact, your response will include information that you learned through the investigation. In other words, if you know independently, then fine, you can speak to that.

THE WITNESS: Okay. I don't know.

BY MS. RICHARDSON:

Q And I'm going to ask you to clarify. You have no independent information apart from the investigation that is responsive to my question?

A Exactly.

Q Do you have any information that is a part of the investigation that is responsive to my question?

A If I'm understanding your question, I would have to state no.

Q Are you aware of any matters that Mr. Beatty is indicating are a part of the investigation or that may come under the attorney/client privilege?

A As far as proprieties are concerned, no, I do not.

Q All right. As far as anything else is concerned, are you aware of any matters that Mr. Beatty would include

1 under his attorney/client or work product privileges that
2 pertain to the investigation? And that is just a "yes" or
3 "no," is he aware of at all?

4 MR. BEATTY: Well, I object to the form of the
5 question as speculative, number one. Are you asking
6 him does he know anything else regarding the
7 investigation? Is that what you're asking him?

8 MS. RICHARDSON: I need to know if he has any
9 information from the investigation at all. You've
10 stated an objection, and he has given me a response
11 that he has no knowledge outside of the investigation.
12 And I am trying to determine if he has any knowledge
13 within the investigation at all. He said
14 improprieties.

15 MR. BEATTY: No, you asked him one question, and
16 he responded to you already that with regard to your
17 question he has no knowledge, either independently of
18 the -- independent of the investigation, nor does he
19 have any knowledge with regard to information he
20 obtained from the investigation. Now, that has been
21 asked and answered.

22 MS. RICHARDSON: I thought he qualified that by
23 saying, improprieties, "Do you mean improprieties?"
24 And I said, "Yes." And now I'm also trying to qualify
25 it again. He doesn't have any knowledge of

1 improprieties covered by the investigation. I want to
2 know if he knows anything else.

3 MR. BEATTY: Regarding the investigation.

4 MS. RICHARDSON: Regarding the investigation. And
5 I am just looking for a "yes" or "no," and you are
6 certainly entitled, and, of course, I know you will
7 object to him responding any further than that. But I
8 think I have a right to find out if he knows anything
9 at all there, improprieties or otherwise about the
10 investigation.

11 MR. BEATTY: And this the total universe of what
12 happened in the investigation, is that what you're
13 asking?

14 MS. RICHARDSON: Yes.

15 MR. ANSEL: Let's start from square one.

16 MS. RICHARDSON: Let's start from square one.

17 MR. ANSEL: Do you want to rephrase the question
18 or ask the question again?

19 MS. RICHARDSON: All right.

20 BY MS. RICHARDSON:

21 Q Are you aware, do you know of anything connected
22 to the investigation that Mr. Beatty has indicated at the
23 outset was covered by the attorney/client or attorney work
24 product privilege for the Company?

25 MR. ANSEL: I would like to object to the form of

1 the question. I think it asks for a legal conclusion
2 from a lay witness. You can answer the question.

3 THE WITNESS: Okay. Again, I would like to think
4 of myself as a reasonably intelligent individual.
5 However, I don't know if I'm understanding your
6 question. If you're asking me if I know that there --
7 that there is an investigation or whatever, yes, I do
8 know there is an investigation. And I do know my
9 particular end of it. Outside of that, I have no
10 knowledge of anything else that has gone on in the
11 investigation. I don't know if I'm answering your
12 question.

13 BY MS. RICHARDSON:

14 Q Okay. All right. Now, let me ask you this: Are
15 you aware of any other employees that may have been
16 disciplined recently?

17 A Yes, I am.

18 Q And who are they?

19

20

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22 disciplined, but just not familiar with their names?

23 A Rumor, yes, I have heard that X amount of people
24 have been disciplined. I've heard. I don't know that to be
25 true.

1 Q Okay. X amount, you mean -- can you provide a
2 number for X?

3 A No, I don't know.

4 Q Does it seem like a small group, large group?

5 MR. BEATTY: Objection, speculative.

6 THE WITNESS: I have no idea.

7 BY MS. RICHARDSON:

8 Q Okay. In your opinion, why have these people been
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11 MR. BEATTY: Objection, speculative.

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25 Q On the qualification, just qualify your answer.

1 It may have been or it may have not have been. I hate to
2 say it, but I just have some vague feeling. As much
3 qualification as you want to put, but please respond.

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But that is
the only thing that I can remember.

9 Q Okay. And those Company documents being customer
10 repair reports?

11 A I don't know.

12 MR. BEATTY: I object to the form.

13 MS. RICHARDSON:

14 Q I mean, documents seems so broad to me. Can you
15 be any more specific?

16 A No, I can't. I can only tell you what I remember
17 that I thought I was told. Again, like I said, I wasn't
18 told whom the person was or, you know, what it was in
19 relation to, you know, specifically.

20 Q Okay. Does it seem unusual to you, this is your
21 opinion, again, that a company would discipline an employee
22 and not tell them why they were being disciplined?

23 MR. BEATTY: Objection to the form. I'm sorry. I
24 apologize for interrupting. I object to the form.
25 It's speculative.

1 MR. ANSEL: I object to the form and also to the
2 use of the word "unusual" and asking the opinion of a
3 lay witness.

4 THE WITNESS: Okay. Do you want me to answer
5 that?

6 BY MS. RICHARDSON:

7 Q Yes, I do, even with all the objections that we
8 have on the record, if you would, please.

9 A Okay. Yes, I do. I was always taught -- well,
10 this may not have anything to do with it.

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So, to

18 answer your question, yes.

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23 (Discussion off the record.)

24 BY MS. RICHARDSON:

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1 A I did not.

2 Q You did not?

3 A No, I did not.

4

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6 A Right

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11 A No. Specifically?

12 Q Uh-huh.

13 A No.

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22 Q Why did you choose not to do so?

23 MR. ANSEL: Excuse me. I'm going to object to the
24 form of that question. I'm also instructing him not to
25 answer that question, because I think, if I understand

1 the context right, it might abridge on his Fifth
2 Amendment rights. He evidently was given a course of
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11 BY MS. RICHARDSON:

12 Q And then just for the record, Mr. Kingcade, this
13 is repetitious. You could answer that question, but you're
14 not answering because your attorney instructed you not to on
15 the basis of your Fifth Amendment right, "yes" or "no"?

16 A Yes.

17 Q Okay. I believe you told me at one point that you
18 had instructed employees to, as a cable repair foreman, to
19 call you before clearing a report. Do you remember
20 giving --

21 MR. BEATTY: I object to that.

22 MS. RICHARDSON: I'm sorry. Is that the
23 improper --

24 MR. BEATTY: Excuse me, please, let me just state
25 my objection, that it assumes facts not in evidence.

1 BY MS. RICHARDSON:

2 Q Did you tell me that you had service technicians
3 call you to close out cable reports?

4 A No. Cable reports encompasses everything.

5 Q Okay. Cable cuts?

6 A Yes, cable failures.

7 Q Cable failures.

8 A Right.

9 Q Okay. Then when you instructed those individuals
10 to call you to close cable failures --

11 A Right.

12 Q -- was anything given to you or to them in
13 writing, like a memo or a note, a handwritten notation of
14 any sort that would direct those STs to follow that
15 procedure?

16 A No.

17 Q Mr. Kingcade, I'm going to show you a memo --
18 well, let me start off first, do you remember a memo from a
19 Nancy at one point in time that may have directed individual
20 repair people to call you personally before closing out?

21 A There could have been.

22 Q There could have been. It's possible?

23 A Uh-huh.

24 Q Okay. I'd like to show you that memo. We are not
25 going to make it an exhibit, just to refresh your memory,

1 and then ask you a question regarding that.

2 MR. ANSEL: Just for the record, this is a memo
3 from Southern Bell, a memo to all MAs from Nancy,
4 subject, OOS over 24, it's undated, it's unsigned, four
5 lines to it. And for my own personal edification, what
6 is an MA?

7 THE WITNESS: Maintenance administrator.

8 MR. ANSEL: Okay.

9 BY MS. RICHARDSON:

10 Q Okay. Have you ever seen this memo?

11 A I'm sure I did.

12 Q You're sure you did. Okay. And would you
13 identify Nancy? Who is Nancy in the memo?

14 A Nancy is the field assist manager, assistant
15 manager.

16 Q And her last name?

17 A D'Alessio.

18

19 A Right.

20 Q And do you have any idea of about what time, what
21 year, what month this memo may have been produced?

22 A Well, what year, no. Because I was going to say
23 what I thought, but I was in the maintenance center two
24 years, from '88 to '90, so any time between that point in
25 time.

1 Q Okay. And your position, again, at '88 to '90
2 when this memo would have applied would be what? What was
3 your --

4 A Cable control foreman.

5 Q Foreman. Okay. It says, "Effective immediately,
6 if you're closing a CRT." What is a CRT?

7 A Cable repair technician.

8 Q All right. "And he is on an OOS, or
9 out-of-service trouble and the commitment has been missed or
10 is in jeopardy of being missed, you must call, must call,
11 Carl Kingcade or Rose Ann." Who is Rose Ann, please?

12 A Rose Ann was the person that worked back there,
13 also. She was an MA.

14 Q MA.

15 A Right.

16 Q "Before closing the trouble." Can you explain why
17 that memo --

18 A I can't explain it.

19 Q Okay. And when they called you, what were your
20 directions?

21 A Okay. I'm not saying that they called me. One
22 thing you have to understand --

23 Q Did they call you?

24 A Okay. One thing you have to understand here is
25 this: You're talking, maybe, at the time 28 or 29 repair

1 people. Okay. If they were to call me or Rose Ann, there
2 is no way two people could handle that amount of guys
3 closing out any type of trouble, out-of-service trouble,
4 whatever. They would call MAs. And MAs would then call us,
5 and we would given them troubles, their next trouble is how
6 we would work it on individual troubles. Now, maybe Nancy
7 might have misunderstood, or whatever, I don't know. But
8 you can ask any MA in North Dade that was there at the time.
9 There is no way -- we would have our own separate dispatch,
10 if you understand what I'm saying. There would be no need
11 for us to utilize MAs. And there is no way that two people
12 could handle that amount of guys out there.

13 Q So, the MAs would call you?

14 A MAs would call for troubles, yes. MAs would do
15 the actual closeout.

16 Q But they would call you to get the codes for
17 closing?

18 A No, no, no. To get the next trouble.

19 Q To get their next trouble?

20 A Exactly.

21 Q Well, then, what's the purpose of putting -- if
22 it's in jeopardy, if the out-of-service is in jeopardy of
23 being missed to call you?

24 A You would have to ask Nancy that.

25 Q You have absolutely no knowledge and you remember

1 absolutely nothing?

2 A None whatsoever.

3 Q Okay. Were you ever directed to provide close-out
4 codes on cable failures to MAs who were closing out cable
5 failure?

6 A MAs, to my knowledge, didn't close out cable
7 failures.

8 Q The STs did this in the field?

9 A No, no, no. We did.

10 Q You did?

11 A Right.

12 Q Okay. Is it proper to exclude a cable failure
13 report?

14 MR. ANSEL: If you know.

15 THE WITNESS: I would say no. Okay, what I'm
16 trying to think of is just give you a hypothetical
17 situation. Well, to say -- I would say no, okay? But
18 then you may have a situation wherein you might have a
19 trouble, okay? Going back to this scenario, again, you
20 may have a trouble wherein the customer is reporting
21 phone doesn't ring, okay, which is not a trouble in the
22 cable. However, that particular report might have been
23 misstated by an MA, okay, to the point where it did
24 go to the station pool. And if that particular trouble
25 happened -- and this is a hypothetical -- but if that

1 particular trouble happened to be in a cable, in a
2 cable and pair range, that was built into a failure,
3 okay, you would have, using ten troubles, you would
4 have ten troubles in a failure that were actually
5 involved in that, or nine troubles in a failure that
6 were actually involved in that cable failure, and would
7 have this one straggler that had nothing do with the
8 cable, had nothing to do with it, you may exclude that
9 at that point. You know, just maybe, I'm saying
10 anybody. So, to say never, I guess I would probably be
11 incorrect in saying that. But it's not something, as
12 far as I can remember, that you would do on a regular
13 basis, no.

14 BY MS. RICHARDSON:

15 Q Okay. In your hypothetical you said
16 "misstated."

17 A Yes.

18 Q I'm not quite sure I know what you mean by that.

19 A What I mean by "misstated," a person makes a
20 mistake. A person may have just stated it incorrectly.
21 Maybe this is something that --

22 Q Like an out-of-service instead of affecting
23 service?

24 A Well, a trouble like that would be service
25 affecting, anyway, okay, just say a phone does not ring.

1 And instead of putting that -- that was a field assist
2 function that I really didn't get involved with, and that's
3 why I'm not really -- I guess I'm ignorant to that fact.
4 But I guess whatever they would do with it at that point in
5 time, whether it was put on a call-the-customer-later
6 list or whatever, instead of doing that, they statused it to
7 a station trouble. So, it incorrectly came into the station
8 pool. But once it was there, if it happened to be in the
9 cable and pair range of an existing failure, it would
10 attach. TRACKER would go ahead and -- because it matched by
11 cable and pair. It doesn't by type of report, or whatever.
12 So, it would go ahead and match. And in a situation like
13 that, if you're looking, if you're paying attention to the
14 customer reports, you would see that. If you looked at that
15 you would see that, and that might be one that you might
16 want to exclude. You may want to take it out of the base,
17 or you may give it back, or you may call the customer and
18 say, "Hey, is everything okay," or you may give it back to
19 the MA to status correctly, or whatever, if you happened to
20 find it.

21 Q Okay. Have you or do you know of anyone who has
22 ever excluded legitimate cable failures?

23 A No.

24 MR. BEATTY: Objection to the form, it's compound.

25 BY MS. RICHARDSON:

1 Q Have you ever excluded a cable failure, a
2 legitimate cable failure?

3 A No, I have not.

4 Q Do you know of anyone else who has ever excluded a
5 legitimate cable failure?

6 A No, I do not.

7 MS. RICHARDSON: Mr. Kingcade, I want to thank you
8 personally for coming here today and so readily giving
9 us your answers to questions. I'm finished, however,
10 our Public Service Commission people may have one or
11 two questions for you before we can release you.

12 THE WITNESS: Sure.

13 MS. RICHARDSON: Thank you.

14 CROSS EXAMINATION

15 BY MR. GREER:

16 Q Mr. Kingcade, I do have a couple. I believe you
17 said earlier that your cable repair technicians had CATs?

18 A No, they did not.

19 Q They don't?

20 A No. No, CAT terminals were used by station repair
21 technicians. In order to close out, a cable repair
22 technician had to call an MA.

23 Q Okay. If, for instance, you had three or four
24 out-of-service troubles, and you said TRACKER would make up
25 a cable failure ticket, or something of that nature. And it

1 would make one a lead ticket and one, if you had four, three
2 others, just attach to it. And then you had some more come
3 in and they would be attached. How would those be statused?
4 Would those be statused out-of-service being that the lead
5 ticket is out-of-service?

6 A No, no. You're talking about the one after the
7 cable failure was already existing?

8 Q Yes.

9 A If anything else came in, they just would be
10 attached -- they would be statused service affecting, if I
11 remember correctly. I'm sure, but then again, I'm not.

12 Q Okay.

13 A But I think that they would just be a service
14 affecting trouble that would just show attached to that
15 particular failure.

16 MR. GREER: That looks like about it. Thank you.

17 (The deposition was concluded at 11:45 a.m.)

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CERTIFICATE OF ADMINISTERING OATH

STATE OF FLORIDA:
COUNTY OF LEON:

I, JANE FAUROT, Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that on the date and place indicated on the title page of this transcript, an oath was duly administered by me to the designated witness(es) before testimony was taken.

DATED THIS 27th day of September, 1993.



JANE FAUROT
MY COMMISSION # CC295576 EXPIRES
July 16, 1997
BONDED THRU TROY FAIN INSURANCE, INC.

Jane Faurot

JANE FAUROT
100 Salem Court
Tallahassee, Florida 32301
(904) 878-2221

MY COMMISSION EXPIRES: 7/16/97

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, JANE FAUROT, Court Reporter, do hereby certify that the foregoing proceedings was taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages numbered 1 through 57 are a true and correct record of the proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

DATED THIS 27th day of September, 1993.

Jane Faurot

JANE FAUROT
100 Salem Court
Tallahassee, Florida 32301
(904) 878-2221

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 28 day of September, 1993, IN THE CITY OF TALLAHASSEE, COUNTY OF LEON,

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STATE OF FLORIDA, BY THE ABOVE PERSON WHO IS PERSONALLY
KNOWN BY ME.

Melanie Y. Bradford
NOTARY PUBLIC
STATE OF FLORIDA

