

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition on behalf of : DOCKET NO.: 910163-TL  
 CITIZENS OF THE STATE OF FLORIDA :  
 to initiate investigation into : FILED: July 21, 1992  
 integrity of SOUTHERN BELL :  
 TELEPHONE & TELEGRAPH COMPANY'S : ~~910163-TL~~  
 repair service activities and :  
 reports. :  
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DEPOSITION OF: ROBERT R. RUPE

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

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PLACE: Southern Bell Tower  
301 West Bay Street  
Jacksonville, Florida  
20th Floor Conference Room

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TIME: Commenced at 9:45 a.m.  
Concluded at 10:10 a.m.

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DATE: July 31, 1992

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REPORTED BY: Patricia H. Vierengel, RPR  
Court Reporter

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A P P E A R A N C E S

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A P P E A R A N C E S (Continued)

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I N D E X

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CERTIFICATE OF NOTARY	28

WITNESS:

ROBERT R. RUPE

DIRECT EXAMINATION BY:

MR. BECK.....7

N O E X H I B I T S

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S T I P U L A T I O N

IT IS STIPULATED that this deposition was taken pursuant to notice in accordance with the applicable Florida Rules of Civil Procedure; that objections, except as to the form of the question, are reserved until hearing in this cause; and that the reading and signing was not waived.

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

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ROBERT R. RUPE,

having been produced and first duly sworn as a witness, then testified as follows:

MR. LACKEY: Mr. Rupe, my name is Douglas Lackey and I'm representing Southern Bell Telecommunications, Inc., Southern Bell, in this deposition, and there's a couple of preliminary matters I need to talk to you about before we start.

First, this lady is a court reporter and she's writing down everything I say. She's going to write down all the questions Mr. Beck and Mr. Hatch ask you, as well as your answers. It may be that what she is doing will subsequently be transcribed; that is, reduced to writing, and in that case you have the right to read what she's typed and make any corrections that are appropriate, and sign it before it can be used.

You also have the ability to waive the right to read and sign. Most folks have not been doing that, and we need to know what your desire is in that regard.

MR. RUPE: I would like to have the opportunity to see the document.

MR. LACKEY: That's fine. Thank you.

The other thing I need to do is I need to give you

1 an instruction which has become more complicated since  
2 we have been in Gainesville, but I will give it to  
3 you, and if there's any point of it you don't  
4 understand I'll be happy to clarify.

5 It may well be that during the questioning this  
6 morning that Mr. Beck or Mr. Hatch will ask you a  
7 question that would require you to divulge information  
8 that you may have learned during an investigation  
9 conducted by Southern Bell at the direction of the  
10 Legal Department. If such a question is asked, and I  
11 detect it, I will object to the question on the  
12 grounds that it calls for privileged information, and  
13 I'll instruct you not to answer the question.

14 With that said, if they ask such a question and  
15 you have personal knowledge which would be responsive  
16 to the question, that is, personal knowledge that was  
17 not obtained as a result of the investigation, then  
18 you should answer that question completely and fully  
19 with that personal knowledge.

20 MR. RUPE: Okay.

21 MR. LACKEY: There may be an occasion when they  
22 ask a question and I don't object, and you realize in  
23 order to answer the question you're going to have to  
24 reveal information that you learned during the course  
25 of the investigation I just referred to. If that's

1 the case, if that happens, if you would simply turn to  
2 me, stop me and tell me that we have a problem, and  
3 then you and I will step out and discuss it, and I'll  
4 handle it from there. The point of that is I do not  
5 want you to divulge privileged information through my  
6 inadvertence or my neglect in listening and  
7 understanding the question.

8 Now, this instruction has been complicated by the  
9 fact that there has apparently been an investigation  
10 in Gainesville in late 1990 or early 1991, which you  
11 may or may not have known about. But in any event, I  
12 need to make it clear to you that the only  
13 investigation that we are asserting a privilege over  
14 is the one conducted by the Legal Department of  
15 Southern Bell, not any investigation conducted solely  
16 by the Security Department, which is what that late  
17 19- --

18 MR. RUPE: How am I supposed to know the  
19 difference?

20 MR. LACKEY: Well, the easiest way I can describe  
21 that to you is your involvement with the investigation  
22 probably would have consisted of interviews, and the  
23 interviews would have been conducted by a Southern  
24 Bell attorney, or in the presence of a Southern Bell  
25 attorney. That's the easiest way to distinguish it.





1 Installation and Maintenance Center in Jacksonville?

2 A Yes, sir, it does.

3 Q How long have you held that position?

4 A October of 1987.

5 Q What position did you hold before that?

6 A I was -- I'm not sure of the title. District  
7 Manage-Staff Network, State of Florida.

8 Q Is that in Miami?

9 A I was located in Miami, yes, sir.

10 Q But your responsibilities encompass the whole  
11 state?

12 A For staff support.

13 Q Could you briefly describe what that position  
14 entailed?

15 A I had staff responsibility for the maintenance  
16 centers, the CRSABs, if you know what that is. I'm sorry  
17 about the nomenclature. CRSAB, all caps.

18 Q And what type of staff support would you provide?

19 A We would provide the methods and procedures for  
20 the people with the LMOS and MLT. L-M-O-S, and the other is  
21 capital M-L-T. I'm try to be better. I keep forgetting.

22 Q How long did you hold this position in Miami?

23 A 1983. Late -- Late 1983, early 1984 to '87.

24 Q Earlier this year did you have an occasion to meet  
25

1

2 A

3 Q

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5 A My immediate supervisor, W. R. Perry.

6 Q Was anybody else present?

7 A And his immediate supervisor, C. Jerry Sanders.

8 Q

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10 A

11 Q

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16 Q

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21 Q

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25 A

1 Q

2 A

3 Q

4 A

5 Q

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13 Q

14 A No, sir, I did not.

15 Q -- at all?

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18 A No, sir.

19 Q

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9 A No, sir.

10 Q Okay. Do you have any knowledge of persons  
11 backing up repair times on out-of-service reports to some  
12 time other than the clear time?

13 A Not other than the clear time, no.

14 Q Have you ever heard of that happening?

15 A After the investigation started throughout the  
16 state, rumors, or street talk as such, yes, I have heard  
17 that. You know. But I'm not -- I don't know how to answer  
18 this one. I better ask out there.

19 MR. LACKEY: We need to clarify this. Are we  
20 talking about stories in newspapers --

21 THE WITNESS: Stories in newspapers. Just talk  
22 among everybody in the state. I have no personal  
23 knowledge that was -- you know, of that, but I have  
24 heard talk about it.

25 BY MR. BECK:

1 Q Okay. Has anybody discussed or told you of  
2 specific places where that may have occurred?

3 A No, sir.

4 Q Do you have any knowledge of a procedure being  
5 used that would require a maintenance administrator to  
6 contact a manager before closing out reports, out-of-service  
7 reports?

8 A I think at one time it was possibly a procedure  
9 throughout the state before an out-of-service would be  
10 closed out to insure it was done properly. Some centers may  
11 have had the management person involved. I'm not saying all  
12 centers, but I think that did happen in some centers. It  
13 was a local type thing to do. But to insure the correctness  
14 and accuracy of it, sometimes I'm sure they had them go to  
15 their manager, or to some manager and say, "Hey, I got this,  
16 and make sure I'm doing this right," or whatever.

17 Q Do you know which centers had such a policy in  
18 place?

19 A (Shakes head).

20 Q No?

21 A No. I'm sorry. No.

22 Q None that you're aware of?

23 A No.

24 Q You just believe some may have done that?

25 A (Nods Head).

1           Q     From the extent that you know, was it for all  
2 out-of-service reports, or was it only for those where out  
3 of service was over 24 hours?

4           A     I would imagine it would be for all out-of-service  
5 reports.

6           Q     But you don't have any knowledge specifically?

7           A     No.

8           Q     Do you have any knowledge of special telephone  
9 numbers being given to customers who have repeat troubles so  
10 they can call that number?

11          A     I'm sure that was done throughout the state.

12          Q     Why are you sure that was done?

13          A     Because the procedure I think at one time was in  
14 some places if you had a repeat type thing and you left a  
15 door hanger, or a card, you would give them special service  
16 if they would call this number, and then somebody would  
17 directly answer that, and test and analyze and isolate the  
18 trouble, and hopefully resolve the problem with the  
19 customer.

20          Q     Would the cards be given out by the repair person?

21          A     That's a possibility. That, or a door hanger-type  
22 card.

23          Q     Who --

24          A     A door hanger would say -- hang on their and say,  
25 "We were here, and if you want a number, call and...."

1 Q Was that procedure followed state-wide at one  
2 time?

3 A I'm not sure for every center, but it was an  
4 option they could do.

5 Q Was the option directed state wide that, "Here's  
6 something you can do if you want to do it"?

7 A I'm sure it was.

8 Q When the number was given, or when a person called  
9 the number that was given out, what procedures would follow  
10 that?

11 A They should make a direct report, and then put it  
12 in the system and handle it accordingly.

13 Q What procedures did you have in place, or were  
14 there in place, to your knowledge, that would insure that a  
15 direct report would be issued?

16 A Well, there's ways to go into the LMOS system and  
17 pull out data to check that. I don't know if people done  
18 that or not.

19 Q Who would -- Who would answer calls to a special  
20 number?

21 A It could be any craft person or management person.  
22 Most likely a craft person in a maintenance center could be  
23 assigned that task.

24 Q I believe you said controls could be put in place  
25 to insure that the complaint was put into the LMOS System?



1 A (Nods Head).

2 Q What types of controls?

3 A I didn't say it could be put in place. There was  
4 ways to do that. Now, whether they done that or not, I have  
5 no knowledge of how people would administer or control that.  
6 Today we have some real specific type rules on how to do  
7 this to follow up. I'm not sure if we were that well versed  
8 on some of the procedures.

9 Q Do you still use numbers, special numbers for  
10 repeat customers?

11 A To my knowledge, no.

12 Q Do you have any knowledge of that number being  
13 used as a way to avoid entering an order into the LMOS  
14 System?

15 A I do not have any knowledge of that, no.

16 Q Have you ever heard of that being done --

17 A No.

18 Q -- have a customer call up a number with a repeat  
19 problem? Would they get a new trouble report issued or a  
20 continuation of an old one?

21 A You would have to issue a new one if the other one  
22 was closed out. The system will not allow you to continue  
23 on it if you have already closed it out.

24 Q So that would be treated as a brand new trouble --

25 A It should be treated as a brand new trouble direct

1 report.

2 MR. LACKEY: Mr. Rupe, you need to let him finish  
3 the question because you're confusing the Court  
4 Reporter.

5 THE WITNESS: I apologize. I don't do this for a  
6 living, you know, so you need to help me.

7 MR. LACKEY: I'm beginning to feel like I do it  
8 for a living.

9 THE WITNESS: I'll answer it any way you want to.  
10 If I'm too fast or too slow, let me know.

11 BY MR. BECK:

12 Q Let me give you a scenario and see if it seems  
13 reasonable to you. Say a customer had trouble that's  
14 sporadic and the repairman goes out and fixes the trouble,  
15 and the next day the same trouble appears and it gets fixed,  
16 and the next day the same thing happens again, the trouble  
17 reappears and somebody has to go out for a third day. Is  
18 that type of scenario one that would not be atypical, or is  
19 that an unreasonable type of scenario?

20 A I'm not trying to not answer your question. I'm  
21 not sure what you mean. We could have a possibility of a  
22 subscriber, a customer, having trouble on two or three days  
23 and we will have to fix the trouble --

24 Q I'm trying to see if you thought it was fixed they  
25 would close out a report?

1 A Yes, sir.

2 Q And a new one would be opened up the next time the  
3 customer called in?

4 A Right.

5 Q Is there any procedure where you could distinguish  
6 a sporadic trouble and get one trouble report covering that  
7 sporadic trouble as opposed to opening up new reports every  
8 time the customer calls in with the same trouble?

9 A Not to my knowledge. We should take a direct  
10 record. And we fill out that we satisfied and cleared the  
11 trouble for that customer, close it out. Notify the  
12 customer of such, if possible, and then if we pick up  
13 another report you have to make another report and put it in  
14 there and take it until you finish it.

15 Q So in a scenario like that, that would appear like  
16 three separate troubles?

17 A It should appear as three separate troubles. Yes,  
18 sir.

19 Q Do you have any knowledge of no access codes being  
20 used to stop the clock, when in fact there was no problem  
21 with gaining access?

22 MR. LACKEY: Let me ask if you can rephrase that  
23 question to exclude any information that he may have  
24 learned during the investigation.

25 Q Sure. Mr. Rupe, all my questions that follow, if

1       you're sole source of information on that is something that  
2       a Southern Bell attorney, or person working with them during  
3       an investigation told you, you can go ahead and answer "No",  
4       but if there's any other source of information, then you  
5       need to answer my question.

6           A     I would have to say "No".

7           Q     Okay. Have you heard anything about that?

8           A     I have heard it through talk and newspaper  
9       articles again. That's where you get me confused. Okay?

10          MR. LACKEY: Let me talk to him for just a moment.

11                If the source of your information is newspaper  
12       articles, or talk about the court pleadings that were  
13       filed, just go ahead and state that if you can.

14          MR. RUPE: Okay.

15          MR. LACKEY: If you're not sure about the source,  
16       indicate that could be one of the sources.

17          MR. RUPE: I think that's part of the problem. I  
18       think that's fair.

19          MR. LACKEY: I mean, obviously, Charlie, there  
20       were pleadings filed with affidavits attached on  
21       terminated employees that had all these allegations in  
22       it.

23          MR. BECK: I would expect that to be the answer  
24       and --

25       BY MR. BECK:

1 Q So you have heard about the use of no access codes  
2 as ascribed through the general rumor mill and reading the  
3 paper?

4 A Yes.

5 Q Have you talked with any Southern Bell employee  
6 specifically about that?

7 A No.

8 Q Have you heard anything specific about it from any  
9 Southern Bell employees?

10 A No.

11 Q Do you have any knowledge of a procedure being  
12 employed to exclude out-of-service reports that were about  
13 to miss the commitment time and then being reopened as  
14 employee generated reports?

15 A No, I have no knowledge of that.

16 Q Have you heard about that being done?

17 A No.

18 Q Do you have any knowledge of employee generated  
19 reports being made in instances where, in fact, a customer  
20 generated report should have been made?

21 A Again, I may have heard that through the media, or  
22 talk throughout the state. I do not -- that would be the  
23 only places I heard that.

24 Q Do you have any specific recollection of  
25 discussion --

1 A No.

2 Q -- with specific Southern Bell employees about  
3 that?

4 A No, I do not.

5 Q Do you have any knowledge of CON codes being used  
6 in instances where the customer did not ask for a later  
7 repair time?

8 A The first time I heard about that is when they put  
9 a letter out from the staff after some investigation  
10 supposedly found that in the state and told us not to use  
11 that in our maintenance centers. I never heard of that  
12 code, and that was a couple of years ago.

13 Q Is that what stopped the use of the CON code after  
14 that?

15 A I personally never heard of the code. And our  
16 maintenance center had been told, but we were told about  
17 staff found this problem, and they put this letter out and  
18 told us not to use that. I answered that one to everybody  
19 because that surprised me about this code.

20 Q What do you mean about about you answered that to  
21 everyone?

22 A Whenever they asked that, too. I don't do too  
23 good with you guys. I dry to work for a living. I don't  
24 work with attorneys.

25 MR. LACKEY: Like people that work for a living?

1 MR. RUPE: I'm not trying to be mean. My job is  
2 taking care of 500,000 customers. I'm not used to how  
3 to answer just right. I'm sorry.

4 MR. LACKEY: It's all right.

5 BY MR. BECK:

6 Q And it was a couple of years ago that the staff  
7 issued that letter?

8 A I think so.

9 Q Did it mention where they had found problems?

10 A No, it did not.

11 Q Do you have any knowledge of where that may have  
12 been a problem?

13 A No, I do not.

14 Q Do you have any knowledge of persons statusing  
15 affecting-service reports as out-of-service reports?

16 A No.

17 Q Have you heard of that being done?

18 A Only through the gossip, or maybe media types, and  
19 filing or stuff.

20 Q Do you have any knowledge about the use of  
21 fictitious employee codes on repair reports?

22 A No.

23 Q Have you heard of that being done?

24 A No, I don't --

25 Q You're familiar with the PSC rule requirement

1 concerning out-of-service reports, are you not?

2 A Yes, sir.

3 Q And are you also familiar that certain codes, such  
4 as for lightening excluded a report in the PSC's  
5 requirement?

6 A Yes, sir.

7 Q Do you have any knowledge of those exclude codes  
8 being used improperly to exclude reports that should not be  
9 excluded?

10 A No, sir.

11 Q Have you heard of that being done?

12 A No, sir.

13 Q Do you have any knowledge about any means  
14 whatsoever, even if we haven't discussed it specifically, of  
15 building up an out-of-service base improperly?

16 A No.

17 Q Have you heard any specific examples of that being  
18 done?

19 A I have heard talk, again through the state, or  
20 through the media, or the filings, that maybe that was --  
21 supposedly went on. I do not know where. I did not talk  
22 here around Southern Bell about that specifically.

23 Q Do you have any knowledge of customer repair  
24 records being falsified in any manner, even if we haven't  
25 discussed that specifically today?



1           A     No.

2           Q     And have you heard of that specifically other than  
3 the news media and --

4           A     No.

5           MR. BECK: Mr. Rupe, thank you. That's all I  
6 have.

7           MR. HATCH: I don't have any questions.

8           MR. LACKEY: I don't have any questions.

9           (Witness excused).

10          (Whereupon, the deposition was concluded at 10:10 a.m.).

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AFFIDAVIT OF DEPONENT

This is to certify that I, ROBERT R. RUPE, have read the foregoing transcript of my testimony, Pages 1 through 26, given on July 31, 1992, in Docket No. 910163-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

\_\_\_\_\_

ROBERT R. RUPE

Sworn to and subscribed before me this

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

\_\_\_\_\_

Print name here:

Notary Public - State of Florida

My Commission Expires:

1 F L O R I D A )

2 :

CERTIFICATE OF OATH

3 COUNTY OF DUVAL)

4

5 I, the undersigned authority, certify that ROBERT  
6 R. RUPE personally appeared before me and was duly sworn.

7

8 WITNESS my hand and official seal this 25th day  
9 of September, 1993.

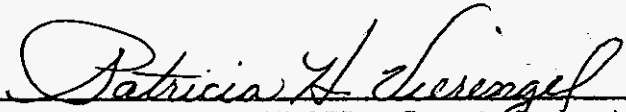
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PATRICIA H. VIERENGEL, Court Reporter  
(Phone) (904) 725-8657  
Notary Public - State of Florida  
My Commission expires:  
My Commission NO.:

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**PATRICIA H. VIERENGEL  
NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXPIRES 6/21/97  
COMM. # CC 296027**

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STATE OF FLORIDA)  
: CERTIFICATE OF REPORTER  
COUNTY OF DUVAL )

I, PATRICIA H. VIERENGEL, Court Reporter, DO HEREBY CERTIFY that I was authorized to and did stenographically report the foregoing deposition of ROBERT R. RUPE;  
I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 25th day of September, 1993.

Patricia H. Vierengel  
PATRICIA H. VIERENGEL, Court Reporter  
Telephone No.: (904) 725-8657

STATE OF FLORIDA)  
:  
COUNTY OF DUVAL )

The foregoing certificate was acknowledged before me this 25th day of Sept., 1993, by PATRICIA H. VIERENGEL, who is personally known to me.

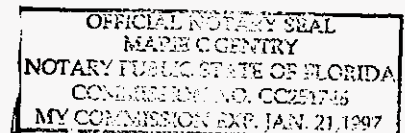
Marie C. Gentry

Print Name:

Notary Public - State of Florida

My Commission No.:

My Commission expires:



E R R A T A S H E E T

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DOCKET NO.: 910163-TL FILED July 21, 1992

NAME: ROBERT R. RUPE

DATE: September 25, 1993

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