

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	:	
repair service activities and	:	
reports.	:	

DEPOSITION OF: ROY ALLEN BUFORD

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

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

TIME: Commenced at 10:25 a.m.
Concluded at 10:50 a.m.

DATE: July 31, 1992

REPORTED BY: Patricia H. Vierengel, RPR
Court Reporter

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1155 RECORDS/REPORTING

MARIE C. GENTRY AND ASSOCIATES

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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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ROY ALLEN BUFORD

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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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1

ROY ALLEN BUFORD,

2

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

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testified as follows:

4

MR. LACKEY: Mr. Buford, my name is Douglas

5

Lackey, and I'm appearing in this deposition on behalf

6

of Southern Bell Telecommunications, Inc. Southern

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Bell. As we begin there are a couple of preliminary

8

matters that I want to go over with you.

9

This lady is a court reporter and she's taking

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down everything that I'm saying. She's going to write

11

down the questions that Mr. Beck and Mr. Hatch ask

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you. She's going to write down your answers as well.

13

At some point what she is doing may be

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transcribed. It may be reduced to written form, and at

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that time you have the right to read what she has

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written, make any corrections that are necessary, and

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then sign the deposition before it can be used. The

18

folks who have been deposed earlier in this week have

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generally reserved that right. That is, they have

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asked to be able to read and sign the deposition if

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it's transcribed, and I -- would you like to do the

22

same thing?

23

MR. BUFORD: Absolutely.

24

MR. LACKEY: Okay. The second thing I need to do

25

is I need to give you an instruction, and it's a bit

1 more complicated than it was when I started at the
2 beginning of the week. If there's any point that it's
3 not clear, I'll be happy to go back into it in any
4 amount of detail necessary.

5 During the course of this deposition Mr. Beck or
6 Mr. Hatch may ask you a question which will require
7 you to divulge information that you learned during an
8 investigation conducted by Southern Bell at the
9 direction of the Legal Department. If such a question
10 is asked, I will object on the grounds that it asks
11 for privileged information and I will instruct you not
12 to answer the question.

13 Subject to that, it may be that they will ask
14 such a question and you will have personal knowledge;
15 that is, knowledge not obtained as a result of the
16 investigation, but personal knowledge that will be
17 responsive to that question, and if that's the case,
18 then you should answer it fully and completely.

19 It may also be that they will ask a question that
20 I do not object to, but you realize that in order to
21 answer that question you'll have to reveal information
22 that you learned as a result of the investigation to
23 them. If you -- If that occurs, if you would simply
24 turn to me and indicate that there's a problem, we
25 will stop. I'll talk to you, and then I'll handle it

1 from there. What I want to do with that is make sure
2 that because I don't realize that the question is
3 seeking privileged information, I don't want you to
4 divulge it accidentally.

5 Now, this is all complicated by the fact that
6 there are additional investigations that have been
7 done which involve topics similar to the one that was
8 the subject of the privileged investigation. I don't
9 know whether you know about those investigations. I
10 don't know whether you participated in them, or have
11 any information, but I need to make it clear that any
12 investigation that you know about, or that you were
13 involved in, that was done solely for instance by the
14 Security Department of the company, we are not
15 asserting a privilege over it.

16 Let me give you an example. In late 1990 there
17 was an investigation done in Gainesville regarding
18 out-of-service troubles, and that investigation was
19 done by the Security Department and is not a
20 privileged investigation. So if you had any
21 information that you had learned, or you had been
22 involved in that investigation and they asked you a
23 question about it, it would be perfectly permissible,
24 okay to respond, or at least I wouldn't object to your
25 responding. I should say that.

1 In other words, if the question involves
2 something that you learned as a result of the
3 privileged investigation that I was describing earlier,
4 then we want to avoid that. I don't know if you have
5 been involved in any of the other investigations. The
6 best way to identify the one that I'm talking about is,
7 if you were involved in it, was probably through an
8 interview process, and it would have been a Southern
9 Bell attorney, or an attorney representing Southern
10 Bell in the interview process, if that helps any.

11 If you have any questions at any point, you know,
12 you're not sure whether it's information that you
13 obtained through an investigation, let's just stop and
14 talk about it. Okay?

15 MR. BUFORD: Okay.

16 MR. LACKEY: If Mr. Beck or Mr. Hatch ask you
17 questions that you don't understand, or you would like
18 to clarify, they will be more than happy to do it.
19 Thank you -- Oh, wait a minute. Do you understand my
20 instruction?

21 MR. BUFORD: Yes.

22 MR. LACKEY: I ran on for a while so I want to
23 make sure it's clear.

24 MR. BUFORD: Yes, I do.

25 MR. LACKEY: Thank you. Okay.

DIRECT EXAMINATION

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BY MR. BECK:

Q Mr. Buford, my name is Charlie Beck and I'm with the Office of Public Counsel, and I'm going to start the questions, and there may be some by the others later.

Will you please state your full name?

A Roy Allen Buford.

Q Are you employed by Southern Bell?

A Yes, I am.

Q What position do you hold?

A Assistant Manager.

Q Where is that?

A In the RCSC.

Q What does RCSC stand for?

A Regional Customer Service Center.

Q What is your position, or what are your job duties there?

A What we do is we receive reports for the nine-state area, as well as the interchange carrier reports, for the State of Florida.

Q What do you do with them?

A We input them into the system and they go to the appropriate centers throughout the state and throughout the United States region.

Q How long have you held that position?

1 A A little over a year.

2 Q Okay. And what position did you hold before that?

3 A I was an assistant manager in the regional ROC as
4 a CPE dispatch for Southern Bell.

5 Q What does ROC stand for?

6 A I've gone blank. I can't tell you.

7 Q That's all right. That's all right. Okay. How
8 long did you hold that position?

9 A A year.

10 Q What position did you hold before that?

11 A Maintenance supervisor.

12 Q Where? Where was that?

13 A In the Northwest Maintenance Center.

14 Q Is that here in Jacksonville?

15 A Um-ha. (Affirmative Response).

16 Q And what were your job duties there?

17 A Low-ball foreman.

18 Q What does that mean?

19 A You determine all the priorities, dispatch
20 priorities, and you are responsible to shift the people to
21 meet the trouble load by commitments and insure that the
22 troubles are flowing smoothly and that -- You know, you
23 monitor the people by how long they have been on the trouble
24 and notify the foreman if they, you know, overrun.

25 Q Okay. How long did you hold that position?

1 A Roughly five years.

2 Q And you left it at around mid-1990; is that right
3 or not?

4 A Yeah.

5 Q

6

7

8 A Yes, I did.

9 Q Who did you meet with?

10 A My district level, Dave Smith.

11 Q Was anybody else present?

12 A Yes.

13 Q Who else?

14 A I don't remember the fellow's name.

15 Q Do you recall what part of the company he worked
16 for?

17 A Personnel.

18 Q Does the name Mauer --

19 A Yes, it was.

20 Q

21 :

22 A

23 Q

24 A

25 Q

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MR. LACKEY: I want to stop for a minute. I want to stop the deposition for a minute. I'll be back.

(Brief recess).

MR. LACKEY: I apologize for the delay. Mr. Buford and I needed to have a discussion so that he could make sure he understood I represented the corporation in this proceeding. Thank you for the break.

BY MR. BECK:

Q

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Q

A

Q

A Well, not exactly. I know about when, but, you know, as far as being exact, I don't because it was some time ago.

Q Okay. The best that you can recall.

1 A Probably early '80s.

2 Q Was it here in Jacksonville?

3 A Yes, it was.

4 Q Okay. And what exactly were the problems that
5 they were concerned with?

6 A Okay. We had one cable trouble, single cable
7 trouble that a cable repairman was on, and had it been shown
8 cleared when the boy actually cleared it it would have been
9 within the 24 hour limit. Okay?

10 Q Okay.

11 A However, instead of showing it cleared at that
12 time, they showed it cleared at the time he actually
13 completed it, and that caused an extension on the trouble
14 duration, which caused it to be over 24 hours.

15 Now, this was in Ft. George, which is one of our small
16 exchanges, and no more reports than we take in Ft. George,
17 it would have been impossible to have enough out-of-services
18 cleared within 24 hours to offset that one over 24 hours.
19 It takes 20 to 1 to offset it.

20 Okay. So what I did,

21 There was no other way
22 to do it. The ticket had already been closed out, and I
23 couldn't do anything with that ticket to bring it back in to
24 where it should have been cleared.

25 Q Because it had already been cleared?

1 A It had already been closed out, so there's no way
2 to adjust the times on it once it's finalized, so I

3

4 Q

5

6 A Right.

7 Q And the best you recall, it was the early 1980s?

8 A It seems like it was.

9 Q Okay. You also mentioned test okays --

10 A Okay. Test okays -- out-of-service troubles were
11 -- the procedure for them was almost continuously changing,
12 how out-of-service troubles were handled. Now, they said
13 take an out-of-service on test okay. What we would do, and
14 this was the procedure, if we got a report and the customer
15 was reporting an out-of-service condition and it tested
16 okay, we would take out-of-service credit on it because the
17 customer was reporting an out-of-service condition, although
18 it inadvertently tested okay when it was tested, and that's
19 what that was about.

20 Q Did that violate the procedures that existed at
21 that time?

22 A Not at that time. Those positions were in place,
23 and that was proper procedure for handling them.

24 And then that was modified to where it actually had to
25 actually test out-of-service before you could score it out

1 of service. Okay. But -- And that procedure was changed
2 then. Okay?

3 But for a long time it was a gray area and you could
4 report an out-of-service condition. It would test okay, and
5 you check with the customer and everything is okay, and you
6 close it out. But the scoring of the out-of-services where
7 it would be done up front, or a close-out, that -- that
8 changed a lot during that time.

9 Q Okay. One -- Something that's not clear to me is
10 if you were following the procedures that were allowed at
11 that time concerning instances where the customer reported
12 it out of service but it tested okay, what's the problem?

13 A I don't know that it was a problem.

14 Q

15

16

17 A That's right.

18 Q Okay. Do you recall about when the procedures
19 changed on how to report --

20 A No. No, I sure don't.

21 Q Okay. And so I can finish my question on how --
22 the changing of the procedures, for instance, where the
23 customer reports out of service but it tests okay, it used
24 to be that you could report that out of service?

25 A It used to be that we could take -- score it out

1 of service if the customer reported an out-of-service
2 condition.

3 Q And then it changes to it actually had to test out
4 of service?

5 A And then it changes to where, to where if a
6 customer reported an out-of-service condition or not, if it
7 tested out of service you could score it out of service.

8 Q

9

10 A No.

11 Q Going back to the Ft. George cable failure --

12 A Um-ha. (Affirmative Response).

13 Q

14

15 A No.

16 Q Did anybody else have knowledge of it?

17 A No.

18 Q About how many reports, if you have an idea, were
19 generated?

20 A 20.

21 Q And the 20 was to exactly offset the one that went
22 over 24 hours?

23 A Right.

24 Q Do you have any knowledge of that type of thing
25 happening anywhere else?

1 A No.

2 Q Okay. Or do you know whether anybody else may
3 have done something like that?

4 A Not in my center.

5 Q Okay. And have you heard, other than just rumors,
6 have you heard of that being done, generating reports where
7 there aren't any problems?

8 A No.

9 Q And perhaps I'm asking the same question in
10 different ways, and I apologize, but you don't know of any
11 other occasion where anybody else has generated trouble
12 reports to help make the index, or do you?

13 A No.

14 Q Okay. Do you have any knowledge of persons ever
15 backing up times on out-of-services to a time other than the
16 cleared time?

17 A No.

18 Q You had mentioned that on the one report that gave
19 you a problem in Ft. George that it had already been closed
20 out so that the time couldn't be put back to the cleared
21 time?

22 A You see, what happens on a trouble, you have the
23 capability to show when it's cleared and closed. Okay? And
24 if you don't show your cleared time different than your
25 closed time it will default to your closed time. Okay? And

1 the only time this would really come into play is with cable
2 troubles, okay, because cable is unique to repair and the
3 station is not so -- station trouble, when it's cleared it's
4 complete 95% of the time, okay, but cable trouble can be
5 cleared and him in the middle of a splice, and it could take
6 two and a half or three hours to close that splice.

7 Q Okay.

8 A Okay? So although his trouble is cleared, he's
9 not complete with that job until the splice is closed. You
10 see, that's where the difference is. But I don't know of
11 any -- I don't know of any times being backed up, you know,
12 like you asked the question. No.

13 Q Okay. Do you have any knowledge of the procedure
14 ever being used that would require a maintenance
15 administrator to contact the manager to get a close-out
16 report?

17 A Only in the event that they didn't know.

18 Q Okay. I guess what I'm asking for is times when
19 they are required to, even if they felt like they knew?

20 A I'm trying to understand your question.

21 Q Well, let me say this: For example, suppose in a
22 center that there was a requirement that any time you had an
23 out-of-service that went over 24 hours that your maintenance
24 administrator was required to contact the manager,
25 regardless.

1 A Not in our center.

2 Q Okay. Do you have any knowledge of using the no
3 access code in instances where there is not a problem
4 gaining access?

5 A No.

6 Q Okay. Have you ever talked to anybody about that,
7 or heard that that was being done?

8 A No.

9 Q Do you have any knowledge of reports being
10 excluded that were about to miss the commitment time and
11 then being reopened as employee-generated reports?

12 A No.

13 Q Have you ever talked to anybody, or heard about
14 that specifically?

15 A Not until now.

16 Q Okay. Have you ever heard of, or do you have any
17 knowledge of the CON code being used in instances where the
18 customer did not ask for a later repair time?

19 A No.

20 Q Do you have any knowledge of the statusing of
21 affecting-service reports as out-of-service reports?

22 A Okay. Let me talk about that a minute. Affecting
23 service in whose opinion?

24 Q Well, I guess in either the customer's or the
25 Southern Bell's.

1 A Okay. Now, that's a gray area there, also. Okay?
2 You can take a trouble that is a noisy condition. Okay. Is
3 it or is it not out of service? It's a judgment call.
4 Okay? And I would say that's a gray area, and any time
5 there was a gray area, what we would do, we would take
6 advantage of that gray area. If it was static to the point
7 where it was very difficult to talk, it was out of service.

8 Q Would it be to your advantage to classify it as
9 out of service so it would go into the base?

10 A You know as well as I do anything that you can get
11 in there as out of service to build a base would be to your
12 advantage.

13 Q When you say, "we would do that," who are you
14 referring to?

15 A The center.

16 Q The center?

17 A Um-ha. (Affirmative Response).

18 Q Was that -- Were there instructions given to the
19 MAs to do that?

20 A If -- Yeah. They were told to use their judgment
21 if in their opinion when they tested one, if it was noisy to
22 the point that it was out of service it should be stasured
23 out of service.

24 Q Were there any memorandums or anything that is
25 written that you recall that was given to the MAs about

1 that?

2 A No.

3 Q Were there instructions from the company that
4 would help you determine, you know, in the instance you give
5 with noise on the line, when it would be out of service and
6 when it would be affecting service?

7 A No. The procedures for determining out-of-service
8 trouble was if the customer had lost either the ability to
9 receive or originate calls.

10 Q All right.

11 A Okay. That was the company's definition of an
12 out-of-service trouble. But like I say, it was a gray area,
13 because if it's a noise so you can't hear or you can't have
14 a conversation, it's out of service.

15 Q Okay. Were there any company instructions you
16 recall that would specifically talk about noise on the line
17 and what to do?

18 A No.

19 Q You would just apply that general criteria?

20 A Right. A judgment call.

21 Q Do you know of any other way that the base may
22 have been built up, even if we haven't discussed that
23 specifically here today?

24 A No.

25 Q Okay. Have you heard or talked to anybody about

1 any other way of building up the base?

2 A No.

3 Q Okay. Do you have any knowledge about the use of
4 fictitious employee codes on repair reports?

5 A No.

6 Q Have you ever heard of that being did you know?

7 A No.

8 Q Are you familiar with the fact that certain
9 exclude codes would take a report out of the PSC rule and
10 out of services, such as for lightening?

11 Let me back up. Okay. Are you familiar with the
12 Public Service Commission rule that 95% of the customer
13 generated out-of-services should be repaired within 24
14 hours?

15 A Yes.

16 Q Okay. There are certain types of reports that
17 don't come within that rule, are there not?

18 A Yes.

19 Q Like on lightening, as an example?

20 A Yes.

21 Q Are there others that you're aware of?

22 A Yes.

23 Q What are some of the examples?

24 A Floods.

25 Q Do you have any knowledge of those codes for those

1 types of things that would take a report out of the PSC's
2 rule requirement? Do you have any knowledge of those being
3 used in instances where they didn't really apply to the
4 situation?

5 A No.

6 Q Have you ever heard of that being done?

7 A Being used when it shouldn't be used?

8 Q Right.

9 A No.

10 Q Do you have any knowledge of repair reports being
11 falsified in any manner that we haven't talked about today?

12 A No.

13 Q And have you heard of that being done in any
14 manner we haven't talked about today?

15 A No.

16 MR. BECK: Thank you. That's all.

17 BY MR. HATCH:

18 Q My name is Tracy Hatch with the Commission. Just
19 a couple of quick questions in dealing with exclude codes.
20 Is there a fair amount of decision discretion on whether an
21 exclude code would apply, or some other code?

22 A Are you talking about exceptions for inclement
23 weather?

24 Q Yes.

25 A No.

1 Q And there are some others, are there not?

2 A Yes.

3 Q Keying. If you have got a customer that reports
4 no dial tone and you go out but you don't find anything
5 wrong, it could be moisture, couldn't it?

6 A I don't understand just exactly what you're trying
7 -- what you're asking me.

8 Q In going out and trying to determine the cause of
9 a customer's trouble report, and they are reported out of
10 service and it's tested out of service so you don't really
11 have to check it, but you don't really find anything
12 obviously wrong, is there any discretion in judgment in
13 trying to determine what the cause is? Could there be
14 multiple causes, or multiple possibilities is my question?

15 A Well, you know, where you've got a report that was
16 reported out of service and tested out of service and then
17 found okay --

18 Q Yeah?

19 A -- it could, you know -- it could be anything.

20 Q And it could be -- And you would have, for
21 example, a 600 code. That would be "unknown"; is that
22 correct?

23 A Right.

24 Q And that would be includeable under the PSC's
25 rules; is that right?

1 A Right.

2 Q Or it could be, for example, moisture that dried
3 out when the sun hit it? Is that also possible?

4 A Sure, it's possible.

5 Q And in making those kinds of choices as to what
6 you're going to code it, is there a fair amount of judgment
7 in determining which one you would use?

8 A Okay. That would be -- That would be determined
9 by the outside technician that went on the job, and their
10 procedures were different from our procedures in the center.
11 Okay. And if he found it okay, naturally it should be coded
12 to the 900.

13 Q What would be a 900 code? If you went out and
14 found it okay?

15 A Right. "Found okay - Unknown."

16 Q Then do you use the 600 code?

17 A Yeah. 900, 600.

18 Q In a case like that would he probably use a
19 moisture code?

20 A He shouldn't. It shouldn't be excluded.

21 Q Unless he actually found moisture causing the
22 problem?

23 A And then it couldn't be a "found okay."

24 MR. HATCH: Okay. That's all I have.

25 CROSS EXAMINATION

1 BY MR. LACKEY:

2 Q Mr. Buford, I have just a couple of questions. I
3 want to ask you about the cable incident you referred to
4 earlier. You're very confident that the original cable that
5 was out of service had been cleared within the 24 hour time
6 frame, aren't you?

7 A Absolutely.

8 Q All right. And if you could very simply have
9 backed the time up to the cleared time, you would have
10 avoided reporting that as out of service over 24 hours?

11 A Yes. Absolutely.

12 Q And the other thing you were asked about involved
13 this gray area on when something was out of service and when
14 it wasn't. You talked about a situation when there would be
15 a lot of static on the line. Do you recall that discussion?

16 A Yes.

17 Q And you would say that you sometimes would treat
18 those as out-of-services and put them in the base; is that
19 correct?

20 A That's right.

21 Q If you didn't clear the static on the line within
22 24 hours, would that have been a miss?

23 A It certainly would have.

24 Q Did that ever occur, or could that have occurred?

25 A It could have occurred. I don't remember that it

1 did or didn't, but it could have.

2 MR. LACKEY: Okay. That's all I have. Thank you.

3 I appreciate it, Mr. Buford.

4 (Witness excused).

5 (Whereupon, the deposition was concluded at 10:50 a. m.)

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AFFIDAVIT OF DEPONENT

This is to certify that I, ROY ALLEN BUFORD, have read the foregoing transcript of my testimony, Pages 1 through 29, given on July 31, 1993, 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.

ROY ALLEN BUFORD

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

Print name here:

Notary Public - State of Florida

My Commission Expires:

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F L O R I D A)

CERTIFICATE OF OATH

COUNTY OF DUVAL)

I, the undersigned authority, certify that ROY ALLEN BUFORD personally appeared before me and was duly sworn.

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

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

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

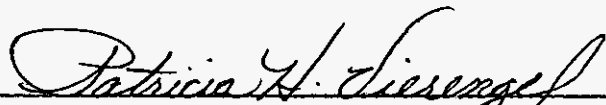
1 STATE OF FLORIDA)
2 :
3 COUNTY OF DUVAL)

CERTIFICATE OF REPORTER

4 I, PATRICIA H. VIERENGEL, Court Reporter, DO HEREBY
5 CERTIFY that I was authorized to and did stenographically
6 report the foregoing deposition of ROY ALLEN BUFORD;

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

12 DATED THIS 25th day of September, 1993.

13 
14 PATRICIA H. VIERENGEL, Court Reporter
15 Telephone No.: (904) 725-8657

16 STATE OF FLORIDA)
17 :
18 COUNTY OF DUVAL)

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

22 

23 Print Name:

24 Notary Public - State of Florida

25 Commission No.:

My Commission expires:

