

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

920260

FILED: July 21, 1992

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

DEPOSITION OF: JOHN STANLEY DEAN  
TAKEN AT THE INSTANCE OF: Office of Public Counsel  
PLACE: Southern Bell Offices  
903 West University Avenue  
Gainesville, Florida 32601  
TIME: Commenced at 12:45 p.m.  
Concluded at 1:07 p.m.  
DATE: Thursday, July 30, 1992  
REPORTED BY: Marie C. Gentry  
Court Reporter

- - -

COPY

DOCUMENT NUMBER-DATE

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MARIE C. GENTRY & ASSOCIATES  
Court Reporters  
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FOR RECORDS/RETORTING

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APPEARANCES:

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WITNESS

JOHN STANLEY DEAN	
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S T I P U L A T I O N

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

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

1 JOHN STANLEY DEAN,

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

4 - - -

5 MR. LACKEY: Mr. Dean, I'm Doug Lackey and I'm  
6 appearing in this deposition on behalf of BellSouth  
7 Telecommunications, Inc., Southern Bell. We've got  
8 a couple of preliminary matters we need to talk about  
9 before the questions start.

10 This lady is a court reporter and she's taking  
11 down everything I say and she's going to take down the  
12 questions that Mr. Beck and Mr. Hatch may ask of you  
13 and she's going to write down your answers. And at  
14 some point Mr. Beck or I or Mr. Hatch may ask her to  
15 transcribe, that is, reduce it to typewritten form, and  
16 when that's done you have a right to read the  
17 deposition, if she's made errors in transcription to  
18 correct those errors and then to sign it before it can  
19 be used. You have the right to waive that as well,  
20 that is, waive reading and signing. Most of the people  
21 or all of the people to this point have not waived that  
22 right and have asked to be able to read and sign it. Do  
23 you want to do that as well?

24 THE WITNESS: Yes, sir.

25 MR. LACKEY: The second thing I have to do is I

1 have to give you an instruction and it's a little  
2 complex. If at the end of my giving of the instruction  
3 you don't understand something or it's not clear or you'd  
4 like me to explain it in more detail, I'll be happy to  
5 try to do so.

6 During the course of the deposition you may be  
7 asked some questions by Mr. Beck or Mr. Hatch that would  
8 require you to respond with information that you may have  
9 learned as a result of an investigation done by Southern  
10 Bell at the direction of its Legal Department. If such a  
11 question is asked, I'm going to object on the grounds  
12 that it calls for privileged material and I'm going to  
13 instruct you not to answer the question. However, if  
14 such a question is asked and I have objected to it, if  
15 at that time you have information that is responsive to  
16 that question which is based on your own personal  
17 knowledge and not derived in any way from the  
18 investigation, then you need to go ahead and give them  
19 a full and complete answer.

20 It's possible that a question would be asked and  
21 I will not object and you will know that if you respond  
22 to it and give them the information that they've asked  
23 for that you will be divulging information that you  
24 learned as a result of this investigation I made  
25 reference to. If that occurs and I haven't objected,

1 if you'll simply stop and turn to me and express to me  
2 that you have a problem, I'll talk to you about it and  
3 I'll handle it from there. What I'm trying to do is  
4 preclude a question being asked which I don't realize  
5 would call for that kind of information and you giving  
6 him the information inadvertently. Okay?

7 Now, the problem with my instruction that I've  
8 just given you is that in Gainesville there have been  
9 two investigations. There was an investigation  
10 conducted back in October, November and December of  
11 1990 and perhaps into January of 1991 regarding  
12 out-of-service complaints. Test OKs may be another  
13 way to characterize it, Test OKs being characterized  
14 as out-of-service reports. That was conducted by the  
15 Security Department. That investigation is not  
16 privileged and we have not asserted it to be so. So  
17 if Mr. Beck or Mr. Hatch asks you a question and you  
18 have information that you have learned during the  
19 course of that investigation, then you should answer  
20 those questions.

21 I need to make it clear that I'm giving you  
22 this instruction and this clarification, I don't  
23 know whether you know anything about that first  
24 investigation or not. I'm just trying to make  
25 sure that you understand that when I'm speaking of an

1 investigation that's privileged, I'm talking about the  
2 one that has just been recently concluded that  
3 attorneys representing Southern Bell participated in  
4 as opposed to simply the Security Department. Okay?

5 THE WITNESS: Uh-huh.

6 MR. LACKEY: If at any time you have any  
7 question about that or, for that matter, if at any  
8 time you have any problem understanding the questions  
9 Mr. Beck or Mr. Hatch has asked, you can ask for  
10 clarification, you can ask to speak with me and we'll  
11 try to make it as clear as we possibly can.

12 Is my instruction clear to you?

13 THE WITNESS: Yes.

14 MR. LACKEY: Do you have any questions about it?

15 THE WITNESS: Uh-uh.

16 - - -

17 EXAMINATION

18 BY MR. BECK:

19 Q Mr. Dean, my name is Charlie Beck. I'm with the  
20 Office of Public Counsel and I'm going to start off with the  
21 questions. There may be others after I'm done.

22 A Uh-huh.

23 Q Would you please state your full name?

24 A John Stanley Dean.

25 Q Are you employed by Southern Bell?

- 1 A Yes, sir.
- 2 Q What position do you hold?
- 3 A I'm assistant manager.
- 4 Q Where are you an assistant manager?
- 5 A In the maintenance center.
- 6 Q Here in Gainesville?
- 7 A Yes, sir.
- 8 Q If you get nervous while going through this --
- 9 everybody gets nervous.
- 10 A No, no.
- 11 Q How long have you held that position?
- 12 A I've been up here in Gainesville since '81; eleven
- 13 years.
- 14 Q And have you had the assistant manager in the
- 15 maintenance center position eleven years?
- 16 A The whole eleven years.
- 17 Q And can you briefly describe what your job is?
- 18 A I'm what they call load control supervisor. I've
- 19 got three computers I sit in front of all day and watch the
- 20 load, move the people in the computers.
- 21 Q Do you operate in something that's called the back
- 22 room?
- 23 A Yes, that's where I'm at.
- 24
- 25

1           A       Yes, I did.

2           Q       Could you tell me what they told you during that  
3 meeting?

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A Yes.

1 Q And there's not been any other communications about  
2 it?

3 A No.

4 Q In the back room where you operated, was there ever  
5 any instruction out that required the maintenance  
6 administrators to get your approval or the approval of a  
7 manager on statusing -- on how to close out out-of-service  
8 reports that are over 24 hours?

9 A No. The instruction they had was that they needed  
10 to -- before they closed out an out of service over 24 hours  
11 to check with a manager, whether it be myself or somebody on  
12 the floor or whoever, you know.

13 Q What was the purpose of having that procedure?

14 A Well, we would get people that would close out a  
15 multiple cable trouble. They would turn around and say due  
16 to moisture, but the code would close it out as a multiple.  
17 It's a code called 320 is the number on it and that precludes  
18 the out of service carried over when they're closing out a  
19 multiple. Or you might have a guy that would be going to  
20 close out a trouble and you'd say, "Well, what are you  
21 closing it out to?" And he'd say plant or equipment. And  
22 you'd say, "Well, what plant or equipment," you know. And  
23 he'd say, "Well, I had to change the carbons out." Well,  
24 lightning caused the carbons to go. You know, that's what  
25 they're designed for. That's why, because guys would call in

1 and they would close things out to plant or equipment or they  
2 would close it to to moisture when it should have been closed  
3 out to another code.

4 Q Do you feel like you ever insinuated to someone  
5 that they should use that lightning code when it wasn't  
6 appropriate to do that?

7 A No, sir.

8 Q Do you believe there's any reason that somebody  
9 could have understood your instructions to use the lightning  
10 code when there was no reason to?

11 A I don't think I've ever given anybody any direct  
12 instructions to close to any code. The bottom line is, you  
13 know, this is a multiple and it needs to be closed to a  
14 multiple. Carbons are burnt by lightning and that's what it  
15 needs to be closed by. If it's a bad cable bearing, if  
16 you've got a bad cable bearing, that's what -- you know,  
17 you're going to have an out of service over 24, that's all  
18 there is to it.

19 Q Why -- or let me ask this: Was the instruction to  
20 check with the manager only on the over the 24-hour out of  
21 services?

22 A Only on anything that was going to be over 24, yes,  
23 sir.

24 Q Why was that?

25 A Just to make sure that people were closing to the

1 proper codes.

2 Q Wouldn't the same reasoning apply to out of service  
3 less than 24 hours?

4 A We weren't really concerned as long as they were  
5 catching them within the 24 hours.

6 Q Has that procedure been in effect the entire time  
7 that you've been at the center regarding the over 24-hour  
8 reports?

9 A I don't recall when it really started, to be honest  
10 with you. I don't recall a date or time.

11 Q Do you recall who put it into effect?

12 A Not really.

13 Q Is it still in effect?

14 A Yes. They still call the back room or, you know,  
15 talk to the foreman on the floor.

16 Q For over 24-hour reports?

17 A Yes.

18 Q So there's been no change as far as how that's been  
19 handled?

20 A Not that I'm aware of.

21 Q And just to make sure I understand, the  
22 circumstances when an MA would call on out of service over 24  
23 hours to the back room are the same right now as they've  
24 always been?

25 A Well, with one exception, you know. My guess is

1 that they call the back room, and I say whatever, you know,  
2 because I just am not going to get involved in any way, shape  
3 or form with this garbage. I've been ripped apart for no  
4 reason and I'm not going to give them another shot at me.

5 I just tell them to close it to whatever the man  
6 tells you. That's his code, his problem; not mine.

7 Q Have there been instances where people -- that the  
8 close-out time would be backed up to the clear time?

9 A You can't back up a close time in the computer.  
10 You can back up a clear time, but you can't back up a close  
11 time. Close time is an automatic thing in the computer.  
12 There's nowhere for you to put a clock hour there. The clear  
13 time, there is a way you can back it up, but not on the close  
14 time.

15 Q Did it used to be that the clear time would precede  
16 the close time?

17 A The clear time also precedes your close time.

18 Q Is that the way it is now?

19 A Well, whatever time the guy clears it is the time  
20 he -- they've got a hand-held computer. You know, they go in  
21 there and they close their tickets out.

22 Q Have there been any changes this year that makes  
23 the close time and clear time the same?

24 A What they've got now is whatever the close time is,  
25 okay, that's the final time. That's the time it goes

1     irregardless of what time you show it cleared.

2           Q       Have you ever told anybody to back up the clear  
3     time to a time other than when service was restored?

4           A       I don't ever recall doing anything like that.

5           Q       Have you ever heard anybody talk about doing that?

6           A       No, sir.

7           Q       Do you have any reason -- I guess other than the  
8     investigation going forward, do you have any reason to  
9     believe that people may have done that here in Gainesville?

10          A       I don't have any personal knowledge of it.

11          Q       And has anybody, for example, ever told you that  
12     they know something about backing up times on repair reports?

13          A       I don't recall that.

14          Q       Do you have any knowledge about the use of  
15     no-access codes in instances where there is no problem  
16     gaining access to the customer's premise?

17          A       No, sir.

18          Q       Have you ever heard of that being a problem?

19          A       No.

20          Q       Do you have any knowledge of persons excluding  
21     out-of-service reports that are about to miss the commitment  
22     time and then reopening those reports as employee-generated  
23     reports?

24          A       No. You know, excludes are something that they run  
25     printouts on all the time. You just don't have a big base of

1 excluded reports, you know.

2 Q But how about employee-generated reports in  
3 instances where it's really a customer-generated report? Do  
4 you have any knowledge about that?

5 A I don't recall. Are you trying to say that  
6 somebody is closing out a report and then recreating an  
7 employee report?

8 Q Yes. Let me give you an example: Suppose you had  
9 a customer report that's getting close to the 24-hour limit  
10 that an employee might close out that report saying that it's  
11 fixed and then open up a new report as an employee-generated  
12 report on the same problem?

13 A No, I don't recall that happening.

14 Q Are you familiar with CON Codes?

15 A Yes.

16 Q Were they used in instances where the customer  
17 would ask for a later date for the repair?

18 A (Noqs head.) You can turn around and have a  
19 customer that calls in Monday and they've got a bad jack and  
20 they say they're only going to be home on Saturday and you  
21 call in a report. You get people that live like in some of  
22 the CDOs, like Keystone or Hawthorne, you know, where the  
23 lakes are and they're only there on the weekends, so you CON  
24 the report. They're there on Sunday and they call you and  
25 they say, "Well, I won't be back here until next Saturday,"

1 so, you know, you CON the report.

2 Q Do you have any knowledge of persons using that  
3 instances where the customer did not ask for a later date?

4 A I don't know that personally.

5 Q Have you heard of that being done?

6 A No, sir.

7 Q Do you have any knowledge about statusing affecting  
8 service reports as out of service?

9 A As I recall, the Security Department, when they  
10 were around last year, showed us a printout where there were  
11 a bunch of Test OKs that were statused as out of services.

12 Q Other than security showing you that, do you have  
13 any knowledge about that?

14 A No, I don't.

15 Q Has anybody other than security talked to you about  
16 the statusing of Test OKs as out of service?

17 A No, they haven't.

18 Q Do you have any knowledge about employees using  
19 fictitious employee codes on repair reports?

20 A Again, when security was here, somebody was using  
21 921, which is the super center number, and 131, I think,  
22 which are, you know, strictly fictitious employee codes.

23 Q The security folks told you about that?

24 A They showed me printouts.

25 Q Other than security showing you the printouts, do

1 you have any knowledge about persons using fictitious  
2 employee codes?

3 A I don't have that knowledge, no.

4 Q Has anybody talked to you about the use of  
5 fictitious codes other than security?

6 A It could be done, you know. Anybody can just go in  
7 and just use a number. They've come out with a security code  
8 when you log on but that's not even a security code, because  
9 you can go in and pull up and look for an employee number and  
10 see who logged on the machine and use his log-on and use his  
11 number. I mean, it's not something that has been done away  
12 with yet.

13 Q So even the security code doesn't stop somebody  
14 who's intent on misreporting those?

15 A That's absolutely right.

16 Q We talked about lightning a bit. Do you know or  
17 have you heard about the use of any other exclude codes in  
18 instances where the exclude codes shouldn't have been  
19 applied?

20 A No, I haven't.

21 Q Have you heard about any means of building the  
22 out-of-service base that we haven't discussed so far?

23 A Again, when security was here, they were here  
24 because somebody had taken a telephone book and just gone  
25 down through a list of names and created trouble reports on

1 customers' names in the phone book and that was building the  
2 base.

3 Q All right.

4 A Luckily, I happened to be on vacation one of the  
5 days that was done.

6 Q Other than security -- going back to the telephone  
7 book incident, do you have any other knowledge about building  
8 the base in Gainesville?

9 A No.

10 Q Did anybody talk to you about the telephone book  
11 incident other than security?

12 A No. Security -- Floyd was his name, I guess was  
13 the guy that talked to me.

14 Well, excuse me. Charlie Cuthbertson and the  
15 general manager.

16 Q Sanders?

17 A No. Actually I can't even think of my own general  
18 manager's name. It will come to me. But they both came down  
19 after the investigation and sat down and read the riot act  
20 and said they were going to find out who did this and they  
21 were going to have somebody's job. They interviewed us  
22 individually.

23 Randy Perry.

24 When they interviewed me I told them that I didn't  
25 do it, but I said had I been so minded to do it that there

1 are ways it could be done that nobody would have ever found  
2 it, you know.

3 Q How did they react to that?

4 A They asked me what I meant and I told them. You go  
5 in and pull up a cable count and build a cable multiple on  
6 that count and then just go in and start taking numbers and  
7 making trouble reports on the numbers that are in that count.  
8 It would be all different names, but anytime you have a  
9 multiple they fall within a certain complement.

10 Q So it would be like going up and down a block?

11 A Yes.

12 Q And creating reports for that block?

13 A Yes. You'd go in and say one cable from one to two  
14 hundred and put that in as a multiple cable failure and then  
15 you'd just take a printout of the telephone numbers that are  
16 involved in that cable count and just take every other one or  
17 every third one or every fourth one and make a trouble report  
18 on it, it would automatically drop into that cable failure.

19 Q Have you ever heard of employees doing that?

20 A No.

21 Q Have you ever heard of employees calling into the  
22 AIRO system and creating reports just as you've described?

23 A No, I haven't.

24 Q Do you have any knowledge of persons falsifying  
25 customer repair records in any manner whatsoever that we

1 haven't already discussed?

2 A Not that we haven't already discussed.

3 Q Have you heard of any falsifications in any manner  
4 that we haven't discussed?

5 A Not that we haven't discussed.

6 MR. BECK: Thank you, Mr. Dean. That's all I  
7 have. There may be others.

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

9 MR. LACKEY: Thank you, Mr. Dean.

10 (Witness excused)

11 (Whereupon, at 1:07 o'clock p.m, the deposition  
12 was concluded.)

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AFFIDAVIT OF DEPONENT

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This is to certify that I, JOHN STANLEY DEAN, have read the foregoing transcription of my testimony, Page 6 through 25, given on July 30, 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.

\_\_\_\_\_  
JOHN STANLEY DEAN

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

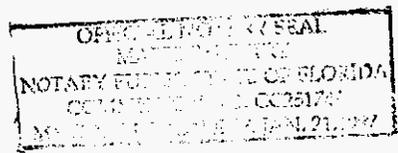
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NOTARY PUBLIC  
State of \_\_\_\_\_  
My Commission Expires:

1  
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3  
4 F L O R I D A )  
5 COUNTY OF CLAY)  
6

7 I, the undersigned authority, certify that  
8 John Stanley Dean personally appeared before me and  
9 was duly sworn.

10  
11 WITNESS my hand and official seal this 1<sup>st</sup> day  
12 of October, 1993.

13  
14 *Marie C. Gentry*  
15 MARIE C. GENTRY  
16 Notary Public - State of Florida  
17 My Commission No. CC251746  
18 Expires: January 21, 1997



1 STATE OF FLORIDA)  
2 COUNTY OF CLAY )

CERTIFICATE OF REPORTER

3  
4 I, Marie C. Gentry, Court Reporter,  
5 DO HEREBY CERTIFY that I was authorized to and did  
6 stenographically report the foregoing deposition of JOHN  
7 STANLEY DEAN;

8 I FURTHER CERTIFY that this transcript, consisting  
9 of 28 pages, constitutes a true record of the testimony given  
10 by the witness.

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

16 DATED this 1st day of October, 1993.

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

21 STATE OF FLORIDA)  
22 COUNTY OF CLAY )

23 The foregoing certificate was acknowledged before  
24 me this 1st day of October, 1993,  
25 by Marie C. Gentry, who is personally known to me.

Patricia H. Vierengel  
Notary Public - State of Florida

PATRICIA H. VIERENGEL  
NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXPIRES 6/21/97  
COMM. # CC 29827

