

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910163-TL

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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: JAMES D. GRIFFETH
TAKEN AT THE INSTANCE OF: Office of Public Counsel
PLACE: Southern Bell Offices
903 West University Avenue
Gainesville, Florida 32601
TIME: Commenced at 11:12 a.m.
Concluded at 11:30 a.m.
DATE: Thursday, July 30, 1992
REPORTED BY: Marie C. Gentry
Court Reporter

- - -

COPY

1 APPEARANCES:

2
3 CHARLES J. BECK, ESQUIRE, Associate Public Counsel,
4 Office of Public Counsel, c/o The Florida Legislature, 111 W.
5 Madison Street, Room 812, Tallahassee, Florida 32399-1400.
6 Telephone No. (904) 488-9330.

7
8 TRACY HATCH, ESQUIRE, Chief, Bureau of Communications,
9 Division of Legal Services, Florida Public Service
10 Commission, 101 E. Gaines Street, Tallahassee, Florida
11 32399-0863, Attorney for Florida Public Service Commission.
12 Telephone No. (904) 487-2740.

13
14 R. DOUGLAS LACKEY, ESQUIRE, and NANCY B. WHITE, ESQUIRE,
15 4300 Southern Bell Center, 675 West Peachtree Street,
16 Atlanta, Georgia 30375, Attorneys for Southern Bell.
17 Telephone No. (404) 529-5387.

18
19 TERRILL BOOKER, Engineer, Bureau of Service Evaluation,
20 Division of Communications, Florida Public Service
21 Commission, 101 East Gaines Street, Tallahassee, Florida
22 32399-0866. Telephone No. (904) 488-1280.

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Page No.

| | |
|-------------------------|----|
| ERRATA SHEET | 4 |
| STIPULATION | 5 |
| AFFIDAVIT OF DEPONENT | 20 |
| CERTIFICATE OF OATH | 21 |
| CERTIFICATE OF REPORTER | 22 |

WITNESS

JAMES D. GRIFFITH

Examination by Mr. Beck 6

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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.

JAMES D. GRIFFETH,

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

- - -

MR. LACKEY: Mr. Griffeth, I'm Doug Lackey and I'm appearing at this deposition on behalf of BellSouth Communications, Inc., Southern Bell.

There is a couple of preliminary matters that we need to discuss before Mr. Beck and Mr. Hatch ask you any questions.

This lady is a court reporter and she's going to be taking down everything I'm saying, the questions these folks may ask and your answers. At some point this may be reduced to writing, turn it into a written transcript, and you are allowed to read that transcript, make any corrections to anything that's wrong in it and to sign it. Sometimes that is waived. The folks in these depositions have generally been reserving the right to read and sign the deposition if it's reduced to writing. Would you like to do that as well?

THE WITNESS: I would like to read it, yes, sir.

MR. LACKEY: Now, the second thing I need to do is I need to give you an instruction and it's going to be a little complicated here in Gainesville, but I'll try to go through and make it as clear as I can and,

1 if there is any question when I'm done, you ask me and
2 I'll be happy to clarify anything I can.

3 You may be asked questions by Mr. Beck or
4 Mr. Hatch that would require you to reveal information
5 that you learned during the course of an investigation
6 conducted by Southern Bell at the direction of its
7 Legal Department. If such a question is asked, I will
8 object and I will instruct you not to answer the
9 question. However, if such questions are asked, it
10 may be that you have personal knowledge that was not
11 gathered as a result of the investigation which would
12 be responsive to the question and, if that's the case,
13 you need to go ahead and answer his questions. You
14 need to tell me so and then you need to go ahead and
15 answer the question.

16 THE WITNESS: All right.

17 MR. LACKEY: There may be questions asked of you
18 that I don't object to, but you may realize after the
19 question is asked if you answer it you're going to
20 disclose what I've been describing as privileged
21 information, information you obtained as a result of
22 the investigation. If that's the case, you just turn
23 to me and say, "I have to talk to you," or "I can't
24 answer that question," you and I will talk and I will
25 handle it from there. The point is, I don't want you

1 to disclose any privileged information inadvertently
2 because I haven't objected to the question.

3 Now, this is all complicated in Gainesville by
4 the fact that there have been two investigations here
5 that we've been talking about.

6 The first investigation was done by the Security
7 Department of Southern Bell back in October, November,
8 December of 1990 and January of 1991. That investigation
9 involved out-of-service trouble reports. It was done by
10 the Security Department and is not privileged. If you
11 have any knowledge about that or if you participated in
12 that investigation in any manner or have any other
13 information about it that's responsive to a question
14 that Mr. Beck or Mr. Hatch asks, you should answer that
15 question.

16 The only investigation I'm concerned with is the
17 one that took place more recently than that where a
18 lawyer from Southern Bell, perhaps other people, were
19 conducting interviews regarding out-of-service reports.

20 Do you understand the distinction between the
21 two investigations?

22 THE WITNESS: Uh-huh.

23 MR. LACKEY: Do you understand the instruction
24 I've given you?

25 THE WITNESS: Yes.

1 Can I talk to you outside before we start?

2 MR. LACKEY: Sure, I'd be happy to.

3 (Off the record.)

4 - - -

5 EXAMINATION

6 BY MR. BECK:

7 Q Mr. Griffeth, my name is Charlie Beck. I'm with
8 the Office of Public Counsel and I'm going to start with the
9 questions. There may be others after I'm finished.

10 Would you please state your name?

11 A James D. Griffeth.

12 Q Are you employed by Southern Bell?

13 A Yes, sir.

14 Q What position do you hold

15 A I'm assistant manager of construction.

16 Q Where is that?

17 A Chiefland, Florida.

18 Q How long have you held that position?

19 A 12 years.

20 Q Could you briefly describe what that entails?

21 A I am responsible for the construction activities,
22 plant contract supervisor responsibilities over the
23 contractors. Now I have I&M responsibilities, installation
24 and station maintenance and cable repair responsibilities.

25 Q How long have you had the installation and

1 maintenance responsibilities?

2 A Since August of last year, I think.

3 Q August of 1991?

4 A August of '91.

5 Q Is that the first time that you had some
6 relationship with maintenance administrators?

7 A I have had the cable repair side since the split in
8 '84.

9 Q What split is that?

10 A When the company split.

11 Q Oh, okay. And you've had the cable repair side
12 since then?

13 A Yes.

14 Q Did the maintenance administrators report to you
15 then?

16 A No.

17 Q During what periods of time have maintenance
18 administrators reported to you?

19 A I do not have maintenance administrators.

20 Q You said you've had I&M since August of '91?

21 A Station repair and station installation people.

22 Q And exactly what is station repair?

23 A The ones what install the phones in the house and
24 are responsible for maintenance in the house, the set itself,
25 the actual installation of the phone.

1 Q If there is a service outage, would the persons who
2 report to you doing station repair have contact with
3 maintenance administrators as far as statusing and closing
4 out of service reports?

5 A What do you mean by "statusing"?

6 Q Well, as far as telling the maintenance
7 administrator what the problem was and how it should be
8 reflected on the reports.

9 A Yes.

10 Q You seemed reluctant to agree with that.

11 A I'm trying to figure out exactly what you're
12 saying.

13 Q Okay. Well, let me ask you that. Can you
14 describe --

15 MR. LACKEY: Excuse me, let me interrupt you
16 for just a minute.

17 If you don't understand the question Mr. Beck
18 asks you, if you'll just tell him that, he will
19 rephrase it or explain it so that it's clear to you.

20 MR. BECK: Sure.

21 BY MR. BECK:

22 Q If you could, could you explain the relationship
23 that the people who report to you would have with maintenance
24 administrators?

25 A The station people?

1 Q Yes.

2 A They receive the trouble from test boards, they go
3 on the trouble, they close it out, SAC fit with the
4 disposition and cause code, whatever that my be. They now do
5 it electronically. At one time or another several years ago
6 they did it over the phone talking to them. But they tell
7 them what to put in it.

8

9

10

11 A Yes, sir.

12

13 A Yes, sir.

14

15

16 Who did you have a meeting with?

17

18 Q Do you recall about when that was?

19 A Not really.

20 Q Do you know whether it was this year?

21 A Probably the latter part of '91 or early '92, and I
22 cannot tell you exactly when.

23

24

25 A Yes, sir.

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A Right.

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Q I'm not clear on what they --

18

A Nobody else is.

19

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22

Q What types of reports?

23

A It would be cable reports.

24

Q And those are different than repair reports or not?

25

A They are repair reports, but they're separate from

1 station reports. They're troubles that are put in the cable.

2 Q I'm still not clear on the distinction.

3 A You have a station trouble which is a problem on a
4 resident's premise. If it were in the cable, it would be
5 between that premise and back towards our office. Cable
6 troubles are what are put into the cable. Station troubles
7 are what's from the end of the cable into the house.

8
9
10 A On our time reports we close out every day. We
11 have a column that we show complete in. Somebody, the
12 lawyer, I guess, that I talked to --

13 MR. LACKEY: One moment. Don't discuss with
14 Mr. Beck any conversations you had with any lawyers
15 representing Southern Bell in this proceeding.

16 THE WITNESS: Okay.

17 MR. LACKEY: If you can't explain it without
18 a reference to that, just tell him you can't explain it.

19 BY MR. BECK:
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A Yes, sir.

Q I've got a number of questions I want to ask you about to what you may or may not have knowledge about. When asking these, I'm not asking you of anything that might have been told to you by a Southern Bell attorney in that second investigation that Mr. Lackey said, but any other means you may have knowledge about, I am asking you about what you know about it. I'm asking you about a bunch of different things.

Do you have any knowledge of persons backing up repair times to a time other than the clear time on trouble reports? You don't even work in that area, do you, on the trouble reports on the maintenance side?

A As far as them being closed out in test center, no.

Q But you have no knowledge about persons backing up to a time other than the clear time?

A No.

1 Q Do you have any knowledge of Test OK trouble
2 reports being statused as out of service?

3 A No.

4 Q Are you familiar with certain exclude codes that
5 are used in the maintenance center that take a report out of
6 the Public Service Commission rule requirement on
7 out-of-service reports?

8 A Could you explain it further?

9 Q Well, for example, are you familiar with the rule
10 that requires generally out-of-service reports that requires
11 95 percent of those reports to be repaired in 24 hours?

12 A Yes, sir.

13 Q And there are certain causes, such as lightning,
14 though, that would take one of those reports out of the PSC
15 rule requirements.

16 A Yes, sir.

17 Q Do you know of or have you heard of those exclude
18 codes, such as lightning, being used in instances where the
19 exclude code should not have been used?

20 A No.

21 Q Do you have any knowledge of no-access codes being
22 used in instances where there was no problem gaining access
23 to the premises?

24 A No.

25 Q Do you have any knowledge of CON Codes being used

1 when, in fact, the customer didn't ask for a later time for
2 the repair?

3 A I don't understand. CON Code?

4 Q Are you familiar with CON Code?

5 A No.

6 Q Carried over, no access?

7 A No.

8 Q Do you have any knowledge of statusing affecting
9 service trouble reports as out-of-service trouble reports?

10 A Explain it again.

11 Q Are you familiar with the distinction between
12 affecting service and out of service?

13 A By affecting service you mean a phone that has
14 trouble that is not out of service?

15 Q That's correct.

16 A I know the difference between, yes, sir.

17 Q Do you know of any action by anyone of that
18 purposely being reported, it was reported as an
19 out-of-service report?

20 A No, sir.

21 Q Do you have any knowledge of persons using
22 fictitious employee codes on repair reports?

23 A No.

24 Q Do you have any knowledge of repair reports being
25 falsified in any manner whatsoever?

1 A No.

2 Q Have you talked to anybody other than a Southern
3 Bell attorney about repair records being falsified in any
4 way?

5 A Yes.

6 Q Who have you talked to?

7 A Mr. Swilley and I had a conversation a long time
8 ago. When the investigation first started, I asked him what
9 was going on and he told me something about some reports
10 being falsified.

11 Q Did he mention who had falsified reports?

12 A No.

13 Q Did he tell you in what manner they had been
14 falsified?

15 A Other than that there were some reports statused
16 out of service. That's all I know.

17 MR. BECK: Thank you, Mr. Griffeth. That's all
18 I have.

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

20 MR. LACKEY: Thank you, Mr. Griffeth. We
21 appreciate your time.

22 (Witness excused)

23 (Whereupon, at 11:30 o'clock a.m, the deposition
24 was concluded.)

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AFFIDAVIT OF DEPONENT

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This is to certify that I, JAMES D. GRIFFETH, have read the foregoing transcription of my testimony, Page 6 through 19, 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.

JAMES D. GRIFFETH

Sworn to and subscribed before me this _____ day of _____, 19__.

NOTARY PUBLIC

State of _____

My Commission Expires:

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F L O R I D A)
:
C O U N T Y O F C L A Y)

I, the undersigned authority, certify that
James D. Griffeth personally appeared before me and
was duly sworn.

WITNESS my hand and official seal this 15TH day
of October, 1993.

Marie C. Gentry
MARIE C. GENTRY
Notary Public - State of Florida
My Commission No. CC251746
Expires: January 21, 1997



1 STATE OF FLORIDA)
2 COUNTY OF CLAY)

CERTIFICATE OF REPORTER

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

7 I FURTHER CERTIFY that this transcript, consisting
8 of 22 pages, constitutes a true record of the testimony given
9 by the witness.

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

15 DATED this 1st day of October, 1993.

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

20 STATE OF FLORIDA)
21 COUNTY OF CLAY)

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

25 Patricia H. Vierengel
Notary Public - State of Florida

**PATRICIA H. VIERENGEL
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES 6/21/97
COMM. # CC 29027**

