

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

In re: Show Cause Proceeding Against Southern Bell Telephone and Telegraph Company for Misbilling customers.

Docket No. 900960-TL
Filed: 12-9-92

STATE OF FLORIDA)
COUNTY OF DUVAL)

Deposition of DAVID MOWER, a witness examined by Office of Public Counsel, Care of The Florida Legislature, taken pursuant to Notice of Taking Deposition Upon Oral Examination, at 301 West Bay Street, 20th Floor, Jacksonville, Duval County, Florida, on Thursday, December 17, 1992, at 11:10 o'clock a.m., before Basil R. VanBeverhoudt, a Notary Public in and for the State of Florida at Large.

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DAWOOD & HOGAN
828 BLACKSTONE BUILDING
JACKSONVILLE, Florida 32202
(904) 353-5300

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A P P E A R A N C E S

JANIS SUE RICHARDSON, Esquire,

Associate Public Counsel
Office of Public Counsel
C/O The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

Attorney for the Citizens of the
State of Florida.

JEAN R. WILSON, Esquire,

Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0863

Attorney for Florida Public
Service Commission.

J. PHILLIP CARVER, Esquire,

BellSouth Telecommunications, Inc.
Museum Tower Building
Suite 1910, 150 West Flagler Street
Miami, Florida 33130

Attorney for Southern Bell Telephone &
Telegraph Company.

- - -

ALSO PRESENT:

MR. STAN L. GREER, Engineer IV

Florida Public Service Commission
101 East Gaines Street, Room G-28
Tallahassee, Florida 32399-0863

MR. CARL VINSON, Management Review Specialist

Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0863

I N D E XWitness

David Mower

Direct by Ms. Richardson Page 7

Cross by Mr. Vinson Page 53

Cross by Mr. Carver Page 56

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DAVID MOWER,

having been produced and first duly sworn as a witness,
was examined by Office of Public Counsel, The Florida
Legislature, and testified as follows:

MR. CARVER: Okay. Just two things I want to
note by way of objection. First of all, the
deposition notice contains the statement that
"Mr. David Mower is requested to produce names of
those persons disciplined by him or in his presence
at the deposition."

To the extent that is a request for
documents -- well, first of all, to the extent it
is not a request for documents. Certainly I have no
objection to you asking him, you know, questions
about those issues.

To the extent that it is a request for
documents, I'll just say that Mr. Mower has no
documents in his personal possession. Whatever
documents he might have access to would be Southern
Bell documents and it would not be appropriate for
him to produce those; instead that those should be
dealt with by way of a request to produce to
Southern Bell; and there is, of course, a request to
produce to Southern Bell and we are objecting to
that, because under the Florida Rules of Civil

1 Procedure, in the case as I'm interpreting it, in
2 the context of these proceedings, parties always
3 have 30 days to respond to request to produce and
4 that time period can't be shortened by making the
5 request in conjunction with the deposition. So we
6 believe the request is not timely and we object for
7 that reason and we are not producing any documents.

8 MS. RICHARDSON: Just flat out not producing or
9 do you mean today?

10 MR. CARVER: Well, I guess we can talk about
11 that. We are not producing any today. If you want
12 me to treat this as a regular request to produce and
13 to respond, you know, in 30 days plus time for
14 mailing, I can do that.

15 MS. RICHARDSON: Let's do that.

16 MR. CARVER: That's fine. One other thing,
17 since we're handling housekeeping stuff here, do we
18 have the usual agreement today on confidentiality,
19 the one from last time, 10 plus 20.

20 MS. RICHARDSON: Ten days from when we order a
21 transcript for you to decide?

22 MR. CARVER: Yes. What we did with the last
23 one which I guess was the Gargiola and Miller, was
24 that from the time I got the transcript I had ten
25 days to file a notice of intent and he gave me an

1 additional 20 days after that due to the line by
2 line.

3 MS. RICHARDSON: That's fine.

4 MR. CARVER: Now, in their case I did the line
5 by line in ten days because there wasn't much to it,
6 but I just kind of want the extra time in case I
7 need it. I probably won't.

8 MS. RICHARDSON: That is fine.

9 MR. CARVER: Okay. That is all I've got.

10 MS. RICHARDSON: I can agree with that.

11 MS. WILSON: Excuse me. I would ask that you
12 do that as a formal discovery request, if it's all
13 right, for purposes of the Commission making its
14 ruling on that.

15 MS. RICHARDSON: I think we did agree that he
16 would respond to my production of documents within
17 the time frame.

18 MR. CARVER: Yes. What I am going to do --
19 see, she's got a POD on there and it requests
20 production at time of documents. So basically we're
21 just going to treat that as a regular POD and we
22 will respond in, you know, 30 plus five.

23 MS. WILSON: I thought it was a subpoena for
24 deposition.

25 MR. CARVER: No.

1 MS. WILSON: All right. Sorry.

2 DIRECT EXAMINATION

3 BY MS. RICHARDSON:

4 Q Mr. Mower, would you please state your name and
5 spell it for the court reporter.

6 A David Mower, M-o-w-e-r.

7 Q And would you please give your address?

8 A Company or residence?

9 Q Company address would be fine.

10 A Room 4KK1, Southern Bell Tower, 301 West Bay
11 Street, Jacksonville, 32202.

12 Q And phone number?

13 A (904) 350-2674.

14 Q And what is your position with Southern Bell?

15 A Operations Manager, Human Resources.

16 Q And how long have you had this position?

17 A Since 1984.

18 Q And what did you do before you were operation
19 manager with Human Resources?

20 A Operations Manager, Assessment, and Operations
21 Manager, Operator Services.

22 Q And was that in Jacksonville also?

23 A That was in Jacksonville, Daytona Beach and
24 various locations in Florida.

25 Q How long have you been with the company?

1 A 30 years.

2 Q What are your job duties as an operation
3 manager for Human Resources?

4 A We handle the employment selections activity in
5 North Florida, nonmanagement. That's covered by the
6 union contract. We hire and select nonmanagement
7 individuals for jobs.

8 We handle all the relationships with CWA, the
9 bargaining unit, the Communication Workers of America, as
10 to processing of grievances, various issues about the
11 contract, working agreement, and we are responsible for
12 any EEO matters, Equal Opportunity matters.

13 We're responsible for the administration of
14 management staffing activity which might be a promotion
15 from craft. It might be some salary situation for
16 management.

17 Basically all Human Resources, all personnel
18 matters in North Florida with the exception of benefits.

19 Q And does that involve discipline?

20 A Yes.

21 Q What are your duties in administering
22 discipline when you are called upon to do so?

23 A They can vary. On the nonmanagement side of
24 the house, that's craft, covered by the working agreement
25 with the union. If situations arise in which a

1 department feels that discipline is in order, we
2 encourage them to consult with the Labor Relations
3 Department, which is my department, as to the facts, as
4 to the particular situation, and for recommendations as
5 to proceeding with discipline.

6 On the management side of the house, if there
7 is a situation that arises, we usually work in concert
8 with my boss, the general manager, Human Resources,
9 Florida, Charles Cuthbertson, and the equivalent, my peer
10 and his peer, in the department on the facts, on the
11 situation, on the -- whatever the situation is and make a
12 recommendation as to discipline.

13 Q All right. When you, say, make a
14 recommendation as to discipline, what would the nature of
15 the recommendation be?

16 A For example, in the nonmanagement side of the
17 house, we have a general working understanding with the
18 union that we use a progressive discipline process,
19 informal counseling entry in the record, a warning entry,
20 all the way to termination.

21 So we would review the situation and review the
22 person's past record, review the overall matter and then
23 work with the department, suggest, recommend that they do
24 one of the steps involved in the process.

25 Q What about the management?

1 A Very similar except there is no progressive
2 discipline agreement with anybody. There is no union for
3 management. And so each management situation more or
4 less stands on its own, although many of the similar
5 characteristics, the overall work record, the
6 contributions to the company, any indications of past
7 problems -- all those factors are taken into
8 consideration before any recommendation is made.

9 Q Is there a written company policy on handling
10 management discipline?

11 A Yes.

12 Q And does that generally then comport with that
13 step-by-step sequence that you gave for craft discipline,
14 the informal and so on building up?

15 A Generally. It's very specific with craft
16 because of the union agreement, but for management we
17 attempt to follow the same principles.

18 Q Are you involved in directly administering
19 discipline to individual employees?

20 A Very rarely.

21 Q Have you done so recently?

22 A How do you define recently? Give me a time
23 period.

24 Q Within 1990 to '92.

25 A Yes.

1 Q Can you give me a brief resume of your
2 background, education, experience and so on that
3 qualifies you to perform your present job duties.

4 A Okay. College graduate from Florida State with
5 a major in business administration and marketing; the
6 first 15 years or so with the company involved in
7 handling operator services and various assignments
8 including operations manager. That would basically be
9 administering offices of up to 400 people, management and
10 nonmanagement, with all the ramifications of what that
11 entails, including discipline; in personnel, a variety of
12 assignments in Human Resources, a variety of assignments
13 in Assessment; in Labor Relations, as a special staff
14 person for the general manager and specifically in labor
15 relations, probably going on 10-plus years of exposure to
16 the arbitration process under the collective bargaining
17 agreement, the mediation process, which is an informal
18 form of arbitration under the collective bargaining
19 process; and under EEO, similarly some exposure to
20 problem-solving in that regard as to complaints and
21 inquiries from employees as to what they feel have been
22 injustices or unfair treatment, so forth.

23 So, quite candidly, most of it is OJT, on-the-
24 job training.

25 Q Thank you. I wasn't sure what OJT was. You

1 mentioned that you had recently been directly involved in
2 disciplining a number of people. When was that?

3 A That was in March time period of '92.

4 Q And about how many people did you discipline?

5 A We were involved in approximately between 25
6 and 30.

7 Q And all those were assuming employees. Were
8 they craft or management?

9 A Management.

10 Q All of them were management?

11 A All of them. I take that back. All but two
12 were management. Two were nonmanagement.

13 Q And where were these employees located, what
14 areas?

15 A Pensacola, Jacksonville, Gainesville, Orlando.

16 Q Where were the crafts?

17 A Where were the two crafts? Orlando.

18 Q Were all of these employees involved in
19 installation-maintenance centers, their job duties?

20 A Let me think about that. Yes.

21 Q How were you given this assignment to
22 discipline these 25 to 30 people?

23 A By my immediate supervisor, general manager,
24 personnel, Charles Cutbertson.

25 Q When did he give you this assignment?

1 A It would have been in the mid- to late February
2 time period, '92.

3 Q And can you tell me how he gave you the
4 assignment? He called you in his office and said go do
5 this? Did he give you something in writing or how did
6 he --

7 A No. It was basically verbally. He had
8 informed me that decisions had been made to proceed with
9 discipline and wanted me to sit in with the involved
10 operations manager, departmental operations manager, as
11 the discipline was administered.

12 Q Was that all he told you, or did he give you
13 the names of the individuals? Did he give you just the
14 operation managers? I need a little bit more
15 clarification, if you would.

16 A He gave me the names of the individuals and
17 told me to prepare accordingly in preparation. We
18 reviewed the security material that had been prepared to
19 get a very general idea as to the nature of the situation
20 and he told me specifically what the discipline was, for
21 example, a counseling entry; for example, a warning
22 entry; for example, a financial penalty.

23 Q So you did not have a part in determining the
24 type of discipline then?

25 A No. I was carrying it out.

1 Q When you say "reviewed the security material,"
2 can you tell me who authored that material?

3 A Okay. The overall investigation internally
4 involved a significant number of interviews.

5 MR. CARVER: Excuse me. I'm going to interrupt
6 you. I think what she is trying to get at is just
7 whether this is the legal investigation. If I'm correct,
8 that is what you are talking about, okay, and for that
9 reason I don't want you to reveal anything about the
10 substance of it, what was entailed in it, what kind of
11 documents were included or anything. I just want to make
12 sure that you are talking about the one that the legal
13 department was involved in.

14 THE WITNESS: That's the one.

15 MR. CARVER: Okay. In that case --

16 THE WITNESS: Internally --

17 MR. CARVER: Okay. I don't think I am going to
18 object to the question because I don't think it
19 calls for you to reveal the substance, but I just
20 want to tell you that I don't want you to reveal the
21 substance of that investigation because of the
22 attorney-client privilege.

23 THE WITNESS: Okay.

24 BY MS. RICHARDSON:

25 Q Do you know who authored the security document

1 that you saw that you read?

2 A Specifically, no.

3 Q Then this is a yes or no. Do you know if the
4 security material that you read was developed by the
5 legal department of Southern Bell in their investigation?

6 A Just legal? No, I don't. I don't know who
7 else would have been involved.

8 MR. CARVER: Well, do you know if legal was
9 involved?

10 THE WITNESS: Legal was involved, but --

11 MS. RICHARDSON: Okay.

12 THE WITNESS: But just legal I can't answer.

13 BY MS. RICHARDSON:

14 Q Did you make any notes at the time that you
15 were given this assignment by Mr. Cuthbertson?

16 A Yes.

17 Q And do those notes still exist in document
18 form?

19 A Yes.

20 Q Can you generally recall what you wrote in
21 those notes at the time?

22 A Yes.

23 Q Can you briefly summarize for me what you
24 wrote?

25 MR. CARVER: Okay. To the extent these notes

1 reflect anything derived from the privileged
2 investigation, then I'm going to instruct you not to
3 answer the question because of the attorney-client
4 privilege.

5 THE WITNESS: It's all from the investigation.

6 BY MS. RICHARDSON:

7 Q Did you receive any information on the reasons
8 for these 30 individuals being disciplined?

9 A Yes.

10 Q What was the source of the information that you
11 received for the reasons given for disciplining these 30
12 people? What was the source?

13 MR. CARVER: You can answer that.

14 A My immediate source was my boss.

15 Q Mr. Cuthbertson?

16 A Mr. Cuthbertson.

17 Q And he told you that orally?

18 A He told me that orally and, as I mentioned
19 earlier, gave me the list of names and the specific
20 discipline.

21 Q Was the security material also part of the
22 source for your knowing why these individuals were being
23 disciplined?

24 A Yes, ma'am.

25 MR. CARVER: Object to the form of the

1 question. You can answer.

2 THE WITNESS: Yes, ma'am.

3 MR. CARVER: Answer it again.

4 MS. RICHARDSON: You can answer it twice, which
5 is good. We now have you down twice.

6 BY MS. RICHARDSON:

7 Q After you received this assignment from
8 Mr. Cuthbertson what was your next step?

9 A As I mentioned, I reviewed the material. I
10 made contact with the involved operations managers in
11 those various locations and set up a time to meet with
12 them and the individuals and proceeded to do so in the
13 subsequent few weeks, which would have been early to mid-
14 March of this year, and met with the operations managers
15 in those locations I described and then on an individual
16 basis met with almost all of the people involved.

17 There were at least one in Orlando and I
18 remember two in Gainesville who were not available
19 because of being on vacation or in school, and those two
20 or three individuals handled just by the operations
21 manager subsequent.

22 Q All right. When you said you met with the
23 operation manager, do you mean individually without the
24 employee there?

25 A No. The operations manager and the employee.

1 Q When you went down initially to let the
2 operation manager know that the discipline was going to
3 be administered, did you meet with that operation manager
4 at all individually while you were there to explain
5 things to him or answer questions or whatever?

6 A Did it on the phone to set the meetings up and
7 then met probably ten minutes in advance of meeting with
8 the individuals.

9 Q Can you tell me what you and the operations
10 manager discussed in those individual meetings, just
11 between you and them?

12 MR. CARVER: To the extent you can answer that
13 without revealing the substance of anything that
14 comes from the privileged investigation, you can
15 answer, but I don't want you to reveal anything that
16 you know came from the investigation.

17 THE WITNESS: Okay.

18 A Basically we confirmed with the operations
19 manager the names of the individuals we were going to
20 talk to, the nature of the discipline, and I showed him a
21 copy of the B form entry, which I had brought with me,
22 which is the personnel record entry that the discipline
23 is actually inscribed on and put into your record.

24 Q Did any of these operations managers ask you
25 why their people were being disciplined?

1 A Yes.

2 Q Did you tell them?

3 A In very generic terms, no specific information.

4 Q So you did not relate to them specific acts or
5 omissions on the part of any individual employee that was
6 the cause for the discipline?

7 A No, ma'am, did not.

8 Q Were any of these operations managers
9 disciplined themselves?

10 A I think yes.

11 Q Do you know how many?

12 A I do not.

13 Q Do you know which ones?

14 A Not specific. I did not handle that aspect of
15 it.

16 Q I'm going to ask you now to please tell me, out
17 of the 25 and 30 people the individuals that you remember
18 that were disciplined on your list.

19 A Okay. It's fairly easy in Pensacola and
20 Jacksonville, not so easy in Orlando, Gainesville.

21 There was only one individual in Pensacola,

22

23 Q Okay.

24 A There were -- let me think -- four individuals
25 in Jacksonville. I don't remember his first

1 name. I think his name is

2

3 I think his name is Dwight.

4 In Gainesville, Orlando there were nine or ten
5 at one place or the other and nine or ten in the other
6 place, and I can recall several of the names in both but
7 not necessarily all the names.

8 In Gainesville,
9 something like that.

10 I think his name is

11 and one
12 name I know I did not cover was a person by the name of

13 I don't know his first name. He was either on
14 vacation or in school and was covered by the district
15 manager later.

16 Let's see. Gainesville. Let me do Orlando a
17 minute and then maybe one will pop into mind. Orlando,
18 all but one down there, and again there were nine or ten
19 again down there. The one I did not cover, I know, was a

20 We talked to

21 We talked to We talked to a

22 I don't remember her first name.

23 We talked to a I think her first

24 name was We talked to a It was :

25 I don't remember. And that's -- I can't

1 remember anything else for the moment. There were a
2 couple of others in Gainesville and a couple of others in
3 Orlando.

4 Q Okay. I'm impressed. I don't think I could
5 have done that.

6 Did any of these people object to the
7 discipline being administered?

8 A Yes, ma'am.

9 Q And what was, just generally, the basis of the
10 objection?

11 A I didn't give them any information.

12 Q So they wanted to know why they were being
13 disciplined?

14 A What, when and why, how, who.

15 Q Okay. And you did not tell them?

16 A I gave them very generic overview information
17 and they wanted more.

18 Q Did any of them ask about appealing the
19 discipline?

20 A Yes, ma'am.

21 Q And what were they told?

22 A They could do so to my boss or to Mr. Sanders,
23 the vice president in network, in writing or on a
24 personal phone call.

25 Q Do you know if any of these people appealed?

1 A Yes, ma'am.

2 Q Do you know if any of them appealed
3 successfully?

4 A Yes, ma'am.

5 Q And which ones were those?

6 A That I don't know.

7 Q In your experience in personnel, have you ever
8 known the company to discipline any employee without
9 telling them the reason for the discipline?

10 THE WITNESS: Should I answer this?

11 MR. CARVER: Yes, you can answer that.

12 A My experience would have been we would have
13 given in the craft ranks substantially more information.

14 Q What about management?

15 A I haven't handled that many management
16 discipline situations, but in the ones I have handled
17 before I gave more information.

18 Q And why would the company tell individuals why
19 they were being disciplined? What purpose would that
20 serve?

21 A Well, candidly on the craft side of the house,
22 we know a grievance is forthcoming and we're going to
23 share that, and usually there's a union representative
24 sitting in the discipline hearing and the more
25 information you can share to substantiate your position,

1 the more likely that the union will have at least the
2 basic facts as to what the discipline is based on.

3 Q So they are easier to resolve at the craft
4 level?

5 A You don't have to go through such a horrendous
6 discovery process after the fact with the union.

7 Q All right. What about management?

8 A What's the question about management?

9 Q Okay. Why would you tell a manager the reason
10 for the discipline -- be very specific -- in other words,
11 in terms of what he or she did or didn't do was the
12 reason for the discipline? What purpose would that
13 serve?

14 A From a personnel perspective, I would want that
15 person to understand the specifics as to what was known
16 and what was available as information.

17 Q Why?

18 A I think it's personally a common courtesy.

19 Q Would one of the reasons possibly be because
20 you didn't want them to go out and make the same mistake
21 again?

22 MR. CARVER: I object to the form of the
23 question, but you can answer it.

24 A Yes.

25 Q How do you feel personally about having

1 administered the discipline in the manner that you were
2 directed to do so?

3 A It was difficult.

4 Q Why or in what way?

5 A I could sense that the individuals wanted some
6 additional material. In order to do that we would have
7 had to be very specific as to who said what and who
8 accused what and who alleged what, and we were not
9 sharing that information. I was told not to give any
10 specific information.

11 Q In your experience has the company ever
12 disciplined this number of people before on this
13 magnitude?

14 MR. CARVER: I object to the form of the
15 question. Do you mean as a result of one series of
16 events or total discipline or -- I mean "ever
17 disciplined this many people before" is kind of
18 vague.

19 BY MS. RICHARDSON:

20 Q In your experience has the company ever
21 disciplined this number of people at one time before?

22 MR. CARVER: I object to the form, but you can
23 answer.

24 A I don't recall specifically 25 to 30, but I do
25 recall several situations where there were a number of

1 individuals, craft and/or management disciplined at one
2 time.

3 Q In relation to this entire docket, were you --
4 did Mr. Cuthbertson call you and Ms. Geer and Mr. Ward
5 into one meeting or individually?

6 A We were in one meeting.

7 Q Were you aware that more than your 25 or 30
8 people were being disciplined in relation to this
9 investigation?

10 A Yes, ma'am. The same thing that I was doing,
11 Mrs. Geer and Mr. Ward were doing and Mr. Cuthbertson was
12 doing.

13 Q I'm sorry. Do you --

14 A And Mr. Cuthbertson was doing the same thing.

15 Q On what level?

16 A He did several that were out of state, several
17 discipline discussions that were handled that were out of
18 state he handled himself. I don't know what level of the
19 manager who was involved.

20 Q Do you have a feel for how many employees
21 altogether were disciplined as a result of this
22 investigation by the company?

23 A I can give you a best guess.

24 Q Okay.

25 A 80 to 90, management.

1 Q In your experience with the company, your 30
2 years, is this the first time that that number of people
3 at the management level have ever been disciplined in
4 relation to one investigation?

5 A To my knowledge, yes.

6 Q Is that in your opinion unique?

7 MR. CARVER: Object to the form of the
8 question. I'm not sure how you would answer that;
9 but if you can, you can.

10 A I wouldn't say unique, but I'd say special,
11 different.

12 MS. RICHARDSON: I have four exhibits here,
13 material that has been claimed to be confidential by
14 the company. These are notes that were submitted in
15 response to citizens' 22nd document production
16 request and to give a title to these, I'm going to
17 call them Mr. Cuthbertson's notes.

18 And do you want to make a statement about
19 confidentiality, and put them under seal or --

20 MR. CARVER: Yes. Well, two things on
21 confidentiality. I'd like for these to be put under
22 seal, you know, in the interim; and I'm assuming the
23 deposition will be transcribed and then I'll go
24 ahead and make the motion for confidentiality and
25 ~~from~~ that point on they will be handled according to

1 the Commission rules on confidentiality.

2 There is one other thing I wanted to mention,
3 because I'm not sure what these documents are. Are
4 these the ones that were produced and then we later
5 told you that they were privileged and inadvertently
6 produced them, asked for them back?

7 MS. RICHARDSON: Yes.

8 MR. CARVER: All of them or which of them?

9 MS. RICHARDSON: Both sets.

10 MR. CARVER: Both of them. I am just going to
11 renew that objection also. Our position is that
12 these are attorney-client privileged documents that
13 were inadvertently produced. We have requested that
14 they be returned. They have not been returned. So
15 rather than make it every time, I'm just going to
16 make a standing objection to your asking any
17 questions about these. Obviously you can ask the
18 questions, but I just want to have it on the record
19 that I have a standing objection to any questions
20 about anything that were attorney-client privilege.

21 MS. RICHARDSON: Okay?

22 MR. CARVER: Yes. That's it.

23 BY MS. RICHARDSON:

24 Q Mr. Mower, have you seen these before, these
25 documents?

1 A I don't believe so. This looks like
2 Mr. Cuthbertson's writing.

3 MR. CARVER: On which document?

4 THE WITNESS: On this first one that's --

5 BY MS. RICHARDSON:

6 Q That is titled "Mr. Charlie"?

7 A "Mr. Charlie".

8 Q And has some typewritten.

9 A And has some typewritten followed by a series
10 of pages of handwritten notes. I recognize some of the
11 names, but I don't remember seeing this specific --

12 Q Document?

13 A This appears to me to be in response to the,
14 quote, appeals.

15 Q And the second document that is dated 4-10-92?

16 A That again looks like Mr. Cuthbertson's
17 handwriting. There's a typed document at the end from

18 I know that name. That was one of my
19 contacts. I have not seen these specific documents
20 before to the best of my knowledge, but some of the names
21 I readily recognize. Again it looks like the appeal
22 process, the way this is worded.

23 Q In looking at the one that you have in your
24 hand, and let's turn to Page -- let's see -- several
25 pages down you'll see the nar and you have

1 mentioned --

2 A Right.

3 Q -- previously.

4 A Several pages down. Okay.

5 Q Yes. And you have indicated --

6 A All right, a couple of pages.

7 Q And you have indicated that he was one of the
8 employees that you prepared the disciplinary form for and
9 attended the discipline session on; is that correct?

10 A In Gainesville, I believe.

11 Q In Gainesville. All right. And you also
12 indicated in your testimony, I believe, that you had
13 looked at some materials that were prepared by
14 Mr. Cuthbertson in relation to the discipline that was
15 being administered; is that correct?

16 A Looked at some materials that --

17 Q Mr. Cuthbertson gave you verbally some
18 information related to each individual's discipline; is
19 that correct?

20 A Right, name, nature of the discipline, like
21 warning/reprimand.

22 Q In looking at this page on chat has a
23 date of 3-19-92 on it, is any of this information
24 information that was imparted to you by Mr. Cuthbertson
25 individually?

1 MR. CARVER: On that, at this point we are
2 going beyond what has been inadvertently produced
3 before and you are getting into additional
4 disclosures of privileged information. So I am
5 going to instruct him not to answer that question.

6 MS. RICHARDSON: On the basis of?

7 MR. CARVER: Attorney-client privilege.

8 BY MS. RICHARDSON:

9 Q Do you have information that is responsive to
10 my question that you were refusing to answer based upon
11 Mr. Carver's objection?

12 A Yes, ma'am.

13 Q Can you tell me if each of the individual
14 employees, the 25 to 30 that you have mentioned, were
15 disciplined based upon acts or omissions involved or
16 related to their job duties and responsibilities?

17 MR. CARVER: Okay. Can you answer that without
18 revealing the substance of the investigation? No,
19 I'm not going to let you answer that, because, I
20 mean, that would necessarily have to be based on his
21 knowledge of what came out of the investigation. He
22 is not going to answer that, attorney-client
23 privilege.

24 BY MS. RICHARDSON:

25 Q Mr. Mower, for the record again -- well, will

1 you answer the question, yes or no?

2 A No, ma'am.

3 Q And the reason that you are refusing to answer
4 the question is based upon your -- not your attorney's
5 but Southern Bell's attorney's objection to privilege?

6 A Yes, ma'am.

7 Q Having been in Human Resources for a number of
8 years, are you called upon to be familiar with the
9 personnel practices and procedures for the company?

10 A From time to time, yes, ma'am.

11 Q Would you consider yourself very familiar with
12 those practices and procedures?

13 MR. CARVER: Object to form. You can answer.

14 A Generally in the labor relations arena, very
15 familiar; in the other arenas, I have people who work for
16 me who are the experts.

17 Q When you disciplined -- or was present not
18 disciplining for each of these 25 to 30 individuals, were
19 any of them told that the company had evidence of
20 improperly building out-of-service base in order to meet
21 the PSC index?

22 MR. CARVER: Can you read that question back.

23 (The last question was read by the reporter.)

24 MR. CARVER: The question goes as to what the
25 disciplined employees were told?

1 MS. RICHARDSON: Were any of them told.

2 MR. CARVER: Yes, you can answer that.

3 A I'd have to look at the notes because, as I
4 mentioned earlier, we told them generally that there had
5 been an investigation, that there had been certain
6 allegations made, certain investigations done and that
7 they were being disciplined, and I don't recall
8 specifically that item you mentioned; but in general we
9 used examples such as the excluding codes, such as
10 clearing times versus closing times; but as far as to
11 specifically build the base, I'd have to look at the
12 notes I made in preparation for any one of the 25 or 30
13 to see if that specific question -- I gave him that
14 information.

15 Q Were any of them told that the company had
16 evidence of improperly excluding out-of-service reports?

17 A Had evidence or allegations of excluding --
18 using -- using the excluding codes improperly, yes,
19 ma'am.

20 Q Were any of them told that the company had
21 evidence of Auto-Screener on out-of-service reports?

22 A I do not remember the Auto-Screener subject.

23 Q Were any of them told that the company had
24 evidence that out-of-service reports were not being
25 **stated** as out of service during peak periods?

1 A Yes, ma'am.

2 Q Were any of them told that they were improperly
3 statusing out-of-service reports to meet -- just
4 improperly servicing out-of-status reports?

5 A They were not told specifically, but they could
6 have been told in a general form that this was a type of
7 problem we had encountered.

8 No individual was told specifically what they
9 had, but they were told generally that this type of
10 problem or that type of problem was investigated and we
11 thought was a problem. So yes to your answer about not
12 necessarily the specific individual, just generally.

13 Q Were any of them told that the company had
14 evidence of their telling evidence administrators not to
15 miss a commitment and that the MAs understood this as a
16 direction to back up the times?

17 A There was discussion about communications with
18 MAs, again generally, generically, overview, not specific
19 individual, time, date, place, who.

20 Q Were any of them told that the company had
21 evidence of their using the no-access or the carried-over
22 no codes to exclude out-of-service reports from the
23 index?

24 A I don't remember the carryover, but I do
25 remember the no access.

1 Q Were any of them told that the company had
2 evidence of their using the no-access or the carried-over
3 no codes to exclude a report or avoid missing the
4 commitment?

5 A I don't recall specifically about no access or
6 carryover to exclude, but there was general discussion
7 about the exclusion codes.

8 Q Were any of them told that the company had
9 evidence of out-of-service reports being closed out early
10 and reopened as employee-originated reports in order to
11 complete the repairs?

12 A I don't recall that specific item.

13 Q Were any of them told that they had improperly
14 directed the MAs or the service techs to call a manager
15 to get clearing times?

16 A Again we discussed communications with MAs. I
17 don't recall specifically whether it was to call a
18 manager, but we did talk about clarity of communications
19 with employees.

20 MR. CARVER: Take time out for a second. Go
21 off the record.

22 (Discussion off the record)

23 MS. RICHARDSON: Back on the record?

24 MR. CARVER: Yes.

25 MS. RICHARDSON: All right.

1 BY MS. RICHARDSON:

2 Q In terms of these communications, manager
3 communications, when you were discussing them, what
4 exactly did you tell these people?

5 A What exactly would be very difficult to recall,
6 but the thrust of it was that it is imperative that
7 management as managers be very clear, very concise and
8 very specific as to, quote, orders given or directions
9 given.

10 Q Why?

11 A Because in many situations a subordinate will
12 take your word at face value or as gospel and will
13 attempt to implement it even if there are questions or
14 concerns in their mind.

15 It is the manager's responsibility to go the
16 extra mile to make sure the instructions are clear,
17 concise, that there are no questions.

18 Q So there was an inference that some of the
19 employees participated in questionable activities in
20 order to meet an implied direction from a manager?

21 MR. CARVER: Object to the form.

22 A On the work that we reviewed concerning the
23 nonmanagement employees, yes, ma'am.

24 Q Can you explain company policy and procedures
25 for investigating and disciplining employee wrongdoing?

1 A Generally?

2 Q Uh-huh.

3 A Okay. We have a variety of sources that an
4 employee or a customer or an individual can, quote,
5 report a suspicion of wrongdoing. They can do so through
6 channel of command, supervision or skip levels of
7 supervision. They can do so to the personnel department.
8 They can do so to the union. They can do so to the
9 security department. They can do so to our recently
10 formed ombudsman office in Atlanta. It can be anonymous.
11 It can be specific, whatever form it takes.

12 The receiving group, use an example, say Human
13 Resources, will get as much of the allegation as they can
14 and then open usually an investigation by calling in our
15 internal security folks to take it from there to be the,
16 quote, fact-finders.

17 They will make the necessary contacts,
18 investigate, interview, check the records, whatever they
19 got to do to develop the facts as they perceive the
20 facts.

21 Once the investigation is completed they will
22 give a summary of the investigation to the department
23 that's involved, the hierarchy management and to
24 personnel. Further review is done to see if additional
25 information is needed, investigation done, interviews to

1 be done and whatever.

2 Once all that's completed then, as I mentioned
3 earlier, the departmental manager and the HR managers are
4 involved in the determination as to the extent of the
5 opportunity and the possibilities that exist for
6 discipline or no discipline if there's no substantiation
7 for any of the allegations.

8 MS. RICHARDSON: I am going to be passing out
9 Exhibit 2. I don't know if you want to number these
10 or something.

11 THE REPORTER: Could you put a little number in
12 the corner there.

13 MS. RICHARDSON: As soon as I find my pen I
14 can.

15 MR. GREER: Is that Composite 1?

16 MR. CARVER: Yes.

17 (Citizens' Composite Exhibit No. 1 was marked
18 for identification.)

19 MS. RICHARDSON: All right. Exhibit 2 is the
20 Company's response to Citizens' 30th interrogatory,
21 Item 4 and Item 3.

22 (Citizens' Composite Exhibit No. 2 was marked
23 for identification.)

24 MS. RICHARDSON: And if you don't mind -- I
25 don't know how you want to share those, and it

1 should be noted that Item 4 is labeled "proprietary"
2 by the company.

3 BY MS. RICHARDSON:

4 Q Mr. Mower --

5 A Yes, ma'am.

6 Q -- are you the Dave Mower that responded to
7 both Item 3 and Item 4 of Citizens' 30th interrogatory?

8 A Yes, ma'am.

9 Q And that interrogatory asked you to provide the
10 names and locations of employees, or asked the company to
11 provide the names and locations of employees, who were
12 disciplined by Mr. Ward and I believe Hilda Geer; is that
13 correct?

14 A Yes, ma'am.

15 Q All right. Then you asked me to see the 22nd
16 request for production documents, Item No. 1; is that
17 correct?

18 A Yes, ma'am.

19 MS. RICHARDSON: I am going to pass out
20 Exhibit 3, and Exhibit 3 comes from Citizens' 22nd
21 production of documents request, and the typewritten
22 first page states "Jacksonville is a
23 way to identify it. This also was the 22nd
24 production, which is the company is claiming
25 attorney-client privilege for and as being

1 inadvertently produced.

2 (Citizens' Exhibit No. 3 was marked for
3 identification.)

4 BY MS. RICHARDSON:

5 Q Mr. Mower, looking at this sheet then, the
6 third exhibit, if you would, can you go through for me
7 and identify each individual --

8 MS. RICHARDSON: I'm going to have to get one
9 back from somebody. Sorry. I'm going to have to
10 write on one.

11 Q Starting with Jacksonville- can you
12 identify which one of the three of you, Ms. Geer,
13 Mr. Ward or yourself, was involved in the individuals
14 that were disciplined on this page?

15 A I did and I would assume Hilda did
16 since he's in Central Dade, Miami.

17 Q All right. Then would you just go to the
18 second page and help me with this one.

19 A I did, Jacksonville.

20 Q Does that also include

21 A No. He's in Miami.

22 Q And that would be?

23 A Hilda.

24 MR. CARVER: Let me just clarify these. When
25 you talk about Hilda or Dwayne Ward, if you could

1 clarify whether you are talking about personal
2 knowledge that they did it or assumption you are
3 making based upon the area in which the employee
4 was.

5 THE WITNESS: These are all assumptions based
6 on the area. Mine is knowledge for mine, but I'm
7 assuming Southeast is done by Dwayne, South Florida
8 is done by -- and there are several on here that
9 I'll show you that were done by Cuthbertson.

10 BY MS. RICHARDSON:

11 Q Let me break off right here then. In terms of
12 your response to my 30th interrogatory, you say, "See
13 Item No. 1." Is this the Item No. 1 you are referring
14 to, Exhibit 3?

15 A I assume it is. I would have to see -- you
16 wouldn't believe the mess that's down on the fourth
17 floor; but, yes, this information was previously
18 furnished and I think this is a fairly -- yes, ma'am.

19 Q Good. Then let's go back to Gainesville, which
20 is on Page 3 of Exhibit 3.

21 A Here's all the Gainesville folks. I did all of
22 Gainesville, except, I believe,

23 are the -- to my recollection did
24 those. He's the operations manager. They were on
25 vacation or in school or not available, or something.

1 The rest I did or were involved in at the discipline
2 meeting.

3 Q And the Orlando page?

4 A I did all Mr. Jackson did
5 She was on vacation.

6 Q And turning to the North Broward page --

7 A No specific knowledge, but this is Southeast
8 Florida. This most likely would be Ward.

9 Q Okay. And the West Palm Beach page with
10

11 A The same thing. Mr. Ward.

12 Q All right. And the Indian River page with

13

14 A The same thing. Mr. Ward.

15 Q And then the next page has crossed out,
16 with I believe -- is that

17 A It's either I don't know, but
18 it is

19 Q The two individuals listed,

20 A Seeing the locations, I would assume

21 Hilda Geer. It looks like Central Dade, South Dade,
22 Miami.

23 Q And the next page with n-o operations manager
24 listed and

25 A Again, let's see, Hilda Geer.

1 Q The next page that says North Dade?

2 A Hilda Geer.

3 Q The next page that says Central Dade?

4 A Miami, Hilda Geer.

5 Q The next page that says South Dade?

6 A Miami, Hilda Geer.

7 Q The next page that says North Dade,
8 de la Vega?

9 A Hilda Geer.

10 Q The next page that says Miami Metro,
11 de la Vega?

12 A Hilda Geer.

13 Q Miami Metro, is that a repeat?

14 A I don't know. It looks like a repeat.

15 Q It looks like a repeat. Let's skip that page.
16 The next page, CRSAB, C-R-S-A-B?

17 A If the Miami handwritten note means anything,
18 Hilda Geer. You can see South -- North Dade. So it's
19 most likely --

20 Q Then we have again with some more
21 employees written down underneath him.

22 A Okay. The three handwritten notes, I can't
23 tell location. The other two at the top typed are
24 Central Dade, South Dade, Miami, Hilda Geer. Most likely
25 the other three are Hilda Geer also.

1 Q The next one for what says Miami.

2 A Hilda Geer.

3 Q And the next one?

4 A Hilda Geer,

5 Q Uh-huh. The next one that says North Broward?

6 A Dwayne Ward.

7 Q And the next one that says South Broward?

8 A Dwayne Ward.

9 MS. RICHARDSON: I am passing out Exhibit 4.

10 (Citizens' Exhibit No. 4 was marked for

11 identification.)

12 BY MS. RICHARDSON:

13 Q On Exhibit 4 I have a listing titled "Employees

14 Available for Deposition by Specific Deposition Site."

15 Page 1, and then if you would turn to Page 2 of that,

16 that also is Employees Available for Deposition by

17 Specific Deposition Site and Employees Not Available --

18 A Yes, ma'am.

19 Q -- for Deposition. On the Employees Not

20 Available for Deposition, and where it says out-of-state

21 employees --

22 A Yes, ma'am.

23 Q -- do you know who disciplined those particular

24 individuals?

25 A I don't recognize these names. I am aware that

1 Mr. Cuthbertson did discipline.

2 MR. CARVER: Yes. Well, I was going to make an
3 objection, but I think you got to what I was going
4 to object to anyway. I don't think we've
5 established that all these people were disciplined,
6 because some of the people that you asked that were
7 deposed in the past weren't disciplined. So, if you
8 don't mind, I'd like for you to address, first of
9 all, whether or not you know that these people were
10 or were not disciplined.

11 THE WITNESS: I don't know. I don't recognize
12 these names one way or the other; but, as I
13 mentioned earlier, Mr. Cuthbertson did discipline a
14 number of employees who were physically located out
15 of state.

16 BY MS. RICHARDSON:

17 Q Looking at the top of the page, Gainesville,
18 Orlando, Pensacola --

19 A Yes, ma'am.

20 Q -- do you recognize those names?

21 A Yes, ma'am.

22 Q Were those individuals that you participated in
23 the discipline of or on?

24 A Gainesville, I don't remember is
25 being one of my contacts. I don't remember

1 . The rest of them should match up with the
2 sheet we just looked at on the other exhibit.

3 In Orlando, I don't remember as
4 being -- I don't know anything about . The
5 others are ones I met on.

6 In Jacksonville, I just don't know about
7 I don't know any of them by name
8 except

9 Q Okay.

10 A I know who they are, but I was not involved,
11 but I was.

12 In Pensacola was the one I met with. I
13 did not meet with the other two. I don't know if they
14 were disciplined. I don't know anything about those two.

15 MS. RICHARDSON: Let's go for Exhibit 5 here.

16 (Citizens' Exhibit No. 5 was marked for
17 identification.)

18 BY MS. RICHARDSON:

19 Q Exhibit 5 is a memorandum dated February 8,
20 1991, to tier-1 managers, Florida. Mr. Mower, are you
21 familiar with this memo at all?

22 A Yes, ma'am.

23 Q Are you listed in this memo?

24 A Yes, ma'am.

25 Q And how are you listed in this memo? What does

1 it direct about you?

2 A I'm listed as being responsible for the North
3 Florida and statewide situations that involve the
4 department that wants to initiate a particular awards
5 program in which employees will be recognized in some way
6 for their special efforts in regards to an incentive
7 program as to being involved with the department on
8 ensuring that these various check points are in place
9 accordingly before the program is put into place and
10 before we proceed accordingly.

11 Q And this is a sales program, a sales campaign
12 type program?

13 A It could be a variety of situations, but this
14 specifically was related to two grievance settlements at
15 headquarters related to sales.

16 Q When you say "grievance settlements at
17 headquarters," could you be more specific what you are
18 talking about?

19 A The union in the previous period previous to
20 this point in time had serious disagreements with the
21 company as to recognizing employees outside of the
22 bargaining contract.

23 They do not feel that it is the company's
24 unilateral right to recognize employees with incentives.
25 They feel it is a bargained-for responsibility between

1 the company and the union.

2 They filed executive level grievances on a
3 couple of programs that were in place before this date in
4 customer services and in network.

5 Q Was that the Gold Line Program?

6 A That was one of the programs. That was a state
7 program that had all employee ramifications, but the two
8 specific grievances had to do with customer service
9 specific program and network specific program.

10 Q And did that involve craft and sales,
11 noncontact sales activities?

12 A Yes, ma'am.

13 Q What was the other program besides Gold Line?

14 A Well, Gold Line was the other -- two programs
15 were -- there was a network program and a customer
16 service program in which they would encourage their
17 noncontact folks to sell and in doing so they would be --
18 could earn points and could receive gift certificates and
19 things like that.

20 Q And the union brought a grievance and this was
21 settled and this 1990 memo resulted?

22 A As a result of the grievance settlement, the
23 parties agreed that certain particular procedures would
24 be in place. For example, a craft person cannot receive
25 any money. For example, nobody is allowed to accumulate

1 their points. They have to see that the points are
2 spent, say, quarterly. So we don't give away big items,
3 et cetera, et cetera. And some of those items are listed
4 at the bottom of Sheet 1 and the cloudy copy on Sheet 2.

5 Q I'm sorry. I think that's the way it came to
6 us, but I wouldn't swear to it.

7 A Well, that's okay. So back to your original
8 question, I am responsible for ensuring that before such
9 programs are put into place that the department is able
10 to handle these various items that are listed at the
11 bottom of Page 1 and Page 2.

12 Q Just as an example of that, that sales efforts
13 are not conducted outside of working hours?

14 A Yes, ma'am.

15 Q In terms of sales efforts for craft employees
16 who are involved in repair, was there a procedure for
17 them recording the amount of time spent on repair and the
18 amount of time spent on sales?

19 A I'm not aware. That would be a network time-
20 reporting item. I do not know.

21 Q Were any changes made after this 1991 memo as a
22 result of the noncontact sales investigation docket
23 opened by the Public Service Commission the way the
24 company handled it?

25 MR. CARVER: Changes in what?

1 MS. RICHARDSON: As a result -- the way --

2 MR. CARVER: In the sales program?

3 MS. RICHARDSON: In the sales program.

4 MR. CARVER: Generically? Okay. You can
5 answer that.

6 THE WITNESS: Yes, ma'am.

7 BY MS. RICHARDSON:

8 Q Can you give me specific changes that were
9 made?

10 A For example, network stopped doing it. The
11 only incentive program we have in place is in customer
12 services.

13 MR. CARVER: Let me go back. I'm sorry, but I
14 just want to go back and object to the form of the
15 question, that it characterized the driving force of
16 this as being the opening of the docket. That's the
17 portion of the form of the question that I am
18 objecting to. Sorry to interrupt.

19 You already answered it. So it is a moot
20 point, but I just want to put it on the record.

21 BY MS. RICHARDSON:

22 Q Do you know if any employees had been
23 disciplined since February 1991 for falsification of
24 customer sales?

25 A Yes, ma'am.

1 Q Were you involved in that discipline?

2 A Some, not doing it, but reviewing the security
3 investigation or making recommendations.

4 Q Can you give me an indication of how many
5 employees that you are aware of were disciplined?

6 A It would be a general guess. This information
7 has been provided to somebody on several docket requests.
8 I don't know how much has gotten to your office, 20 to
9 30.

10 Q Do you know if the discipline was in a
11 particular location or throughout Florida?

12 A Throughout Florida.

13 Q Were any people fired?

14 A Yes, ma'am.

15 Q Do you have any idea about how many?

16 A I would guesstimate five, six, seven, eight,
17 somewhere in that number.

18 Q Was the discipline administered in the same way
19 as the discipline in the repair docket investigation that
20 the company did that we talked about earlier?

21 A No, ma'am.

22 Q How was the sales discipline administered?

23 A The ones you are referring to since this --

24 Q Since the '91 memo which is Exhibit 5.

25 A To the best of my knowledge, all the ones I

1 **have** recollection of are nonmanagement employees and the
2 discipline would have been administered with their
3 departmental management representative covering the
4 employee; and if the employee requested union
5 representation, having a union representative present.

6 Q I want to go back to the changes again one more
7 time. Can you outline for me -- let's back up even
8 further than that.

9 You said that you were involved in the
10 discipline. Can you explain to me what the nature of
11 your involvement in the discipline was?

12 A For sales?

13 Q For sales.

14 A Most of -- as a result of any alleged sales
15 impropriety, most normally a security investigation will
16 be undertaken by our internal security office. They will
17 review the sales records. They'll make customer
18 contacts. They'll talk to the employee. They'll review
19 any information they have.

20 They will summarize such into a report which
21 comes to personnel and the involved department. We
22 evaluate the nature of the findings, the overall
23 situation with the employee, previous problems, previous
24 entries, length of service, all those things, and then we
25 would have made recommendations, myself personally,

1 and/or my labor relations staff to the department as to
2 the nature of the discipline to be administered, ranging
3 from do nothing because we can't prove it to fire them
4 because they do it on a repetitive ongoing basis.

5 Q So did the company find evidence of fraud,
6 fraudulent sales?

7 A In the ones I'm aware of? Yes, ma'am.

8 MR. CARVER: Object to form.

9 THE WITNESS: Yes, ma'am.

10 BY MS. RICHARDSON:

11 Q In the ones that you are aware of, did the
12 company fire all of those individuals?

13 A The ones that were fired had provable
14 allegations of more than one offense involving more than
15 one customer involving a period of time.

16 If a person had a single offense and that was a
17 stand-alone offense and we had no indication otherwise
18 that there was a problem, they would have received a
19 lesser discipline.

20 Q Were any managers disciplined in terms of the
21 sales?

22 A Since -- to my knowledge I was involved in one
23 management dismissal in Orlando that was sales-related,
24 and that was before the repair service situation. From
25 that point in time I am not aware of any specific

1 management discipline-related, quote, to sales.

2 Q Who was that individual in Orlando?

3 A A

4 MS. RICHARDSON: Mr. Mower, I think I've run
5 out of questions. I want to say thank you for
6 coming. I appreciate your being here.

7 The Commission may have one or two questions,
8 and it may even spur one more from me before we go,
9 as we did last time.

10 CROSS EXAMINATION

11 BY MR. VINSON:

12 Q Mr. Mower, when you met with Mr. Cuthbertson to
13 discuss the assignment for administering the
14 discipline --

15 A Yes, sir.

16 Q -- did you ask Mr. Cuthbertson how you were to
17 respond if the operations manager or the disciplined
18 employee was to ask for more specific information?

19 A Yes, sir.

20 Q And his response was what?

21 A Generally that the decision has been made that
22 it is not appropriate to get into specific names,
23 specific dates, specific allegations; the individuals
24 will have an appeals process and those specifics can be
25 addressed on a one-on-one basis with the person appealing

1 and the person to whom they appeal. So I was instructed
2 to give very general information, including to the
3 operations manager, no specifics.

4 Q Could you describe the types of documents that
5 you reviewed? You mentioned having reviewed or seen some
6 documents. And here I'm asking for things like a final
7 report or excerpts or selections.

8 THE WITNESS: Is that okay?

9 MR. CARVER: I'm thinking.

10 THE WITNESS: I can do that, but this is part
11 of the privileged stuff that he's --

12 MR. CARVER: Can you read the question back.

13 (The following was read by the reporter:

14 "Question: Could you describe the types of
15 documents that you reviewed? You mentioned having
16 reviewed or seen some documents. And I'm asking for
17 things like a final report or excerpts or
18 selections.")

19 MR. CARVER: The documents you would have
20 reviewed are part of the privileged investigation?

21 (Witness nods head)

22 MR. CARVER: Then I'm going to have to instruct
23 you not to answer, attorney-client privilege.

24 BY MR. VINSON:

25 Q So for the record you would have information

1 that would be responsive to my question, but you are not
2 answering it based upon the instructions of the company?

3 A Yes, sir.

4 Q Turning to Exhibit 5, the procedure whereby you
5 would be responsible for reviewing a proposed program
6 involving incentives or awards that was introduced by
7 this memo, do I understand correctly that that was a new
8 procedure?

9 A No. We have had procedures in our personnel
10 policy manual and executive instructions for some time,
11 but as a result of the two grievances that I alluded to
12 earlier here, the parties, the union and the company at
13 headquarters agreed that they would put some specificity
14 into the executive instruction and personnel policy
15 procedures, and some of the specificity is outlined in
16 the bottom of Page 1 and the top of Page 2.

17 The individuals you see on this sheet were
18 asked to ensure that the department wishing to implement
19 an incentive program was aware of what they would be
20 expected to check and balance and cross reference and so
21 forth and such.

22 Q So did you previously have a role in reviewing
23 proposed programs?

24 A Very limited, and only if we knew about it and
25 so forth. This made it paramount that we knew about it.

1 MR. VINSON: Those are the only questions I
2 have.

3 MR. CARVER: I think I'm going to have to ask
4 him a question or two to clarify a point on the
5 record, but I want to talk to him first, because it
6 may be that I'm unclear rather than the record. So
7 let me -- is that okay?

8 MS. RICHARDSON: Five minutes?

9 MR. CARVER: Yes. Two minutes will do it. I
10 just got one thing to ask him outside.

11 THE WITNESS: That's fine.

12 (Short recess)

13 MR. CARVER: I'm going to have to ask him a
14 couple of questions to clear the record.

15 BY MR. CARVER:

16 Q Mr. Mower, I believe you previously testified
17 that between 1990 and 1992 that you were involved in
18 discipline sessions with approximately 25 employees?

19 A 25 to 30, yes, sir.

20 Q And you said that two of those were craft
21 employees?

22 A Yes, sir.

23 Q Was that discipline of those two craft
24 employees related to repair service activities?

25 A No, sir. They were two dismissals in Orlando

1 because of sales.

2 MR. CARVER: That is all I have.

3 MS. RICHARDSON: That is it and thank you very
4 much.

5 (Witness excused)

6 (Thereupon, at 12:30 o'clock p.m. the taking of
7 the deposition was concluded.)

8 - - -

C E R T I F I C A T E

1

2 STATE OF FLORIDA)

3 COUNTY OF DUVAL)

4 I, BASIL R. VAN BEVERHOUDT, a Notary Public in
5 and for the State of Florida at Large, do hereby certify
6 that I reported by stenograph the foregoing deposition at
7 the time and place indicated herein, and that the
8 preceding pages are a true and correct transcription of
9 my stenotype notes of said deposition.

10 I further certify that I am neither of counsel
11 nor attorney to either of the parties in said cause, nor
12 interested in the event of the said cause.

13 WITNESS my hand and official seal in the City
14 of Jacksonville, Duval County, Florida, this _____ day
15 of October, A.D., 1993.

16
17
18
19

Notary Public, State of Florida
at Large. My Commission expires
October 17, 1995.

STATE OF FLORIDA)

COUNTY OF DUVAL)

The foregoing certificate was acknowledged before me
this _____ day of _____, 1993, by
BASIL R. VAN BEVERHOUDT, who is personally known to me.

Patricia Reid Johnson
Notary Public, State of Florida
My Commission No. CC279850
Expires April 25, 1997.

C E R T I F I C A T E O F O A T H

STATE OF FLORIDA)

COUNTY OF DUVAL)

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

WITNESS my hand and official seal this _____ day
of _____, 1993.

BASIL R. VAN BEVERHOUDT
Notary Public, State of Florida
Commission No. AA 508945
Expires October 17, 1995.

ALL LINES ON
ALL 40 PAGES
ARE CONFIDENTIAL

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Southern Bell Tel. and Tel. Co.
FPSC Docket No. 910163-TL
Citizens' 30th Interrogatories
October 20, 1992
Item No. 4
Page 1 of 1

7 REQUEST: Please provide the names and locations of the employees whose
8 discipline was administered (or "covered") by Hilda Geer and list
9 the supervisors present during each meeting.

10 RESPONSE: Please refer to Southern Bell's response to Citizens' 22nd Request
11 for Production of Documents, Item No. 1. With one exception,
12 Hilda Geer participated in the discipline meetings involving all
13 subordinates, of Operations Managers Smith, Fletcher, Dennis, De
14 La Vega, Stallworth, O'Hare, Mahan, Prevost and Rubin. The one
15 exception was the discipline meeting of The
16 appropriate Operations Manager was present at each meeting. In
17 addition, the paygrade 5 manager was present at the discipline
18 meeting involving several paygrade 3 managers as identified below.

19	<u>Disciplined PG3 Manager</u>	<u>PG5 Manager</u>
20		Marlene Lee
21		Al Sciulli
22		Al Sciulli
23		Tom Dwyer

INFORMATION PROVIDED BY: Dave Mower
301 W. Bay Street
Jacksonville, Florida

Southern Bell Tel. and Tel. Co.
FPSC Docket No. 910163-TL
Citizens' 30th Interrogatories
October 20, 1992
Item No. 3
Page 1 of 1

REQUEST: Please provide the names and locations of the employees whose discipline was administered (or "covered") by Dwane Ward and list the supervisors present during each meeting.

RESPONSE: Please refer to Southern Bell's Response to Citizens' 22nd Request for Production of Documents, Item No. 1. Dwane Ward participated in all discipline meetings involving subordinates of Operations Managers Lewis (West Palm Beach), Knowles (Indian River), Sattizahn (North Broward), and Perera (South Broward). The appropriate Operations Manager was present at each meeting.

INFORMATION PROVIDED BY: Dave Mower
301 W. Bay Street
Jacksonville, Florida

1 Kellermann

2 JACKSONVILLE - D. M. SMITH

3	<u>NO</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
4	3		D. M. Smith	Mower to from RUPE sheet Hilde w/ Smith
5	3		D. M. Smith	from CENTRAL DADE sheet

CONTACT HILDA
FOR MONDAY 3/13

DAVE + HILDA TO HANDLE TODAY
@ 3:00 PM

1 JACKSONVILLE - R. R. RUPE

2 PG EMPLOYEE OPER MANAGER COMMENTS

3 3 G. E. Olsen

4 3 R. R. Rupe from SOUTH DADE sheet

1 GAINESVILLE - RUDY CHRISTIAN

	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
2 10				
3	5		Christian	1986 - 1990 Gainesville Not Eligible for IIA; Base +1500
4	5		Christian	1990 to Present; Prior work in Lenter Not Eligible for IIA as PG 4
5	3		Christian	Base +1600
6	3		Christian	
7	3		Christian	in MELD as PG 4
8	3		Christian	in MELD as
9	3		Christian	
10	3		Christian	Not Eligible for IIA No Base Increase
11	3		Christian	
12	3		Christian	

1 ORLANDO - HAL JACKSON

2 PG EMPLOYEE OPER MANAGER COMMENTS

3 4 Jackson

4 3 Jackson

5 3 Jackson

6 3 Jackson in MELD as

7 3 Jackson

8 3 Jackson

9 3 Jackson

10 3 Jackson

11 5 Jackson

¹⁹⁰⁰ Not Eligible for IIA
Base + 1500
from CENTRAL DADE sheet

1 NORTH BROWARD - R. B. SATTIZAHN

2	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3	5		Sattizahn	Not Eligible for IIA Base + 1900
4	4		Sattizahn	
5	3		Sattizahn	
6	3		Sattizahn	
7	3		Sattizahn	
8	3		Sattizahn	
9	3		Sattizahn	
10	3		Sattizahn / Richardson	
11	3		Sattizahn	
12	3		Sattizahn	
13	3		Sattizahn	

1 WEST PALM BEACH - G. LEWIS

<u>2</u>	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3	5		Lewis	Not Eligible for IIA No Base Increase
4	5		Lewis	
5	3		Lewis	
6	3		Lewis	
7	3		Lewis	
8	3		Lewis	Not Eligible for IIA Base + 1500

(6)

1 INDIAN RIVER - F. KNOWLES

<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3	5	Knowles	Not Eligible for IIA No Base Increase
4	3	Knowles	
5	3	Knowles	Not Eligible for IIA No Base Increase
6	3	Knowles	Not Eligible for IIA No Base Increase
7	3	Knowles	

7

1 *Cory Dennis*

2 ~~B. E. ALLEN~~

	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3				
4	3		Allen	from CENTRAL DADE sheet Not Eligible for IIA; No Base Increase
5	3		Allen	from SOUTH DADE sheet Not Eligible for IIA; No Base Increase

8

1 Isenhour

2 NO OPERATIONS MANAGER LISTED IN MELD

	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3				
4	3		Isenhour Dennis	Network Opns - south Tier 1 - Isenhour see SOUTH DADE sheet
5				
6				
7				
8	3		Dennis	MELD has a PG 3
9				
10				
11				see SOUTH DADE SHEET

9

1 NORTH DADE - O'HARE

2 PG EMPLOYEE OPER MANAGER COMMENTS

3 3 O'Hare

4 5 O'Hare from SOUTH DADE sheet
5 Not Eligible for IIA
6 No Base Increase

10

1 CENTRAL DADE - RUBIN

2	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3	3		Rubin	
4	3		Rubin	Not Eligible for IIA; Base + 3200
5	3		Rubin	Not Eligible for IIA; Base + 1500
6	3		Rubin	
7	3		Rubin	Not Eligible for IIA
8	3			No Base Increase

1 SOUTH DADE - RUBIN

2	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3	3		Rubin	
4	3		Rubin	
5	3		Rubin	

12

1 NORTH DADE - DE LA VEGA

2 PG EMPLOYEE OPER MANAGER COMMENTS

3 3 De La Vega

4 3 De La Vega

Not Eligible For IIA
Base +1500

5

1 MIAMI METRO - DE LA VEGA

2	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3	3		De La Vega	
4	3		De La Vega	
5	4		De La Vega	

1 MIAMI METRO - DE LA VEGA

2	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER</u>	<u>MANAGER</u>	<u>COMMENTS</u>
3	3		De La Vega		
4	3		De La Vega		
5	4		De La Vega		

/ Miami ? ORSAB - FLETCHER

<u>2</u>	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3	3		Fletcher	from NORTH DADE sheet

16

1 *Cory Dennis*

2 ~~S. E. ALLEN~~

	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3				
4	3		Allen	from CENTRAL DADE sheet
5	3		Allen	<i>No longer</i> Not Eligible for IIA; No Base Increase from SOUTH DADE sheet
6	3			<i>No longer</i> Not Eligible for IIA; No Base Increase.
7	3			
8	3			

1991

1991

1 Miami

2 STALLWORTH ~~MP~~

3 DE EMPLOYEE

OPER MANAGER

COMMENTS

4 4

Stallworth

from SOUTH DADE sheet

1	E. PREVOST		
2	<u>PS</u> <u>EMPLOYEE</u>	<u>DEER HUNGER</u>	<u>COMMENTS</u>
3	-	Prevoet Miami	from SOUTH OADE sheet

1 NORTH BROWARD - R. B. SATTIZAHN

<u>Z</u>	<u>PG</u>	<u>EMPLOYEE</u>	<u>OPER MANAGER</u>	<u>COMMENTS</u>
3	316	5	Sattizahn	Not Eligible for IIA Bosc + 1900
4	316	4	Sattizahn	
5	316	x3	Sattizahn	
6	316	3	Sattizahn	
7	316	3	Sattizahn	
8	316	3	Sattizahn	
9	316	3	Sattizahn	
10	318	x3	Sattizahn / Richardson	
11	316	3	Sattizahn	
12	318	x3	Sattizahn	
13	316	3	Sattizahn	
14	316	3	..	

1 SOUTH BROWARD - I. PERERA

2 PG EMPLOYEE OPER. MANAGER COMMENTS

3 3 Perera

4 3 Perera

5 -3 Perera

6 -5 Perera

7 X3 Perera

9

Not Eligible for IIA
Base +1900
Not Eligible for IIA
Base +1500

ALREADY COVERED.

(21)