

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Initiation of Show Cause) Docket 990362-TI
Proceeding Against GTE)
Communications Corporation)
for Apparent Violation of) Filed November 3, 2000
Rule 25-4.118, F.A.C., Local,)
Local Toll, or Toll Provider)
Selection.)
)

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TK 5-7-01

COPY

Deposition of LARRY COMMONS, taken on behalf of the Citizens of the State of Florida, pursuant to the stipulations agreed to herein, before Sharon J. Ruschell, RMR, CRR, CCR. No. B-1179, at the law offices of Alston & Bird, 1201 West Peachtree Street, Atlanta, Georgia, on the 14th day of November, 2000, commencing at the hour of 11:00 a.m.

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(404) 851-9679

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APPEARANCES OF COUNSEL:

On behalf of the Citizens of the State of Florida:

CHARLES J. BECK
Office of the Public Counsel
The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400
(850) 488-9330

On behalf of the Florida Public Service Commission:

LEE FORDHAM
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6585

On behalf of Verizon Select Services, Inc.:

M. RUSSELL WOFFORD, JR.
Alston & Bird
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7000

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(There were no exhibits marked in this deposition.)

P R O C E E D I N G S

- - -

LARRY COMMONS,

having been first duly sworn, was examined and testified
as follows:

EXAMINATION

BY MR. BECK:

Q. Good morning, Mr. Commons.

A. Hi.

Q. My name is Charlie Beck. I'm with the Office
of Public Counsel. Before when we were off the record
counsel agreed that we would reserve our objections for
all matters other than those which cannot be cured at a
later time. The witness does wish to read and sign. Is
that it for stipulations?

Mr. Commons, could you state your full name,
please.

A. Larry Jan Commons, J-A-N.

Q. By whom are you employed?

A. Verizon Select Services, Inc.

Q. And was that previously known as GTE
Communications Corporation?

A. Yes.

Q. How long have you worked for them, for Verizon
or GTE?

1 A. Ten years.

2 Q. What is your current position?

3 A. Manager, customer relations.

4 Q. Could you describe what that job entails?

5 A. I manage a staff of eight employees who
6 investigate and resolve customer-escalated complaints
7 for Verizon Select Services, Inc.

8 Q. What services are offered by Verizon Select
9 Services, Inc.?

10 A. Long distance service, CLEC bundled service.

11 Q. Is that it?

12 A. Yes.

13 Q. How long have you had that job?

14 A. Six months.

15 Q. What position did you hold before that?

16 A. Manager, customer relations; same title, a
17 staff of two, working exclusively or primarily on long
18 distance issues.

19 Q. How long did you hold that position?

20 A. Two years.

21 Q. Beginning on what date?

22 A. March 1998.

23 Q. Through about March of 2000?

24 A. April-May 2000.

25 Q. Is your current position a promotion over your

1 prior one?

2 A. Yes.

3 Q. And before that what position did you hold?

4 A. Administrator, customer relations.

5 Q. Is that with GTE Communications?

6 A. Yes.

7 Q. Could you describe that job?

8 A. Investigating and resolving customer
9 complaints.

10 Q. How long did you hold that?

11 A. Just over one year, March '97 'til 1998.

12 Q. Was that working exclusively in the area of
13 long distance?

14 A. Yes.

15 Q. I have to go back one more before that. What
16 job did you hold before that?

17 A. Video producer, GTE Directories Corporation.

18 Q. Do you have a college education?

19 A. Yes.

20 Q. What degrees do you hold and in what areas?

21 A. B.A. in communications; major,
22 radio/television production.

23 Q. When did you graduate?

24 A. 1987.

25 Q. When was GTE Long Distance formed?

1 A. 1996.

2 Q. How long had the company been in existence
3 before you joined the long distance division in March of
4 '97?

5 A. Just over one year.

6 Q. What led to your move to the long distance
7 area?

8 A. Promotional opportunity.

9 Q. Let me focus just briefly on your job as an
10 administrator in customer relations that began in March
11 '97. What types of things did you investigate?

12 A. Customer complaints as they related to their
13 long distance service from GTE.

14 Q. Could you describe two or three of the main
15 types of complaints you investigate?

16 A. Calling card complaints, such as a customer
17 had ordered a calling card but had not received it yet
18 or a customer had a GTE Long Distance calling card that
19 stopped working without the customer's authorization to
20 have it canceled, misinformation or confusion about
21 calling plans and rates.

22 Q. What would you do as an investigator?

23 A. I was the liaison with a vendor on the local
24 GTE side. The vendor actually does the
25 behind-the-scenes systems investigation to determine the

1 cause of the complaint and to make the customer
2 satisfied.

3 Q. What was the name of the vendor?

4 A. GTE Network Services at that time, Post-Sale
5 Fulfillment.

6 Q. Is that a GTE company?

7 A. Yes.

8 Q. So it's affiliated with the company you were
9 working for?

10 A. The corporation I work for on the ILEC side.

11 Q. Why do you call him a vendor?

12 A. We, or GTE Long Distance pays that group to
13 investigate and do the research using systems that we
14 don't have access to. So for all intents and purposes,
15 they are a vendor.

16 Q. In that position as administrator in customer
17 relations did you ever have occasion to investigate
18 complaints of slamming?

19 A. Yes.

20 Q. Could you describe generally what you did on
21 those cases?

22 A. We, after receiving a complaint, "we" meaning
23 our department, would forward the complaint to the
24 vendor, Post-Sale Fulfillment. Post-Sale Fulfillment
25 would investigate, start to finish, the complaint, the

1 slamming complaint, and report back to us their
2 findings.

3 Q. What would you do with their findings?

4 A. If the customer had written a letter to an
5 executive, I would prepare a response back to the
6 customer in the form of a letter, a response letter.

7 Q. It's not real clear to me about your
8 relationship with Network Services. This group is
9 associated with the local telephone company?

10 A. Yes.

11 Q. And they would investigate complaints of long
12 distance slamming on your behalf?

13 A. Yes.

14 Q. Why would you not investigate them yourselves?

15 A. We do not legally have access to billing
16 systems, service order systems, any of the necessary
17 systems to do the investigation ourselves.

18 Q. So you would simply follow the investigation
19 done by Network Services and then deal with your own
20 company with the results of that?

21 A. Yes.

22 Q. Would you report it to higher management, or
23 what would you do?

24 A. My predecessor at that time, who was the
25 manager, attended a weekly executive summary meeting

1 where he reported week by week all customer-escalated
2 complaints.

3 Q. What's his name?

4 A. Ray Strait, S-T-R-A-I-T.

5 Q. He was your immediate supervisor?

6 A. Yes.

7 Q. In GTE Long Distance Company.

8 A. Yes, until he retired.

9 Q. And when was that?

10 A. July 1998.

11 Q. Was it his job that you took in March of '98?

12 A. I didn't take his job, but I assumed some of
13 his responsibilities, which included the weekly
14 executive report.

15 Q. So in March 1998 you started attending those
16 meetings that he had attended previously?

17 A. July 1998.

18 Q. Okay. I thought you took that job in March of
19 1998.

20 A. I was promoted to manager. His title was
21 group manager. When he retired, it was ultimately
22 filled later by another person, who is my current
23 supervisor.

24 Q. So you started attending these meetings in
25 July of 1998.

1 A. Yes.

2 Q. Between March of 1998 and July of 1998 you
3 were still -- were you still investigating complaints of
4 slamming among your duties?

5 A. Yes.

6 Q. When did you first become aware of any
7 problems with slamming with a company called Snyder
8 Communications?

9 A. Spring 1998.

10 Q. Can you tell us what brought about your
11 knowledge of that area?

12 A. We received complaints from customers in our
13 office, including slamming complaints, generally in the
14 form of letters or complaints that have been filed with
15 the Public Service Commission, and it was our
16 responsibility to use our vendor, Post-Sale Fulfillment,
17 to investigate those complaints.

18 Q. Were you ever the liaison with the Public
19 Service Commission concerning slamming complaints?

20 A. No.

21 Q. Who would do that?

22 A. Karen Turner.

23 Q. What was her position in relation to yours?

24 A. We were peers.

25 Q. How did your responsibilities differ from

1 hers?

2 A. Her responsibilities were for regulatory
3 issues, PUC, FCC, attorney general complaints. My
4 responsibilities were exclusively for executive and
5 other customer-escalated complaints, all nonregulatory.

6 Q. Do you recall when the first complaint was
7 that concerned Snyder that you dealt with?

8 A. Spring 1998.

9 Q. Can you be any more specific?

10 A. February 1998.

11 Q. What was the occasion of it being brought to
12 your attention in February 1998?

13 A. I don't recall the specific complaint.

14 Q. What you do recall was a slamming complaint
15 related to Snyder?

16 A. I'm not exactly sure it was slamming.

17 Q. What do you recall about it?

18 A. That it involved a then new sales channel
19 known as Snyder.

20 Q. What was the complaint?

21 A. I don't recall.

22 Q. After February 1998 did you begin to get more
23 complaints related to Snyder?

24 A. Yes.

25 Q. Could you describe the occurrences that

1 happened from then on just generally, if you started
2 getting more and what happened and what you did.

3 A. We investigated all Snyder complaints along
4 with all other complaints, business as usual, and
5 reported those findings at weekly meetings as we had
6 done pre-Snyder.

7 Q. Who would attend these weekly meetings?

8 A. Ray Strait, other directors, and the assistant
9 vice president for GTE Long Distance.

10 Q. What was his name?

11 A. John Havens, H-A-V-E-N-S.

12 Q. Do you recall how long John Havens was in that
13 position?

14 A. He's still in that position.

15 Q. During these meetings would you discuss the
16 number of complaints and the type of complaints you were
17 receiving related to Snyder?

18 A. Yes.

19 Q. Could you describe what was discussed about
20 it?

21 A. Ray Strait, before I attended and before he
22 retired, and then later myself, would present a weekly
23 composite report of all customer-escalated complaints,
24 regulatory and nonregulatory, slamming and nonslamming
25 complaints, and that was the format.

1 Q. Was it ever brought to your attention that
2 employees of Snyder may have been forging customer
3 signatures on letters of authorization?

4 A. Yes.

5 Q. When did you first become aware of that?

6 A. I believe it was March or April 1998.

7 Q. What did you do about it when you found that
8 out?

9 A. When you say "you," do you mean me
10 specifically or our department?

11 Q. Both. Let's start with you specifically.

12 A. I specifically did not take action. I
13 assisted Ray, because he was still attending the meeting
14 at that time -- I was not -- with compiling the weekly
15 report that showed slamming complaints along with all
16 other complaints as before.

17 Q. What was Ray's reaction when you were -- I
18 assume that you told him that some of these complaints
19 dealt with forgeries of signatures.

20 A. Yes.

21 Q. What was his reaction to that when you told
22 him?

23 A. He was not pleased.

24 Q. Did you ever have occasion to discuss with him
25 what type of action you should take about that, "you"

1 meaning the company?

2 A. Not that I recall.

3 Q. Other than being not pleased, do you recall
4 any action that Ray Strait recommended taking?

5 A. I don't recall because I was not involved in
6 any meetings that he attended until he retired.

7 Q. Was his retirement related to the problems
8 with Snyder Communications?

9 A. No.

10 Q. You started attending these weekly meetings in
11 July of 1998?

12 A. Yes.

13 Q. Was the problem with Snyder discussed when you
14 started attending those meetings?

15 A. Yes.

16 Q. Was it ever discussed what action they should
17 take with regard to Snyder?

18 A. Not specifically.

19 Q. Why do you say not specifically? I don't
20 understand. What did you discuss about Snyder if not
21 what actions should be taken?

22 A. Our department and me specifically, we were
23 not in a recommending function. We simply reported the
24 weekly numbers of complaints, and other people at the
25 meeting who had direct responsibility for the vendor,

1 Snyder, were the ones dealing directly with Snyder. We
2 were not.

3 Q. Who were those persons?

4 A. Ted Gilmore, Keith McGee, M-C-G-E-E.

5 Q. Anyone else?

6 A. They had staffs, but I don't recall all of
7 their names.

8 Q. They were in charge of managing the
9 relationship with Snyder?

10 A. Yes.

11 Q. What relationship did you have with those two
12 persons?

13 A. Very minimal.

14 Q. Do you know whether those two persons still
15 are employed by GTE?

16 A. They are not.

17 Q. Do you know where they are now?

18 A. No.

19 Q. Does John Havens work in the Dallas area still
20 for GTE?

21 A. Yes.

22 Q. And he's still assistant vice president of GTE
23 Long Distance?

24 A. His current title, I believe, is vice
25 president, Verizon Long Distance.

1 Q. What services did Snyder do for GTE?

2 A. Ethnic marketing and sales for GTE Long
3 Distance.

4 Q. Could you describe in a little more detail
5 what that means?

6 A. It was my understanding that Snyder marketed
7 specifically to ethnic customers to sell long distance
8 on GTE's behalf in the form of face-to-face sales and
9 telephone sales.

10 Q. Does Snyder still work in any way for GTE that
11 you're aware of?

12 A. Yes.

13 Q. What do they do now?

14 A. I believe customer service, call center type
15 functions.

16 Q. Does that include telemarketing?

17 A. Not to my knowledge.

18 Q. You're aware at some point toward the end of
19 November of 1998 their foot sales were terminated by
20 GTE; is that correct?

21 A. Yes.

22 Q. Did Snyder continue to perform other marketing
23 type functions for GTE after that point?

24 MR. WOFFORD: Are you talking about in
25 Florida or anywhere?

1 BY MR. BECK:

2 Q. Anywhere, anywhere in the nation.

3 A. I don't know.

4 Q. You do know -- correct me if I'm wrong -- that
5 they did both foot sales and telemarketing during 1998.

6 A. Yes.

7 Q. And you're aware of the foot sales being
8 terminated in November of '98.

9 A. Yes.

10 Q. Do you know when or if the telemarketing
11 functions were terminated?

12 A. No.

13 Q. Could you describe how Snyder went about their
14 foot sales, what sorts of things they did for GTE?

15 A. I believe they marketed to ethnic customers in
16 ways such as fairs, setting up booths and displays in
17 supermarkets, ethnic-type events, special events,
18 marketing.

19 Q. And they did this in Florida as well as other
20 states?

21 A. Yes.

22 Q. Would they try to get people to sign letters
23 of authorization authorizing GTE Long Distance as their
24 long distance company?

25 A. Yes.

1 Q. Do you know what they were supposed to wear at
2 these functions? For example, at fairs did they wear
3 T-shirts that said GTE on them?

4 A. I don't know.

5 MR. WOFFORD: Are you asking what they're
6 supposed to wear or what they actually wore?

7 MR. BECK: Either.

8 BY MR. BECK:

9 Q. Do you know what they were supposed to wear?

10 A. I do not.

11 Q. Do you know whether they ever wore ball caps
12 that said GTE on them?

13 A. I don't know.

14 Q. Do you know whether they were representing
15 themselves as representatives of GTE?

16 MR. WOFFORD: Objection. I think that
17 calls for speculation.

18 THE WITNESS: I don't know.

19 BY MR. BECK:

20 Q. Was there any discussions that you ever
21 attended where GTE people were concerned about the fact
22 that people may be getting or people may be thinking
23 that the Snyder employees are GTE employees?

24 A. No.

25 Q. Were you ever in a meeting where it was

1 discussed that the Snyder people were making GTE look
2 bad?

3 A. Not a meeting.

4 Q. If not at a meeting, where else?

5 A. I read letters from customers where customers
6 said that.

7 Q. Do you know whether GTE Long Distance ever had
8 an audit conducted of Snyder?

9 A. I heard mention of an audit. I don't know the
10 specifics or the time frame.

11 Q. Were you ever involved in any meetings where
12 the results of an audit of Snyder were discussed?

13 A. No.

14 Q. Were there any states that you're aware of
15 where you were not having problems with Snyder in
16 connection with forgeries of customer signatures?

17 A. Yes.

18 Q. Where was that?

19 A. California.

20 Q. Do you know why there were no problems in
21 California?

22 A. It was my understanding that California law
23 required all sales to be verified via tape recording in
24 addition to LOA, which was a quality measure that
25 ensured that there was not a slamming problem.

1 Q. Do you know whether Snyder employees use cell
2 phones to do that sort of third-party verification in
3 California?

4 A. I heard that they did.

5 Q. Could you describe what that process entailed?

6 A. I don't know the specific process for using
7 those phones.

8 Q. Was it ever discussed that you're aware of at
9 GTE whether that type of system should be employed in
10 other states to reduce forgeries by Snyder?

11 A. I believe it was.

12 Q. Why do you say you believe it was?

13 A. I know that based on California having almost
14 no customer complaints in regards to Snyder that
15 employees of GTE wanted other states to emulate what was
16 going on there as a means of quality control.

17 Q. What happened with that idea?

18 A. I don't know. I don't know if that idea
19 reached an executive level.

20 Q. Was it ever discussed at the weekly meetings
21 that you attended?

22 A. Not that I recall.

23 Q. Did you ever have occasion to discuss that
24 with anyone at GTE?

25 A. With our Post-Sale Fulfillment group, I did.

1 Q. Could you describe what brought about that
2 conversation?

3 A. I work hand-in-hand with Post-Sale Fulfillment
4 on a daily basis to resolve all customer complaints. I
5 worked closely with the manager of that department daily
6 on all issues, including Snyder, including slamming, and
7 we strive to ensure every customer is satisfied. We
8 don't like to get complaints. The fewer complaints we
9 see, the better as far as we're concerned.

10 Q. So you discussed this with the person at
11 Post-Sale Fulfillment?

12 A. Yes.

13 Q. They weren't in any position to take any
14 action though, were they, about that, or were they?

15 A. Not to take action; to have discussions with
16 Snyder.

17 Q. Was the idea that they might discuss with
18 Snyder having them, Snyder, implement the third-party
19 verification with cell phones?

20 A. Yes.

21 Q. Did anything ever come from that?

22 A. Not to my knowledge.

23 Q. Did you ever discuss this with any of your
24 superiors?

25 A. No.

1 Q. And it was never discussed at any of the
2 weekly meetings that you attended?

3 A. Not that I recall.

4 Q. We mentioned briefly earlier about the
5 termination of Snyder's foot sales. That was done in
6 Florida toward the end of November of 1998, was it not?

7 A. As I recall, yes.

8 Q. Were you involved in any of the discussions
9 that led up to that?

10 A. No.

11 Q. Mr. Commons, let me start asking you a few
12 questions about some documents if I could. What I'm
13 going to do is refer to documents by Bate number pages.
14 These are Bate stamps that were put on these documents
15 when they were produced for us in response to requests
16 for production of documents.

17 Let me start by showing you a document that's
18 Bates stamped 16307. Let me hand this to you and your
19 counsel and ask if you've ever seen that document
20 before.

21 A. Yes.

22 Q. Could you describe what that document is?

23 A. This is a document I helped prepare for the
24 weekly executive meetings showing Snyder complaints week
25 by week.

1 Q. Were you the first person who started this
2 form or was this form in existence before you started?

3 A. I was asked to create this.

4 Q. Can you recall the time frame?

5 A. Spring 1998.

6 Q. Was the first report of this type presented on
7 May 2nd, 1998?

8 A. I don't recall, meaning --

9 Q. If you'll look at the top row, it has some
10 dates.

11 A. Right.

12 Q. And the first date as I see it is May 2nd of
13 1998.

14 A. Yes.

15 Q. Do you recall whether you were providing those
16 numbers that were used on that report?

17 A. I was.

18 Q. And this was a report that was used at the
19 weekly meetings that you discussed earlier?

20 A. Yes.

21 Q. You started attending those weekly meetings in
22 about -- or when did you start attending the weekly
23 meetings?

24 A. Here, July 1998.

25 Q. But you were preparing this report prior to

1 your actual attendance at the meetings, back into
2 May 2nd of 1998; is that right?

3 A. Yes.

4 Q. And would your boss then take this report to
5 meetings, to your knowledge?

6 A. To my knowledge, yes.

7 Q. That would be Ray Strait?

8 A. Yes.

9 Q. Did you design the columns or the types of
10 columns that were on the report?

11 A. Together with my director.

12 Q. Which is whom?

13 A. Joe Caliro, C-A-L-I-R-O.

14 Q. What's his job?

15 A. Director, customer relations.

16 Q. I'm trying to picture where he fits in
17 vis-a-vis you and Mr. Strait.

18 A. He was Mr. Strait's boss.

19 Q. The first row under type is unauthorized
20 change; is that right?

21 A. Yes.

22 Q. And then there's a number of subheadings under
23 that; is that right?

24 A. Yes.

25 Q. Okay. Is the idea that each of those

1 subheadings would add up to the total of the
2 unauthorized changes?

3 A. Yes.

4 Q. And under unauthorized change you have
5 subheadings for fraudulent LOA, LOA exists, customer
6 misinformation, Snyder rep error, other; is that right?
7 And then there's more rows after that.

8 A. Customer misunderstood.

9 Q. Whose decision was it to make a row that said
10 fraudulent LOA?

11 A. I don't recall specifically which individual.

12 Q. But that decision would have been made in
13 conjunction with yourself and your director; is that
14 right?

15 A. Yes.

16 Q. What did you mean by fraudulent LOA?

17 A. Meaning after the investigation by Post-Sale
18 Fulfillment, at the closure of the complaint the
19 customer maintained that the LOA was indeed fraudulent.

20 Q. And would that be the conclusion of GTE as
21 well at that point?

22 A. Yes.

23 Q. On May 2nd it lists ten fraudulent LOA's.
24 Just for the record, LOA stands for letter of
25 authorization, does it not?

1 A. Yes.

2 Q. And that's the form the customer would sign
3 that would authorize the change of his long distance
4 company to GTE Long Distance; is that right?

5 A. Yes.

6 Q. Does number 10 reflect the nationwide number
7 for GTE Long Distance?

8 A. Yes.

9 Q. Did you provide the inputs for that report on
10 fraudulent LOA's?

11 A. Do you mean the number?

12 Q. Right. Who would compile those numbers?

13 A. I would.

14 Q. So, for example, did you compile the number
15 that showed ten fraudulent LOA's for the week of
16 May 2nd, 1998?

17 A. Yes.

18 Q. And likewise the number of 29 fraudulent
19 LOA's for the week of May 9th; is that right?

20 A. Yes.

21 Q. Did you ever have any discussions with
22 Mr. Strait or your director about having that many
23 fraudulent LOA's?

24 A. Yes.

25 Q. Could you describe those discussions?

1 A. I don't recall the specific discussions. We
2 agreed that these numbers were higher than we had seen
3 before.

4 Q. Did any of you discuss what should be done
5 about that?

6 A. Not specifically. We relied on the direct
7 owners, so to speak, of the vendor to take care of the
8 problem.

9 Q. That would be Ted Gilmore and Keith McGee?

10 A. Yes.

11 Q. Were they given this information as well?

12 A. Yes.

13 Q. How were they given this information?

14 A. They attended the weekly meetings where this
15 chart was presented.

16 Q. Was John Havens the senior person who attended
17 these weekly meetings where this chart was presented?

18 A. No.

19 Q. Who was the senior person?

20 A. Chris Owens.

21 Q. Who is Mr. Owens?

22 A. Former president, GTE Communications; and his
23 successor attended the weekly meetings after he left
24 that position, Pam Jacobson.

25 Q. Could you give me the time frames when

1 Mr. Owens and then Ms. Jacobson attended those meetings?

2 A. I don't recall specifically when the change in
3 jobs took place.

4 Q. When you started attending the meetings in
5 July of 1998, which of those two persons was attending?

6 A. I believe Pam was; if not immediately, shortly
7 after I started going to the meetings. I don't recall
8 the exact time frame when they changed jobs.

9 Q. How long did these weekly meetings go on? Do
10 these weekly meetings still take place?

11 A. The last of these meetings was held two weeks
12 ago, and it's my understanding that the format is being
13 revised to reflect the recent merger between GTE and
14 Bell Atlantic.

15 Q. Are you still attending these meetings?

16 A. I was until the last one.

17 Q. So you've attended these meetings continuously
18 from July of '98 until two weeks ago?

19 A. Yes.

20 Q. And the norm was that the president of GTE
21 Communications attended these meetings, whoever that
22 person might be?

23 A. Usually for at least part of the meeting. He
24 or she did not conduct the meeting.

25 Q. Who would conduct the meeting?

1 A. John Havens.

2 Q. The then-assistant vice president of GTE Long
3 Distance.

4 A. Yes.

5 Q. To your recollection, did the president of GTE
6 Communications ever ask questions at these meetings
7 concerning the fraudulent LOA's listed on the report?

8 A. Yes.

9 Q. Could you describe what types of questions
10 were asked?

11 A. As I recall, she would ask Mr. Gilmore and
12 Mr. McGee what sorts of quality control measures were
13 going to be put into place to ensure the number of
14 complaints reduced.

15 Q. Do you ever recall talk at these meetings
16 about terminating GTE's relationship with Snyder?

17 A. No.

18 Q. And I guess Mr. Gilmore and Mr. McGee would
19 talk about quality improvements measures they would take
20 to try to reduce the number of fraudulent LOA's; is that
21 right?

22 A. In a general sense, yes.

23 Q. You don't recall the termination of foot sales
24 ever being discussed at these meetings?

25 MR. WOFFORD: Are you talking about

1 termination of foot sales in Florida?

2 BY MR. BECK:

3 Q. Florida in this instance.

4 A. After it had been done, yes.

5 Q. What was the nature of those conversations?

6 A. Snyder is no longer making foot sales in the
7 state of Florida.

8 Q. Just to clear this up, all foot sales have
9 been terminated by Snyder nationwide for GTE; is that
10 right?

11 A. Today?

12 Q. Yes.

13 A. That's my understanding.

14 Q. Can you give us a time frame for when their
15 activities of foot sales on behalf of GTE Long Distance
16 were terminated? What was the sequence?

17 A. By sequence you mean --

18 Q. They were terminated in Florida at one point
19 but other states at other points?

20 A. I believe so, but I don't know the time frame
21 for the other states.

22 Q. Was Florida the first state, if you know?

23 A. As I recall, Florida was not the first state.

24 Q. To your recollection, what was the first
25 state?

1 A. I believe New York was the first state.

2 Q. Do you recall how much sooner or how much
3 earlier that was than Florida?

4 A. No.

5 Q. Do you know whether Florida was next after New
6 York?

7 A. I don't know.

8 Q. When you started attending these meetings in
9 July of 1998 were you ever questioned about the
10 fraudulent LOA's?

11 A. Questioned meaning what did this mean or what
12 did the customer say?

13 Q. Anything about them.

14 A. Generally, no. I think everyone in the
15 meeting understood what this meant, fraudulent LOA, and
16 there was generally no further discussion in those
17 meetings about it.

18 Q. And by what everybody generally understood,
19 does that mean forgery of a customer's signature?

20 A. I believe so.

21 Q. Do you see some handwritten notes on this
22 document?

23 A. Yes.

24 Q. Did you write those notes?

25 A. Yes, I did.

1 Q. Could you describe what the notes mean?

2 A. As I recall, and I'm relying on memory, these
3 are notes that I took onto this chart at the meeting
4 itself to note some sort of quality improvement action
5 on the part of Snyder to improve quality or reduce the
6 number of complaints.

7 Q. Do you recall when this chart would have
8 been -- which meeting this chart related to?

9 A. This specific chart related to complaints
10 through the week of October 19th, 1998, and would have
11 been presented at the weekly meeting following that
12 week.

13 Q. So those notes would have been made toward the
14 end of October of '98.

15 A. Yes.

16 Q. I'm going to show you a document Bates stamped
17 16271 entitled customer escalation specifics.
18 Mr. Commons, do you recognize this document?

19 A. Yes.

20 Q. What's the purpose of this document?

21 A. This was an earlier version of a document
22 showing complaints week by week. And looking back on
23 this now, I realize that the previous document was, even
24 though it dates back to I believe May '98, was not
25 created in May of '98. We were actually going

1 retroactive with the numbers on that.

2 Q. Let's go back to the previous document, which
3 is the document --

4 A. I apologize for the confusion.

5 Q. Let's get it straight. The document Bates
6 stamped 16307 that we were discussing earlier, when do
7 you recall that document being created?

8 A. Fall 1998.

9 Q. This document didn't exist when you started
10 attending the meetings in July of '98?

11 A. This document did. That one did not.

12 Q. By this document, you mean 16271 existed but
13 16307 did not?

14 A. Correct.

15 Q. Okay. Let's discuss this, which is Bates
16 stamped 16271. You have a specific section on here for
17 Snyder originating orders; is that right?

18 A. Yes.

19 Q. Snyder wasn't the only group or company that
20 was marketing for GTE Long Distance, is it?

21 A. No, they were not.

22 Q. Do you recall about how many other companies
23 were marketing for GTE?

24 A. I don't know.

25 Q. Is Snyder the only one of your marketing

1 companies that has a special spot on this report?

2 A. Yes.

3 Q. Why is that?

4 A. The volume of complaints.

5 Q. And you'll notice one of the rows for Snyder
6 originating orders is unauthorized change?

7 A. Yes.

8 Q. What would be included in that?

9 A. Customers claiming they did not order GTE Long
10 Distance but received it.

11 Q. Let me go back to the earlier document, which
12 is 16307. Why did you retroactively fill in the blanks,
13 as it were, on this form?

14 A. At the direction of my director, it was felt
15 that to make the information easier to read, easier to
16 understand, taking this piece here --

17 Q. This piece here referring to 16271?

18 A. This box.

19 Q. The right-hand box on that page?

20 A. Yes.

21 Q. Okay.

22 A. Creating a big picture page for it, the
23 information would be easier to track and monitor.

24 Q. Do you recall with more specificity when the
25 first document we discussed, which is 16307, when that

1 was created?

2 A. I believe around September 1998. I apologize
3 again for the confusion.

4 Q. It's been a while.

5 A. It has.

6 Q. This more recent document, the one that's
7 16271, this says it was last updated August 25, 1998; is
8 that correct?

9 A. Yes.

10 Q. Under the findings for the week ending
11 August 15th, there's a number of what look like
12 footnotes, but correct me if it's some other thing,
13 which say fraudulent LOA. Can you tell me how those
14 relate to the chart?

15 A. For the week ending August 15th, 11 complaints
16 were received by our office from customers claiming that
17 they were slammed. The subsequent investigation of
18 those 11 complaints showed a breakdown of four
19 fraudulent LOA's, three LOA's existing but the customer
20 having not reviewed it, two still under investigation,
21 one an issue of a customer's wife, and a final one with
22 another LOA existing containing information for another
23 customer.

24 Q. Do you recall when you started using this
25 form? Did it exist when you started attending meetings

1 in July of '98?

2 MR. WOFFORD: Objection, compound.

3 You've got a couple of questions in there.

4 BY MR. BECK:

5 Q. Do you recall when you started using this
6 form?

7 A. I believe that this form or something similar
8 to it was in place before I attended the meetings.

9 Q. Were you providing the numbers that would be
10 used in the preparation of this form even before you
11 started attending the meetings?

12 A. As I recall, yes.

13 Q. To the extent you recall, do you recall when
14 you started having a separate section on these reports
15 just dedicated to Snyder originating orders?

16 A. I don't recall.

17 Q. I'm going to hand you a document. It's Bates
18 stamped number 16284, and it's customer escalation
19 specifics. This page has information for the weeks
20 ending May 9th and May 16th, 1998, does it not?

21 A. Yes.

22 Q. But it shows at the bottom that this was
23 printed on September 24th, 1998; is that right?

24 A. Yes.

25 Q. Why is there that time difference between the

1 time the form was printed and the weeks that are being
2 reviewed in the report?

3 A. I don't know.

4 Q. Would this report have been in existence then
5 in May of 1998?

6 A. It appears so.

7 Q. The numbers that are on this report and even
8 the previous ones, do these involve all complaints about
9 Snyder received by GTE Long Distance or is it only the
10 nonregulatory ones?

11 A. All complaints received by our department.

12 Q. So whether it was received in regulatory or by
13 directly to the company, it would be included in this
14 report; is that right?

15 A. Yes.

16 Q. And it would be for the entire nation, not
17 just Florida.

18 A. Correct.

19 Q. And do you see where there's under
20 unauthorized -- there's unauthorized changes under
21 Snyder, 49 listed for the week of May 9th and 47 for the
22 week of May 16th; is that right?

23 A. Yes.

24 Q. Do you recall anybody having any reaction to
25 the numbers of that magnitude?

1 major category where there would be other letters and
2 other sections or someplace where these are maintained?

3 A. No.

4 Q. Are you familiar with a type of document
5 called customer relations reports in general? Let me
6 let you just get an overview. Look through Bates
7 stamped pages 15740 through 16266, if you would, just to
8 get a familiarity with the types of documents that are
9 here.

10 A. Yes, I am.

11 Q. Could you describe what these reports are and
12 what they reflect?

13 A. These weekly reports reflect category by
14 category the customer complaints week by week, including
15 customer name, phone number, and nature of the
16 complaint.

17 Q. Who prepared these reports?

18 A. Post-Sale Fulfillment.

19 Q. What was your involvement, if any, in the
20 preparation of these reports?

21 A. I used the information on this report together
22 with a reporting department in my building to generate
23 weekly Excel charts.

24 Q. Would that include the documents we were
25 looking at earlier in the deposition?

1 A. Yes.

2 Q. This is like a source document in a sense for
3 the reports we've been discussing earlier?

4 A. Yes.

5 Q. When did you have any responsibility for -- I
6 understand you had responsibility for reviewing these
7 reports then at least and making -- did you have
8 responsibility other than preparing the charts we talked
9 about earlier with respect to these customer relations
10 reports?

11 A. Not specifically, no.

12 Q. To you they were just a source for compiling
13 other reports?

14 A. Yes.

15 Q. Let me show you Bates stamped page 15743,
16 which is one of the customer relations reports, I
17 believe, for the week ending April 25th, 1998. Do you
18 see handwritten notes on the side that say fraud?

19 A. Yes.

20 Q. Do you know who wrote those?

21 A. I did.

22 Q. Could you describe what brought you to write
23 those comments on the side?

24 A. This report includes all complaints as they
25 are received, as they close, and Post-Sale Fulfillment

1 had a five-day turnaround to close nonregulatory
2 complaints and a ten-day turnaround for regulatory
3 complaints. We have a shared database between our group
4 and the Post-Sale Fulfillment group in which they update
5 the information, and each time they close any of these
6 complaints they put into the body of the database a root
7 cause for the complaint. I pulled information from that
8 electronic database to write these words.

9 Q. Is a portion of the root cause shown on this
10 report?

11 A. On two of these complaints, yes.

12 Q. What column would you see the root cause?

13 A. Corrective action and disposition.

14 Q. Do these reports only show in some cases only
15 a portion of the root cause? In other words, it's being
16 restricted by the amount of space there is to print?

17 A. Yes.

18 Q. So when you were looking at those reports, you
19 could pull up the entire root cause description.

20 A. Yes.

21 Q. Do you recall when you made these notes about
22 fraud on this document? Would you do it on a recurring
23 basis or was it one time or what?

24 A. Eventually I did it on a weekly basis to
25 produce the weekly reports we reviewed earlier.

1 Q. Do you recall when that started?

2 A. Either late spring or early summer 1998.

3 Q. When you said eventually, I mean, was there a
4 time before that where you were only doing it on
5 occasions?

6 A. I was not writing words at the beginning of
7 the year because there was no report in which that
8 information was requested.

9 Q. When was the first time you did that, to your
10 recollection? And by that I mean start writing comments
11 such as these where you say fraud.

12 A. As best I can recall, it was around May --
13 April or May, 1998.

14 Q. Other than the reports we discussed earlier,
15 were there any other way you communicated this type of
16 information to others in the company that you were
17 determining fraud was the root cause of these
18 complaints?

19 A. Yes.

20 Q. Would you describe them, please.

21 A. The ethnic marketing channel management group
22 headed by Keith McGee and Ted Gilmore would on occasion
23 ask for this type of information from our department,
24 and we would forward it to them via e-mail.

25 Q. Do you have that e-mail where you forwarded

1 that type of information to them?

2 A. I don't know if it exists in the system any
3 longer.

4 Q. Are you aware of any steps that have been
5 taken to retain e-mail related to this cause or this
6 issue?

7 MR. WOFFORD: Are you asking about
8 retaining e-mail or try to find e-mail?

9 BY MR. BECK:

10 Q. Retaining it.

11 A. Not specifically, no.

12 Q. Do you recall about how many times you may
13 have sent e-mails to the ethnic marketing managers about
14 fraud?

15 A. As best I can recall, between five and ten
16 times.

17 Q. Do you recall the time frame that that was
18 done?

19 A. I believe early summer 1998.

20 Q. Through when?

21 A. Summertime, perhaps into early fall.

22 Q. Of 1998?

23 A. Yes.

24 Q. Why do you think it ended in early fall?

25 A. I believe the information on the expanded

1 reports we looked at earlier, the full-page report gave
2 enough people enough information to where they felt that
3 was enough.

4 Q. Let me show you Bates stamp page 15747. If
5 you can, I'd like to relate to the date that these refer
6 to. Is this for the week ended April 25, 1998?

7 A. No.

8 Q. When is it for?

9 A. These show complaints received May 4th, 5th,
10 6th, and 7th of '98, so that would have been the week
11 ending May --

12 Q. May 9th?

13 A. Probably.

14 Q. And does this show that you had 74
15 unauthorized changes the week of May 9th, 1998?

16 A. Yes.

17 Q. Now, you had access to the database that
18 contained this information; is that right?

19 A. The information on here?

20 Q. Yes.

21 A. Yes.

22 Q. Who else beside you would have had access to
23 that information?

24 A. Post-Sale Fulfillment.

25 Q. Which is in the local company; right?

1 A. Right.

2 Q. Who else at GTE Long Distance would have had
3 access to that information?

4 A. Other members of my department.

5 Q. Could you name them?

6 A. Ray Strait, Karen Turner.

7 Q. And that's an online database?

8 A. It's special software, has to be installed on
9 each individual's computer, and only our department
10 utilized the system.

11 Q. But it was updated continuously more or less?

12 A. Daily.

13 Q. Would any of your higher-ups have access to
14 that database?

15 A. No.

16 Q. Again, just so I understand the format, on
17 the top of each category where it had unauthorized
18 change -- and I'm showing you Bates stamp page 15753 --
19 this column, it states at the top -- is it unauthorized
20 change?

21 A. Yes.

22 Q. CHG for change?

23 A. Yes.

24 Q. And that relates, and there's a number 34.

25 A. Yes.

1 Q. Does that mean for this week there were 34
2 unauthorized changes?

3 A. 34 complaints of unauthorized changes.

4 Q. And to determine whether they were valid
5 complaints or not, what would you do?

6 A. Post-Sale Fulfillment investigated each one of
7 these until a resolution was reached.

8 Q. Do you see written comments on the side of
9 this page, page 15753?

10 A. Yes.

11 Q. Are those your handwriting, too?

12 A. Yes.

13 Q. You'll see some places it just says FR. Do
14 you see that?

15 A. Yes.

16 Q. Is that shorthand for fraud also?

17 A. I believe so.

18 Q. Let me show you page 15764. This page shows
19 15 unauthorized changes for a week in June; is that
20 right, of '98?

21 A. Yes.

22 Q. The 602, does that mean it was closed on
23 June 2nd, or what does that mean?

24 A. 602 is a complaint code used to define the
25 nature. It's basically a subheading within the broad

1 category unauthorized change. I believe 602 is used to
2 mean in the database customer claims he or she did not
3 order GTE Long Distance and is claiming slamming.

4 Q. There's also a code 603. Do you recall what
5 that is?

6 A. As I recall, it means customer claims that he
7 or she was slammed away from GTE Long Distance by
8 another company.

9 Q. One of the notes that appears on occasion is
10 LOA exists. Do you recall that?

11 A. Yes.

12 Q. What does that mean?

13 A. That means based on the information in the
14 database, the customer claimed he or she was slammed.
15 GTE obtained from Snyder a copy of an LOA that was used
16 to change the customer's long distance service to GTE.
17 The customer either hasn't or couldn't review that LOA
18 to verify whether or not that was his or her signature.

19 Q. Would further action then be required as part
20 of the investigation to determine whether it was a
21 forgery or not?

22 A. Post-Sale Fulfillment would try a minimum of
23 three times to reach the customer after obtaining that
24 LOA. If they failed and absolutely couldn't reach the
25 customer or the customer said I don't want to see it,

1 the issue would be closed.

2 Q. Would you close that as fraudulent or not?

3 A. No. We would close it as LOA exists.

4 Q. From that would you determine -- was there any
5 determination one way or the other whether in such an
6 instance there was a forgery?

7 A. There was no determination made on those.

8 Q. Were all those cases where the customer
9 claimed that they did not authorize the change?

10 A. I believe so.

11 Q. And they just never reviewed the LOA that was
12 produced by Snyder.

13 A. Right.

14 Q. I'll hand you page Bates stamp 15789. Do you
15 see there appears to be two different types of
16 handwritten notes on this page, one in a darker felt pen
17 and another regular pen or ink?

18 A. Yes.

19 Q. Do you recall who made which of these marks on
20 this page?

21 A. I believe both of these markings are mine.

22 Q. Why do some appear in a darker pen than the
23 others?

24 A. I don't know. As I recall, the notes may be
25 from two different days simply using a different pen on

1 one day than another.

2 Q. Do you see one that says, "no - heart attack"?

3 A. Yes.

4 Q. Could you describe what that meant?

5 A. That is my handwriting. I do not recall what
6 heart attack means.

7 Q. I'd like to hand you Bates stamp page 15803
8 and ask you to look at the handwritten statements on the
9 top right side of that page.

10 A. Yes.

11 Q. Could you describe what's meant by the
12 handwritten notes on that page?

13 A. I don't know. It isn't my handwriting.

14 Q. Do you recognize the handwriting?

15 A. No.

16 Q. I'll hand you page 15816 and ask you to look
17 at the handwriting on the bottom. Is that your
18 handwriting?

19 A. Yes.

20 Q. Do you see where it says, "I believe husband
21 dead for two years"?

22 A. Yes.

23 Q. Do you recall why you made that note?

24 A. Based on the information in the database after
25 Post-Sale Fulfillment talked to the customer, in this

1 case Mrs. Hunter, the customer maintained the LOA was
2 fraudulent with her late husband's alleged signature on
3 it, which, according to her, he could not have signed
4 because he was deceased.

5 Q. Do you recall mentioning that case to anybody?

6 A. Not specifically, no.

7 Q. The next page, page 15817, has notes about the
8 husband dead for six years. Do you see that?

9 A. Yes.

10 Q. And would the explanation be similar to the
11 one you just gave except in this case the purported
12 signature is that of a person who had been dead for six
13 years?

14 A. Yes.

15 Q. You don't recall mentioning cases like that to
16 any of your co-workers or superiors?

17 A. My co-workers and myself did discuss issues
18 like this. It was not discussed as a rule in the weekly
19 executive meetings.

20 Q. Why?

21 A. Our role was not to manage the vendor, to
22 manage Snyder. We relied on the reports to show the
23 number of alleged fraudulent LOA's. We were not given
24 that meeting as a forum to make commentary such as that.

25 Q. Were you provided any other forums for making

1 commentary on what you were discovering?

2 A. Conference calls with Snyder, yes.

3 Q. Did you ever mention to your superiors at any
4 time that you were finding cases where the purported
5 signature on LOA's were those of people who had been
6 dead for years?

7 A. Yes.

8 Q. To whom did you say that?

9 A. Our director, Joe Caliro, was involved with
10 this issue.

11 Q. And he was up two levels above you in
12 management?

13 A. Yes.

14 Q. I'm sorry. You probably told me earlier. Is
15 he still employed by GTE?

16 A. Yes.

17 Q. And his position now is what?

18 A. Director, customer relations.

19 Q. And you recall or do you specifically recall
20 mentioning instances such as that to him?

21 A. Not specifically, no. It was general
22 department day-to-day discussions about complaints in
23 general, this being part of it.

24 Q. Do you know who Joe Caliro reported to at that
25 time?

1 A. In 1998?

2 Q. Yes.

3 A. I'm not sure. I believe Kevin Snyder, no
4 relation.

5 Q. What was Kevin Snyder's position?

6 A. Vice president.

7 Q. Of what?

8 A. GTE Communications, I believe consumer markets
9 or general markets. Actually, before Kevin was Jody
10 Bilney. Again, I'm not sure of the time frame for those
11 two bosses of his.

12 Q. And would they be at the same management level
13 as John Havens or was John Havens a higher level of
14 management?

15 A. Their title was vice president. His title was
16 assistant vice president.

17 Q. They were higher.

18 A. Technically it would appear so, yes.

19 Q. But you don't know?

20 A. I don't know.

21 Q. You mentioned earlier the two people who were
22 in charge of managing the Snyder contract, Ted Gilmore
23 and Keith McGee.

24 A. Yes.

25 Q. Were there others who had other types of

1 responsibilities related to Snyder that you're aware of?

2 A. Ted and Keith had staffs of administrators or
3 managers who worked directly with Snyder.

4 Q. Do you know whether any of those persons are
5 still employed by GTE?

6 A. I believe at least one is.

7 Q. Who's that?

8 A. Ann Fields.

9 Q. She was in one of the sections of either Ted
10 Gilmore or Keith McGee?

11 A. Yes.

12 Q. Do you know what her job was?

13 A. I don't recall the title.

14 Q. Do you recall what the job entailed, though?

15 A. Quality.

16 Q. Did you ever have occasion to discuss what you
17 were finding with her?

18 A. Yes.

19 Q. Could you describe those conversations?

20 A. Those were generally in the context of
21 conference calls between Ann, myself, Post-Sale
22 Fulfillment, and Snyder. Ann facilitated the calls.

23 Q. Do you recall about how many such conference
24 calls you participated in?

25 A. Ten or so.

1 Q. And do you recall the time frame of those
2 calls?

3 A. As best I can recall, early summer 1998
4 through about the end of 1998. I was not on every call.

5 Q. What was the topic of those calls? Generally
6 fraud, Snyder?

7 A. Complaints as they related specifically to
8 Snyder, both slamming and nonslamming.

9 Q. Would you relate what you were discovering
10 about the complaints concerning forgeries of customer
11 signatures?

12 A. Together with Post-Sale Fulfillment, I would.

13 Q. What was Ms. Fields' reaction to those
14 disclosures?

15 A. She was as concerned as we were.

16 Q. Do you recall any actions being taken during
17 any of those conference calls?

18 A. I recall Snyder assuring us on both the weekly
19 quality calls and the monthly quality calls that they
20 were taking measures to eliminate the problem.

21 Q. I'm going to show you a number of documents
22 that are Bates stamped 16630 through 16745. They appear
23 to be titled GTE LD slamming complaints. I want to just
24 generally ask you if you're familiar with these forms.

25 A. I have seen this. I don't recall for what

1 purpose it was created.

2 Q. Were you involved at all in the creation of
3 this report or supply any of the data in the report?

4 A. I don't remember.

5 Q. Do you know who prepared this report?

6 A. No.

7 Q. Do you know to whom it might have been
8 distributed?

9 A. I don't know.

10 Q. One of the columns on the report is listed as
11 NID. Would you know what that means?

12 A. I don't remember what NID stands for.

13 Q. Have you ever received any slamming complaints
14 that relate to actions taken at phone marts in GTE's
15 territories?

16 MR. WOFFORD: You mean any territory or
17 in Florida?

18 BY MR. BECK:

19 Q. Any territory first.

20 A. Have I received information about such
21 complaints?

22 Q. Yes.

23 A. Yes.

24 Q. What information have you received?

25 A. Information that a customer in an area where

1 GTE has a phone mart alleging that he or she was slammed
2 by the phone mart.

3 Q. Did you ever have occasion to -- again, those
4 would be investigated by Post-Sale Fulfillment of the
5 local telephone company; is that right?

6 A. Yes.

7 Q. Have you ever had occasion to review any of
8 those relating to phone marts?

9 A. Occasionally.

10 Q. Any in Florida that you recall?

11 A. I believe I recall one in Florida.

12 Q. What do you recall about that?

13 A. As best I can recall, a customer in Florida
14 claimed that he or she never ordered GTE Long Distance
15 and yet was changed to GTE Long Distance regardless.
16 When Post-Sale Fulfillment did their investigation, they
17 obtained an LOA submitted to GTE by a GTE phone mart
18 with a customer's signature. The customer maintained he
19 or she did not sign it.

20 Q. Okay. That did not involve Snyder, did it?

21 A. No.

22 Q. Do you recall what disposition was made of
23 that complaint?

24 A. I believe the employee was either put on
25 disciplinary action or fired from the phone mart.

1 Q. Do you recall which phone mart it was?

2 A. No, I don't.

3 Q. Do you recall the customer's name?

4 A. No.

5 Q. Do you ever recall reviewing a customer named
6 James Brown?

7 A. I don't recall that name.

8 Q. I'm going to show you a document Bates stamped
9 16967. It's entitled GTE Communications Corporation
10 customer complaints involving Snyder Communications,
11 Inc. Have you ever seen that form before?

12 A. No, not that I can recall.

13 Q. So you would not know the purpose of this
14 report, would you?

15 A. No, I would not.

16 Q. I'll show you a series of documents that are
17 Bates stamped 17200 through 17216 and ask you whether
18 you've seen these documents before.

19 A. The first five pages I do not recall. This, I
20 recall. It's an e-mail to me.

21 Q. And you're referring to a Bates stamped page
22 17205; is that right?

23 A. Yes.

24 Q. Go ahead.

25 A. This is an e-mail to me from an employee of

1 Post-Sale Fulfillment providing some 1998 regulatory
2 Snyder complaints by agency.

3 Q. Do you recall the purpose of the e-mail?

4 A. No, I don't.

5 Q. Are you familiar with any of the other
6 documents in this package?

7 A. I don't recall seeing 17206. It appears it
8 could possibly contain information from the
9 aforementioned e-mail. I do not recall these pages.

10 Q. You're referring to 17207 reflecting a Snyder
11 meeting about slamming?

12 A. Yes.

13 Q. Do you recall any meetings that you might have
14 attended relating to Snyder and slamming specifically?

15 A. Snyder slamming at any time?

16 Q. Well, a meeting specifically dedicated to
17 slamming by Snyder.

18 A. I recall one such meeting.

19 Q. Could you describe that?

20 A. It was a meeting held in fall 1998 to address
21 Snyder complaints, specifically Snyder slamming
22 complaints, and to raise awareness of the issue.

23 Q. Who called the meeting; do you recall?

24 A. As I recall, Karen Turner.

25 Q. Do you recall other persons who attended that

1 meeting?

2 A. As best I can recall, along with Karen and
3 myself, Liz Smith from Post-Sale Fulfillment, Jo Ann
4 Peters from GTE Network Services, and David Gadino from
5 GTE.

6 Q. Who is David Gadino?

7 A. I believe he is an attorney.

8 Q. Could you describe what was discussed at that
9 meeting?

10 MR. WOFFORD: Before you do, let me go
11 over -- can you read back his previous
12 answer?

13 (The record was read by
14 the court reporter.)

15 MR. WOFFORD: Give me a minute here.

16 (Brief recess.)

17 MR. WOFFORD: Back on the record,
18 Mr. Beck, the witness has specified that a
19 meeting took place and that it was attended
20 by, among other people, inhouse counsel for at
21 that time GTE. After conferring with the
22 witness, I'm going to instruct him not to
23 answer questions about the substance of the
24 discussions in that meeting on the basis that
25 it contains attorney-client privileged

1 material.

2 BY MR. BECK:

3 Q. Mr. Commons, I'm going to give you Bates
4 stamped page 17229 and ask you if you recognize that.

5 A. No, I do not.

6 Q. I'm going to hand you page 17436 and ask you
7 if you recognize that.

8 A. I don't recall this specific interoffice memo,
9 although my name is on it as one of the distribution
10 list people.

11 Q. Do you recall the purpose of the memo? You
12 don't recall it at all?

13 A. I do not.

14 Q. Okay. I'm going to hand you page 17437 and
15 ask you if you recall that report.

16 A. No, I don't.

17 Q. I'm going to show you a chart on page 17445
18 and ask if you've ever seen that before.

19 A. I believe I recall seeing this at one point.

20 Q. This chart is entitled total Wentzville calls
21 per day; is that right?

22 A. Yes.

23 Q. What is Wentzville?

24 A. Wentzville is a city -- I forget the state
25 it's in -- that at one point, I believe -- I'm not

1 sure -- functioned in a call center functionality for
2 GTE Long Distance, meaning they received calls from
3 customers about an array of issues.

4 Q. Would that be the number you call when you
5 receive your bill from GTE Long Distance that says if
6 you have any questions call us?

7 A. It's possible. I don't recall specifically
8 what Wentzville's specific duties were. I have not seen
9 the name Wentzville in some time.

10 Q. They're no longer your call center.

11 A. Not to my knowledge.

12 Q. Where is that function being performed now?

13 A. AFNI, Andersen Financial -- I don't know the
14 rest of the acronym.

15 Q. What state is that from?

16 A. They are in Illinois, I believe, and in
17 Arizona.

18 Q. You mention that Snyder, I believe, at some
19 point was also doing call center functions for GTE Long
20 Distance; is that right?

21 A. Yes.

22 Q. Would that be the same function that was
23 performed by Wentzville here?

24 A. I don't know specifically the differences
25 between the call center functions for Wentzville, AFNI,

1 or Snyder. I believe all three have been involved at
2 some point in performing some call center functions.

3 Q. And does call center generically refer to the
4 place where people call for questions related to their
5 bill and so forth?

6 A. Yes.

7 Q. Now, this chart shows -- let me ask you, what
8 does the chart show?

9 A. I did not create this chart. As best I
10 recall, my previous manager, Ray Strait, created this
11 chart. I don't know for what purpose or for what
12 meeting or for what audience. It appears to show month
13 by month the volume of calls per day received by the
14 Wentzville center beginning in August 1997 and running
15 until April '98.

16 Q. Does it show you that the numbers increased
17 shortly after Snyder started selling?

18 A. Yes, it does.

19 Q. You had no connection with Ray Strait creating
20 this chart?

21 A. Not that I recall.

22 Q. I'm going to show you page 17446 and ask you
23 if you recognize that.

24 A. I do not recall seeing this chart.

25 Q. The chart purports to show slamming for three

1 days in April of 1998, does it not?

2 A. Yes.

3 Q. I'll show you page 17447 and ask you if you've
4 seen that before.

5 A. I do not recall seeing this chart before.

6 Q. Do you know if this is something Ray Strait
7 created or not?

8 A. I don't know.

9 Q. Do you recall there ever being any discussions
10 about the call centers receiving increased calls about
11 complaints about Snyder?

12 A. I don't recall any specific conversations, no.

13 Q. Did you ever have any discussions with Ray
14 Strait concerning the matters that are shown on these
15 documents; in other words, calls to the Wentzville
16 center?

17 A. I did not have any discussions of that sort
18 with Mr. Strait, no.

19 Q. Do you know to whom those documents might have
20 been distributed that we just looked at concerning the
21 Wentzville center?

22 A. I don't know. I don't know the audience for
23 those documents.

24 Q. Did you ever attend a meeting concerning a GTE
25 quarterly review -- let me back up. Let me show you

1 document page 20574, which is entitled results, GTE
2 quarterly review, May 7th through 8th, 1998, and ask if
3 you're familiar with that quarterly review.

4 A. No, I am not.

5 Q. Did you ever attend any meetings reviewing
6 Snyder's performance on a quarterly basis?

7 A. Not that I recall.

8 Q. Earlier in your deposition we talked briefly
9 about the use of cell phones for third-party
10 verification.

11 A. Yes.

12 Q. Do you recall any discussions concerning the
13 cost that that would entail to implement that?

14 A. I do not recall any discussions about cost.

15 Q. Do you recall any discussions -- I mean, you
16 had some discussions on whether that would be
17 implemented nationwide instead of just in California; is
18 that right?

19 A. Liz Smith from Post-Sale Fulfillment and I
20 talked about that amongst ourselves.

21 Q. That that might be a way to decrease slamming
22 by Snyder?

23 A. We thought that possibly it would be.

24 Q. But you never communicated that elsewhere?

25 A. We may have brought it up on one of the

1 quality calls weekly or monthly with Snyder. I don't
2 recall.

3 MR. BECK: Can we break for just like
4 two or three minutes? I think I'm done, but
5 I'd like to review my notes.

6 (Brief recess.)

7

- - -

8

EXAMINATION

9

BY MR. WOFFORD:

10 Q. Mr. Commons, let me ask you some questions
11 about the document that has been marked 16307. Do you
12 see the category fraudulent LOA on that document?

13 A. Yes.

14 Q. We've spent some time discussing that category
15 today, haven't we?

16 A. Yes.

17 Q. Let me ask you a hypothetical and then try and
18 relate it to this category; all right?

19 A. Okay.

20 Q. Let's assume that a customer complains to GTE
21 that he did not order GTE Long Distance but was
22 nevertheless switched to GTE Long Distance. With me so
23 far?

24 A. Yes.

25 Q. GTE investigates, is unable to determine

1 conclusively whether the LOA was fraudulent or not.

2 With me so far?

3 A. Yes.

4 Q. The customer still maintains that the LOA was
5 fraudulently filed.

6 A. Yes.

7 Q. Is in that situation that complaint recorded
8 as a fraudulent LOA?

9 A. For purposes of this report, yes, it is.

10 Q. So therefore, am I correct in thinking that
11 the complaints recorded as fraudulent LOA on this report
12 16307 and others like it are not affirmative
13 determinations by GTE of fraudulent LOA's?

14 A. Right.

15 Q. That's the customer's opinion of what
16 happened, not necessarily GTE's opinion; correct?

17 A. Correct.

18 MR. WOFFORD: That's all the questions I
19 have.

20 (Discussion off the record.)

21 - - -

22 FURTHER EXAMINATION

23 BY MR. BECK:

24 Q. I do want to follow up on that. Once a
25 complaint is put in the fraudulent LOA category there,

1 is there further investigation done past the point where
2 your attorney questioned you?

3 A. No.

4 Q. So that is the last determination and final
5 determination by GTE as to whether there was a
6 fraudulent LOA or not; is that correct?

7 A. Correct.

8 Q. There's no further action taken beyond that.

9 A. The customer's final word being that is not my
10 signature, it would be recorded in this column as
11 fraudulent LOA, believing the customer to be telling the
12 truth when he or she says I did not sign that document
13 and taking the customer's word for it.

14 Q. And GTE contemplates no further investigation
15 beyond that at that point; is that right?

16 A. They may want to know if the salesperson at
17 Snyder who submitted that document had had previous
18 complaints lodged against him or her.

19 Q. Right. But as far as the substance of that
20 customer's complaint, that's the end of GTE's
21 investigation.

22 A. That issue is then closed.

23 MR. BECK: Thank you.

24 - - -

25 (Deposition concluded at 1:05 p.m.)

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I, the undersigned, LARRY COMMONS, do hereby certify that I have read the foregoing deposition and that, to the best of my knowledge, said deposition is true and accurate (with the exception of the following corrections listed below).

PAGE/	LINE	CORRECTION
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Notary Public
Date _____

Signature

My Commission Expires:

C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF COBB:

I hereby certify that the foregoing transcript was taken down as stated in the caption, that the witness was first duly sworn, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing transcript is a true and correct record of the evidence given, and I further certify that I am not a relative or counsel to the parties in this case, am not in the regular employ of counsel for any of said parties, nor am I in anywise interested in the result of said case.

Disclosure pursuant to OCGA 9-11-28(d): The party taking this deposition will receive the original and one copy based on our standard and customary per page charges. Copies to other parties will likewise be furnished at our standard and customary per page charges. Applicable incidental expenses of production may be charged to any party.

This, the 20th day of November, 2000.


Sharon J. Ruschell, RMR, CRR, CCR B-1179
My Commission Expires 2-17-2004

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Initiation of Show Cause Proceeding Against GTE Communications Corporation for Apparent Violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.	Docket 990362-TI Filed November 3, 2000
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Deposition of LARRY COMMONS, taken on behalf of the Citizens of the State of Florida, pursuant to the stipulations agreed to herein, before Sharon J. Ruschell, RMR, CRR, CCR. No. B-1179, at the law offices of Alston & Bird, 1201 West Peachtree Street, Atlanta, Georgia, on the 14th day of November, 2000, commencing at the hour of 11:00 a.m.

- - -

THE MAROTTE GROUP
CERTIFIED COURT REPORTERS
4400 Skyland Drive
Atlanta, Georgia 30342
(404) 851-8679

1 APPEARANCES OF COUNSEL:

2
3 On behalf of the Citizens of the State of Florida:

4 CHARLES J. BECK
5 Office of the Public Counsel
6 The Florida Legislature
7 111 West Madison Street
8 Room 812
9 Tallahassee, Florida 32399-1400
10 (850) 488-9330

11 On behalf of the Florida Public Service Commission:

12 LEE FORDHAM
13 Division of Legal Services
14 2540 Shumard Oak Boulevard
15 Tallahassee, Florida 32399-8850
16 (850) 413-6585

17 On behalf of Verizon Select Services, Inc.:

18 M. RUSSELL WOFFORD, JR.
19 Alston & Bird
20 One Atlantic Center
21 1201 West Peachtree Street
22 Atlanta, Georgia 30309-3424
23 (404) 881-7000

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PROCEEDINGS

LARRY COMMONS,

4 having been first duly sworn, was examined and testified
5 as follows:

EXAMINATION

6 BY MR. BECK:

7 Q. Good morning, Mr. Commons.

8 A. Hi.

9 Q. My name is Charlie Beck. I'm with the Office
10 of Public Counsel. Before when we were off the record
11 counsel agreed that we would reserve our objections for
12 all matters other than those which cannot be cured at a
13 later time. The witness does wish to read and sign. Is
14 that it for stipulations?

15 Mr. Commons, could you state your full name,
16 please.

17 A. Larry Jan Commons, J-A-N.

18 Q. By whom are you employed?

19 A. Verizon Select Services, Inc.

20 Q. And was that previously known as GTE
21 Communications Corporation?

22 A. Yes.

23 Q. How long have you worked for them, for Verizon
24 or GTE?
25

- 1 A. Ten years.
- 2 Q. What is your current position?
- 3 A. Manager, customer relations.
- 4 Q. Could you describe what that job entails?
- 5 A. I manage a staff of eight employees who
- 6 investigate and resolve customer-escalated complaints
- 7 for Verizon Select Services, Inc.
- 8 Q. What services are offered by Verizon Select
- 9 Services, Inc.?
- 10 A. Long distance service, CLEC bundled service.
- 11 Q. Is that it?
- 12 A. Yes.
- 13 Q. How long have you had that job?
- 14 A. Six months.
- 15 Q. What position did you hold before that?
- 16 A. Manager, customer relations; same title, a
- 17 staff of two, working exclusively or primarily on long
- 18 distance issues.
- 19 Q. How long did you hold that position?
- 20 A. Two years.
- 21 Q. Beginning on what date?
- 22 A. March 1996.
- 23 Q. Through about March of 2000?
- 24 A. April-May 2000.
- 25 Q. Is your current position a promotion over your

- 1 A. 1996.
- 2 Q. How long had the company been in existence
- 3 before you joined the long distance division in March of
- 4 '97?
- 5 A. Just over one year.
- 6 Q. What led to your move to the long distance
- 7 area?
- 8 A. Promotional opportunity.
- 9 Q. Let me focus just briefly on your job as an
- 10 administrator in customer relations that began in March
- 11 '97. What types of things did you investigate?
- 12 A. Customer complaints as they related to their
- 13 long distance service from GTE.
- 14 Q. Could you describe two or three of the main
- 15 types of complaints you investigate?
- 16 A. Calling card complaints, such as a customer
- 17 had ordered a calling card but had not received it yet
- 18 or a customer had a GTE Long Distance calling card that
- 19 stopped working without the customer's authorization to
- 20 have it canceled, misinformation or confusion about
- 21 calling plans and rates.
- 22 Q. What would you do as an investigator?
- 23 A. I was the liaison with a vendor on the local
- 24 GTE side. The vendor actually does the
- 25 behind-the-scenes systems investigation to determine the

- 1 prior one?
- 2 A. Yes.
- 3 Q. And before that what position did you hold?
- 4 A. Administrator, customer relations.
- 5 Q. Is that with GTE Communications?
- 6 A. Yes.
- 7 Q. Could you describe that job?
- 8 A. Investigating and resolving customer
- 9 complaints.
- 10 Q. How long did you hold that?
- 11 A. Just over one year, March '97 'til 1998.
- 12 Q. Was that working exclusively in the area of
- 13 long distance?
- 14 A. Yes.
- 15 Q. I have to go back one more before that. What
- 16 job did you hold before that?
- 17 A. Video producer, GTE Directories Corporation.
- 18 Q. Do you have a college education?
- 19 A. Yes.
- 20 Q. What degrees do you hold and in what areas?
- 21 A. B.A. in communications; major,
- 22 radio/television production.
- 23 Q. When did you graduate?
- 24 A. 1987.
- 25 Q. When was GTE Long Distance formed?

- 1 cause of the complaint and to make the customer
- 2 satisfied.
- 3 Q. What was the name of the vendor?
- 4 A. GTE Network Services at that time, Post-Sale
- 5 Fulfillment.
- 6 Q. Is that a GTE company?
- 7 A. Yes.
- 8 Q. So it's affiliated with the company you were
- 9 working for?
- 10 A. The corporation I work for on the ILEC side.
- 11 Q. Why do you call him a vendor?
- 12 A. We, or GTE Long Distance pays that group to
- 13 investigate and do the research using systems that we
- 14 don't have access to. So for all intents and purposes,
- 15 they are a vendor.
- 16 Q. In that position as administrator in customer
- 17 relations did you ever have occasion to investigate
- 18 complaints of slapping?
- 19 A. Yes.
- 20 Q. Could you describe generally what you did on
- 21 those cases?
- 22 A. We, after receiving a complaint, "we" meaning
- 23 our department, would forward the complaint to the
- 24 vendor, Post-Sale Fulfillment. Post-Sale Fulfillment
- 25 would investigate, start to finish, the complaint, the

1 slamming complaint, and report back to us their
2 findings.

3 Q. What would you do with their findings?

4 A. If the customer had written a letter to an
5 executive, I would prepare a response back to the
6 customer in the form of a letter, a response letter.

7 Q. It's not real clear to me about your
8 relationship with Network Services. This group is
9 associated with the local telephone company?

10 A. Yes.

11 Q. And they would investigate complaints of long
12 distance slamming on your behalf?

13 A. Yes.

14 Q. Why would you not investigate them yourselves?

15 A. We do not legally have access to billing
16 systems, service order systems, any of the necessary
17 systems to do the investigation ourselves.

18 Q. So you would simply follow the investigation
19 done by Network Services and then deal with your own
20 company with the results of that?

21 A. Yes.

22 Q. Would you report it to higher management, or
23 what would you do?

24 A. My predecessor at that time, who was the
25 manager, attended a weekly executive summary meeting

1 A. Yes.

2 Q. Between March of 1998 and July of 1998 you
3 were still -- were you still investigating complaints of
4 slamming among your duties?

5 A. Yes.

6 Q. When did you first become aware of any
7 problems with slamming with a company called Snyder
8 Communications?

9 A. Spring 1998.

10 Q. Can you tell us what brought about your
11 knowledge of that area?

12 A. We received complaints from customers in our
13 office, including slamming complaints, generally in the
14 form of letters or complaints that have been filed with
15 the Public Service Commission, and it was our
16 responsibility to use our vendor, Post-Sale Fulfillment,
17 to investigate those complaints.

18 Q. Were you ever the liaison with the Public
19 Service Commission concerning slamming complaints?

20 A. No.

21 Q. Who would do that?

22 A. Karen Turner.

23 Q. What was her position in relation to yours?

24 A. We were peers.

25 Q. How did your responsibilities differ from

1 where he reported week by week all customer-escalated
2 complaints.

3 Q. What's his name?

4 A. Ray Strait, S-I-R-A-I-T.

5 Q. He was your immediate supervisor?

6 A. Yes.

7 Q. In GTE Long Distance Company.

8 A. Yes, until he retired.

9 Q. And when was that?

10 A. July 1998.

11 Q. Was it his job that you took in March of '98?

12 A. I didn't take his job, but I assumed some of
13 his responsibilities, which included the weekly
14 executive report.

15 Q. So in March 1998 you started attending those
16 meetings that he had attended previously?

17 A. July 1998.

18 Q. Okay. I thought you took that job in March of
19 1998.

20 A. I was promoted to manager. His title was
21 group manager. When he retired, it was ultimately
22 filled later by another person, who is my current
23 supervisor.

24 Q. So you started attending these meetings in
25 July of 1998.

1 hers?

2 A. Her responsibilities were for regulatory
3 issues, PUC, FCC, attorney general complaints. My
4 responsibilities were exclusively for executive and
5 other customer-escalated complaints, all nonregulatory.

6 Q. Do you recall when the first complaint was
7 that concerned Snyder that you dealt with?

8 A. Spring 1998.

9 Q. Can you be any more specific?

10 A. February 1998.

11 Q. What was the occasion of it being brought to
12 your attention in February 1998?

13 A. I don't recall the specific complaint.

14 Q. What you do recall was a slamming complaint
15 related to Snyder?

16 A. I'm not exactly sure it was slamming.

17 Q. What do you recall about it?

18 A. That it involved a then new sales channel
19 known as Snyder.

20 Q. What was the complaint?

21 A. I don't recall.

22 Q. After February 1998 did you begin to get more
23 complaints related to Snyder?

24 A. Yes.

25 Q. Could you describe the occurrences that

1 happened from then on just generally, if you started
 2 getting more and what happened and what you did.
 3 A. We investigated all Snyder complaints along
 4 with all other complaints, business as usual, and
 5 reported those findings at weekly meetings as we had
 6 done pre-Snyder.
 7 Q. Who would attend these weekly meetings?
 8 A. Ray Strait, other directors, and the assistant
 9 vice president for GTE Long Distance.
 10 Q. What was his name?
 11 A. John Havens, H-A-V-E-N-S.
 12 Q. Do you recall how long John Havens was in that
 13 position?
 14 A. He's still in that position.
 15 Q. During these meetings would you discuss the
 16 number of complaints and the type of complaints you were
 17 receiving related to Snyder?
 18 A. Yes.
 19 Q. Could you describe what was discussed about
 20 it?
 21 A. Ray Strait, before I attended and before he
 22 retired, and then later myself, would present a weekly
 23 composite report of all customer-escalated complaints,
 24 regulatory and nonregulatory, slanning and nonslanning
 25 complaints, and that was the format.

1 Q. Was it ever brought to your attention that
 2 employees of Snyder may have been forging customer
 3 signatures on letters of authorization?
 4 A. Yes.
 5 Q. When did you first become aware of that?
 6 A. I believe it was March or April 1998.
 7 Q. What did you do about it when you found that
 8 out?
 9 A. When you say "you," do you mean me
 10 specifically or our department?
 11 Q. Both. Let's start with you specifically.
 12 A. I specifically did not take action. I
 13 assisted Ray, because he was still attending the meeting
 14 at that time -- I was not -- with compiling the weekly
 15 report that showed slanning complaints along with all
 16 other complaints as before.
 17 Q. What was Ray's reaction when you were -- I
 18 assume that you told him that some of these complaints
 19 dealt with forgeries of signatures.
 20 A. Yes.
 21 Q. What was his reaction to that when you told
 22 him?
 23 A. He was not pleased.
 24 Q. Did you ever have occasion to discuss with him
 25 what type of action you should take about that, "you"

1 meaning the company?
 2 A. Not that I recall.
 3 Q. Other than being not pleased, do you recall
 4 any action that Ray Strait recommended taking?
 5 A. I don't recall because I was not involved in
 6 any meetings that he attended until he retired.
 7 Q. Was his retirement related to the problems
 8 with Snyder Communications?
 9 A. No.
 10 Q. You started attending these weekly meetings in
 11 July of 1998?
 12 A. Yes.
 13 Q. Was the problem with Snyder discussed when you
 14 started attending those meetings?
 15 A. Yes.
 16 Q. Was it ever discussed what action they should
 17 take with regard to Snyder?
 18 A. Not specifically.
 19 Q. Why do you say not specifically? I don't
 20 understand. What did you discuss about Snyder if not
 21 what actions should be taken?
 22 A. Our department and me specifically, we were
 23 not in a recommending function. We simply reported the
 24 weekly numbers of complaints, and other people at the
 25 meeting who had direct responsibility for the vendor,

1 Snyder, were the ones dealing directly with Snyder. We
 2 were not.
 3 Q. Who were those persons?
 4 A. Ted Gilmore, Keith McGee, M-C-G-E-E.
 5 Q. Anyone else?
 6 A. They had staffs, but I don't recall all of
 7 their names.
 8 Q. They were in charge of managing the
 9 relationship with Snyder?
 10 A. Yes.
 11 Q. What relationship did you have with those two
 12 persons?
 13 A. Very minimal.
 14 Q. Do you know whether those two persons still
 15 are employed by GTE?
 16 A. They are not.
 17 Q. Do you know where they are now?
 18 A. No.
 19 Q. Does John Havens work in the Dallas area still
 20 for GTE?
 21 A. Yes.
 22 Q. And he's still assistant vice president of GTE
 23 Long Distance?
 24 A. His current title, I believe, is vice
 25 president, Verizon Long Distance.

17

- 1 Q. What services did Snyder do for GTE?
 2 A. Ethnic marketing and sales for GTE Long
 3 Distance.
 4 Q. Could you describe in a little more detail
 5 what that means?
 6 A. It was my understanding that Snyder marketed
 7 specifically to ethnic customers to sell long distance
 8 on GTE's behalf in the form of face-to-face sales and
 9 telephone sales.
 10 Q. Does Snyder still work in any way for GTE that
 11 you're aware of?
 12 A. Yes.
 13 Q. What do they do now?
 14 A. I believe customer service, call center type
 15 functions.
 16 Q. Does that include telemarketing?
 17 A. Not to my knowledge.
 18 Q. You're aware at some point toward the end of
 19 November of 1998 their foot sales were terminated by
 20 GTE; is that correct?
 21 A. Yes.
 22 Q. Did Snyder continue to perform other marketing
 23 type functions for GTE after that point?
 24 MR. WOFFORD: Are you talking about in
 25 Florida or anywhere?

19

- 1 Q. Do you know what they were supposed to wear at
 2 these functions? For example, at fairs did they wear
 3 T-shirts that said GTE on them?
 4 A. I don't know.
 5 MR. WOFFORD: Are you asking what they're
 6 supposed to wear or what they actually wore?
 7 MR. BECK: Either.
 8 BY MR. BECK:
 9 Q. Do you know what they were supposed to wear?
 10 A. I do not.
 11 Q. Do you know whether they ever wore ball caps
 12 that said GTE on them?
 13 A. I don't know.
 14 Q. Do you know whether they were representing
 15 themselves as representatives of GTE?
 16 MR. WOFFORD: Objection. I think that
 17 calls for speculation.
 18 THE WITNESS: I don't know.
 19 BY MR. BECK:
 20 Q. Was there any discussions that you ever
 21 attended where GTE people were concerned about the fact
 22 that people may be getting or people may be thinking
 23 that the Snyder employees are GTE employees?
 24 A. No.
 25 Q. Were you ever in a meeting where it was

18

- 1 BY MR. BECK:
 2 Q. Anywhere, anywhere in the nation.
 3 A. I don't know.
 4 Q. You do know -- correct me if I'm wrong -- that
 5 they did both foot sales and telemarketing during 1998.
 6 A. Yes.
 7 Q. And you're aware of the foot sales being
 8 terminated in November of '98.
 9 A. Yes.
 10 Q. Do you know when or if the telemarketing
 11 functions were terminated?
 12 A. No.
 13 Q. Could you describe how Snyder went about their
 14 foot sales, what sorts of things they did for GTE?
 15 A. I believe they marketed to ethnic customers in
 16 ways such as fairs, setting up booths and displays in
 17 supermarkets, ethnic-type events, special events,
 18 marketing.
 19 Q. And they did this in Florida as well as other
 20 states?
 21 A. Yes.
 22 Q. Would they try to get people to sign letters
 23 of authorization authorizing GTE Long Distance as their
 24 long distance company?
 25 A. Yes.

20

- 1 discussed that the Snyder people were making GTE look
 2 bad?
 3 A. Not a meeting.
 4 Q. If not at a meeting, where else?
 5 A. I read letters from customers where customers
 6 said that.
 7 Q. Do you know whether GTE Long Distance ever had
 8 an audit conducted of Snyder?
 9 A. I heard mention of an audit. I don't know the
 10 specifics or the time frame.
 11 Q. Were you ever involved in any meetings where
 12 the results of an audit of Snyder were discussed?
 13 A. No.
 14 Q. Were there any states that you're aware of
 15 where you were not having problems with Snyder in
 16 connection with forgeries of customer signatures?
 17 A. Yes.
 18 Q. Where was that?
 19 A. California.
 20 Q. Do you know why there were no problems in
 21 California?
 22 A. It was my understanding that California law
 23 required all sales to be verified via tape recording in
 24 addition to LOA, which was a quality measure that
 25 ensured that there was not a slapping problem.

21

- 1 Q. Do you know whether Snyder employees use cell
2 phones to do that sort of third-party verification in
3 California?
- 4 A. I heard that they did.
- 5 Q. Could you describe what that process entailed?
- 6 A. I don't know the specific process for using
7 those phones.
- 8 Q. Was it ever discussed that you're aware of at
9 GTE whether that type of system should be employed in
10 other states to reduce forgeries by Snyder?
- 11 A. I believe it was.
- 12 Q. Why do you say you believe it was?
- 13 A. I know that based on California having almost
14 no customer complaints in regards to Snyder that
15 employees of GTE wanted other states to emulate what was
16 going on there as a means of quality control.
- 17 Q. What happened with that idea?
- 18 A. I don't know. I don't know if that idea
19 reached an executive level.
- 20 Q. Was it ever discussed at the weekly meetings
21 that you attended?
- 22 A. Not that I recall.
- 23 Q. Did you ever have occasion to discuss that
24 with anyone at GTE?
- 25 A. With our Post-Sale Fulfillment group, I did.

22

- 1 Q. Could you describe what brought about that
2 conversation?
- 3 A. I work hand-in-hand with Post-Sale Fulfillment
4 on a daily basis to resolve all customer complaints. I
5 worked closely with the manager of that department daily
6 on all issues, including Snyder, including slanning, and
7 we strive to ensure every customer is satisfied. We
8 don't like to get complaints. The fewer complaints we
9 see, the better as far as we're concerned.
- 10 Q. So you discussed this with the person at
11 Post-Sale Fulfillment?
- 12 A. Yes.
- 13 Q. They weren't in any position to take any
14 action though, were they, about that, or were they?
- 15 A. Not to take action; to have discussions with
16 Snyder.
- 17 Q. Was the idea that they might discuss with
18 Snyder having them, Snyder, implement the third-party
19 verification with cell phones?
- 20 A. Yes.
- 21 Q. Did anything ever come from that?
- 22 A. Not to my knowledge.
- 23 Q. Did you ever discuss this with any of your
24 superiors?
- 25 A. No.

23

- 1 Q. And it was never discussed at any of the
2 weekly meetings that you attended?
- 3 A. Not that I recall.
- 4 Q. We mentioned briefly earlier about the
5 termination of Snyder's foot sales. That was done in
6 Florida toward the end of November of 1998, was it not?
- 7 A. As I recall, yes.
- 8 Q. Were you involved in any of the discussions
9 that led up to that?
- 10 A. No.
- 11 Q. Mr. Connors, let me start asking you a few
12 questions about some documents if I could. What I'm
13 going to do is refer to documents by Bates number pages.
14 These are Bates stamps that were put on these documents
15 when they were produced for us in response to requests
16 for production of documents.
- 17 Let me start by showing you a document that's
18 Bates stamped 16387. Let me hand this to you and your
19 counsel and ask if you've ever seen that document
20 before.
- 21 A. Yes.
- 22 Q. Could you describe what that document is?
- 23 A. This is a document I helped prepare for the
24 weekly executive meetings showing Snyder complaints week
25 by week.

24

- 1 Q. Were you the first person who started this
2 form or was this form in existence before you started?
- 3 A. I was asked to create this.
- 4 Q. Can you recall the time frame?
- 5 A. Spring 1998.
- 6 Q. Was the first report of this type presented on
7 May 2nd, 1998?
- 8 A. I don't recall, meaning --
- 9 Q. If you'll look at the top row, it has some
10 dates.
- 11 A. Right.
- 12 Q. And the first date as I see it is May 2nd of
13 1998.
- 14 A. Yes.
- 15 Q. Do you recall whether you were providing those
16 numbers that were used on that report?
- 17 A. I was.
- 18 Q. And this was a report that was used at the
19 weekly meetings that you discussed earlier?
- 20 A. Yes.
- 21 Q. You started attending those weekly meetings in
22 about -- or when did you start attending the weekly
23 meetings?
- 24 A. Here, July 1998.
- 25 Q. But you were preparing this report prior to

1 your actual attendance at the meetings, back into
 2 May 2nd of 1998; is that right?
 3 A. Yes.
 4 Q. And would your boss then take this report to
 5 meetings, to your knowledge?
 6 A. To my knowledge, yes.
 7 Q. That would be Ray Strait?
 8 A. Yes.
 9 Q. Did you design the columns or the types of
 10 columns that were on the report?
 11 A. Together with my director.
 12 Q. Which is whom?
 13 A. Joe Caliro, C-A-L-I-R-O.
 14 Q. What's his Job?
 15 A. Director, customer relations.
 16 Q. I'm trying to picture where he fits in
 17 vis-a-vis you and Mr. Strait.
 18 A. He was Mr. Strait's boss.
 19 Q. The first row under type is unauthorized
 20 change; is that right?
 21 A. Yes.
 22 Q. And then there's a number of subheadings under
 23 that; is that right?
 24 A. Yes.
 25 Q. Okay. Is the idea that each of those

1 A. Yes.
 2 Q. And that's the form the customer would sign
 3 that would authorize the change of his long distance
 4 company to GTE Long Distance; is that right?
 5 A. Yes.
 6 Q. Does number 18 reflect the nationwide number
 7 for GTE Long Distance?
 8 A. Yes.
 9 Q. Did you provide the inputs for that report on
 10 fraudulent LOA's?
 11 A. Do you mean the number?
 12 Q. Right. Who would compile those numbers?
 13 A. I would.
 14 Q. So, for example, did you compile the number
 15 that showed ten fraudulent LOA's for the week of
 16 May 2nd, 1998?
 17 A. Yes.
 18 Q. And likewise the number of 29 fraudulent
 19 LOA's for the week of May 9th; is that right?
 20 A. Yes.
 21 Q. Did you ever have any discussions with
 22 Mr. Strait or your director about having that many
 23 fraudulent LOA's?
 24 A. Yes.
 25 Q. Could you describe those discussions?

1 subheadings would add up to the total of the
 2 unauthorized changes?
 3 A. Yes.
 4 Q. And under unauthorized change you have
 5 subheadings for fraudulent LOA, LOA exists, customer
 6 misinformation, Snyder rep error, other; is that right?
 7 And then there's more rows after that.
 8 A. Customer misunderstood.
 9 Q. Whose decision was it to make a row that said
 10 fraudulent LOA?
 11 A. I don't recall specifically which individual.
 12 Q. But that decision would have been made in
 13 conjunction with yourself and your director; is that
 14 right?
 15 A. Yes.
 16 Q. What did you mean by fraudulent LOA?
 17 A. Meaning after the investigation by Post-Sale
 18 Fulfillment, at the closure of the complaint the
 19 customer maintained that the LOA was indeed fraudulent.
 20 Q. And would that be the conclusion of GTE as
 21 well at that point?
 22 A. Yes.
 23 Q. On May 2nd it lists ten fraudulent LOA's.
 24 Just for the record, LOA stands for letter of
 25 authorization, does it not?

1 A. I don't recall the specific discussions. We
 2 agreed that these numbers were higher than we had seen
 3 before.
 4 Q. Did any of you discuss what should be done
 5 about that?
 6 A. Not specifically. We relied on the direct
 7 owners, so to speak, of the vendor to take care of the
 8 problem.
 9 Q. That would be Ted Gilmore and Keith McGee?
 10 A. Yes.
 11 Q. Were they given this information as well?
 12 A. Yes.
 13 Q. How were they given this information?
 14 A. They attended the weekly meetings where this
 15 chart was presented.
 16 Q. Was John Havens the senior person who attended
 17 these weekly meetings where this chart was presented?
 18 A. No.
 19 Q. Who was the senior person?
 20 A. Chris Owens.
 21 Q. Who is Mr. Owens?
 22 A. Former president, GTE Communications; and his
 23 successor attended the weekly meetings after he left
 24 that position, Pam Jacobson.
 25 Q. Could you give me the time frames when

1 Mr. Owens and then Ms. Jacobson attended those meetings?

2 A. I don't recall specifically when the change in
3 jobs took place.

4 Q. When you started attending the meetings in
5 July of 1988, which of those two persons was attending?

6 A. I believe Pan was; if not immediately, shortly
7 after I started going to the meetings. I don't recall
8 the exact time frame when they changed jobs.

9 Q. How long did these weekly meetings go on? Do
10 these weekly meetings still take place?

11 A. The last of these meetings was held two weeks
12 ago, and it's my understanding that the format is being
13 revised to reflect the recent merger between GTE and
14 Bell Atlantic.

15 Q. Are you still attending these meetings?

16 A. I was until the last one.

17 Q. So you've attended these meetings continuously
18 from July of '88 until two weeks ago?

19 A. Yes.

20 Q. And the norm was that the president of GTE
21 Communications attended these meetings, whoever that
22 person might be?

23 A. Usually for at least part of the meeting. He
24 or she did not conduct the meeting.

25 Q. Who would conduct the meeting?

1 termination of foot sales in Florida?

2 BY MR. BECK:

3 Q. Florida in this instance.

4 A. After it had been done, yes.

5 Q. What was the nature of those conversations?

6 A. Snyder is no longer making foot sales in the
7 state of Florida.

8 Q. Just to clear this up, all foot sales have
9 been terminated by Snyder nationwide for GTE; is that
10 right?

11 A. Today?

12 Q. Yes.

13 A. That's my understanding.

14 Q. Can you give us a time frame for when their
15 activities of foot sales on behalf of GTE Long Distance
16 were terminated? What was the sequence?

17 A. By sequence you mean --

18 Q. They were terminated in Florida at one point
19 but other states at other points?

20 A. I believe so, but I don't know the time frame
21 for the other states.

22 Q. Was Florida the first state, if you know?

23 A. As I recall, Florida was not the first state.

24 Q. To your recollection, what was the first
25 state?

1 A. John Havens.

2 Q. The then-assistant vice president of GTE Long
3 Distance.

4 A. Yes.

5 Q. To your recollection, did the president of GTE
6 Communications ever ask questions at these meetings
7 concerning the fraudulent LOA's listed on the report?

8 A. Yes.

9 Q. Could you describe what types of questions
10 were asked?

11 A. As I recall, she would ask Mr. Gilmore and
12 Mr. McGee what sorts of quality control measures were
13 going to be put into place to ensure the number of
14 complaints reduced.

15 Q. Do you ever recall talk at these meetings
16 about terminating GTE's relationship with Snyder?

17 A. No.

18 Q. And I guess Mr. Gilmore and Mr. McGee would
19 talk about quality improvements measures they would take
20 to try to reduce the number of fraudulent LOA's; is that
21 right?

22 A. In a general sense, yes.

23 Q. You don't recall the termination of foot sales
24 ever being discussed at these meetings?

25 MR. WOFFORD: Are you talking about

1 A. I believe New York was the first state.

2 Q. Do you recall how much sooner or how much
3 earlier that was than Florida?

4 A. No.

5 Q. Do you know whether Florida was next after New
6 York?

7 A. I don't know.

8 Q. When you started attending these meetings in
9 July of 1988 were you ever questioned about the
10 fraudulent LOA's?

11 A. Questioned meaning what did this mean or what
12 did the customer say?

13 Q. Anything about them.

14 A. Generally, no. I think everyone in the
15 meeting understood what this meant, fraudulent LOA, and
16 there was generally no further discussion in those
17 meetings about it.

18 Q. And by what everybody generally understood,
19 does that mean forgery of a customer's signature?

20 A. I believe so.

21 Q. Do you see some handwritten notes on this
22 document?

23 A. Yes.

24 Q. Did you write those notes?

25 A. Yes, I did.

1 Q. Could you describe what the notes mean?
 2 A. As I recall, and I'm relying on memory, these
 3 are notes that I took onto this chart at the meeting
 4 itself to note some sort of quality improvement action
 5 on the part of Snyder to improve quality or reduce the
 6 number of complaints.
 7 Q. Do you recall when this chart would have
 8 been -- which meeting this chart related to?
 9 A. This specific chart related to complaints
 10 through the week of October 18th, 1998, and would have
 11 been presented at the weekly meeting following that
 12 week.
 13 Q. So those notes would have been made toward the
 14 end of October of '98.
 15 A. Yes.
 16 Q. I'm going to show you a document Bates stamped
 17 16271 entitled customer escalation specifics.
 18 Mr. Commons, do you recognize this document?
 19 A. Yes.
 20 Q. What's the purpose of this document?
 21 A. This was an earlier version of a document
 22 showing complaints week by week. And looking back on
 23 this now, I realize that the previous document was, even
 24 though it dates back to I believe May '98, was not
 25 created in May of '98. We were actually going

1 retroactive with the numbers on that.
 2 Q. Let's go back to the previous document, which
 3 is the document --
 4 A. I apologize for the confusion.
 5 Q. Let's get it straight. The document Bates
 6 stamped 16307 that we were discussing earlier, when do
 7 you recall that document being created?
 8 A. Fall 1998.
 9 Q. This document didn't exist when you started
 10 attending the meetings in July of '98?
 11 A. This document did. That one did not.
 12 Q. By this document, you mean 16271 existed but
 13 16307 did not?
 14 A. Correct.
 15 Q. Okay. Let's discuss this, which is Bates
 16 stamped 16271. You have a specific section on here for
 17 Snyder originating orders; is that right?
 18 A. Yes.
 19 Q. Snyder wasn't the only group or company that
 20 was marketing for GTE Long Distance, is it?
 21 A. No, they were not.
 22 Q. Do you recall about how many other companies
 23 were marketing for GTE?
 24 A. I don't know.
 25 Q. Is Snyder the only one of your marketing

1 companies that has a special spot on this report?
 2 A. Yes.
 3 Q. Why is that?
 4 A. The volume of complaints.
 5 Q. And you'll notice one of the rows for Snyder
 6 originating orders is unauthorized change?
 7 A. Yes.
 8 Q. What would be included in that?
 9 A. Customers claiming they did not order GTE Long
 10 Distance but received it.
 11 Q. Let me go back to the earlier document, which
 12 is 16307. Why did you retroactively fill in the blanks,
 13 as it were, on this form?
 14 A. At the direction of my director, it was felt
 15 that to make the information easier to read, easier to
 16 understand, taking this piece here --
 17 Q. This piece here referring to 16271?
 18 A. This box.
 19 Q. The right-hand box on that page?
 20 A. Yes.
 21 Q. Okay.
 22 A. Creating a big picture page for it, the
 23 information would be easier to track and monitor.
 24 Q. Do you recall with more specificity when the
 25 first document we discussed, which is 16307, when that

1 was created?
 2 A. I believe around September 1998. I apologize
 3 again for the confusion.
 4 Q. It's been a while.
 5 A. It has.
 6 Q. This more recent document, the one that's
 7 16271, this says it was last updated August 25, 1998; is
 8 that correct?
 9 A. Yes.
 10 Q. Under the findings for the week ending
 11 August 15th, there's a number of what look like
 12 footnotes, but correct me if it's some other thing,
 13 which saw fraudulent LOA. Can you tell me how those
 14 relate to the chart?
 15 A. For the week ending August 15th, 11 complaints
 16 were received by our office from customers claiming that
 17 they were slanned. The subsequent investigation of
 18 those 11 complaints showed a breakdown of four
 19 fraudulent LOA's, three LOA's existing but the customer
 20 having not reviewed it, two still under investigation,
 21 one an issue of a customer's wife, and a final one with
 22 another LOA existing containing information for another
 23 customer.
 24 Q. Do you recall when you started using this
 25 form? Did it exist when you started attending meetings

1 In July of '98?

2 MR. WOFFORD: Objection, compound.

3 You've got a couple of questions in there.

4 BY MR. BECK:

5 Q. Do you recall when you started using this
6 form?

7 A. I believe that this form or something similar
8 to it was in place before I attended the meetings.

9 Q. Were you providing the numbers that would be
10 used in the preparation of this form even before you
11 started attending the meetings?

12 A. As I recall, yes.

13 Q. To the extent you recall, do you recall when
14 you started having a separate section on these reports
15 just dedicated to Snyder originating orders?

16 A. I don't recall.

17 Q. I'm going to hand you a document. It's Bates
18 stamped number 16284, and it's customer escalation
19 specifics. This page has information for the weeks
20 ending May 9th and May 16th, 1998, does it not?

21 A. Yes.

22 Q. But it shows at the bottom that this was
23 printed on September 24th, 1998; is that right?

24 A. Yes.

25 Q. Why is there that time difference between the

1 A. I don't recall. If this report were presented
2 during the weeks reflected here, I was not part of the
3 meeting at that point.

4 MR. WOFFORD: Charlie, are you done with
5 that document?

6 MR. BECK: Yes.

7 MR. WOFFORD: Let's take a break.

8 (Brief recess.)

9 BY MR. BECK:

10 Q. Mr. Commons, I was asking you about a number
11 of documents that come under a cover document, what
12 appears to be -- it says customer escalations with a
13 letter C in front of it. See, I'm showing you Bates
14 page number 16267.

15 A. Yes.

16 Q. I'm about to start going over some that have a
17 cover of B, customer relations reports. I'm referring
18 to Bates stamped page 15729. Do you see that?

19 A. Yes.

20 Q. Do these categories of documents come from
21 some larger report that has various sections, A, B, C
22 and so forth?

23 A. I don't know. I'm not familiar specifically
24 with those letters.

25 Q. And you're not familiar with some kind of

1 time the form was printed and the weeks that are being
2 reviewed in the report?

3 A. I don't know.

4 Q. Would this report have been in existence then
5 in May of 1998?

6 A. It appears so.

7 Q. The numbers that are on this report and even
8 the previous ones, do these involve all complaints about
9 Snyder received by GTE Long Distance or is it only the
10 nonregulatory ones?

11 A. All complaints received by our department.

12 Q. So whether it was received in regulatory or by
13 directly to the company, it would be included in this
14 report; is that right?

15 A. Yes.

16 Q. And it would be for the entire nation, not
17 just Florida.

18 A. Correct.

19 Q. And do you see where there's under
20 unauthorized -- there's unauthorized changes under
21 Snyder, 49 listed for the week of May 9th and 47 for the
22 week of May 16th; is that right?

23 A. Yes.

24 Q. Do you recall anybody having any reaction to
25 the numbers of that magnitude?

1 major category where there would be other letters and
2 other sections or someplace where these are maintained?

3 A. No.

4 Q. Are you familiar with a type of document
5 called customer relations reports in general? Let me
6 let you just get an overview. Look through Bates
7 stamped pages 15740 through 16266, if you would, just to
8 get a familiarity with the types of documents that are
9 here.

10 A. Yes, I am.

11 Q. Could you describe what these reports are and
12 what they reflect?

13 A. These weekly reports reflect category by
14 category the customer complaints week by week, including
15 customer name, phone number, and nature of the
16 complaint.

17 Q. Who prepared these reports?

18 A. Post-Sale Fulfillment.

19 Q. What was your involvement, if any, in the
20 preparation of these reports?

21 A. I used the information on this report together
22 with a reporting department in my building to generate
23 weekly Excel charts.

24 Q. Would that include the documents we were
25 looking at earlier in the deposition?

1 A. Yes.

2 Q. This is like a source document in a sense for
3 the reports we've been discussing earlier?

4 A. Yes.

5 Q. When did you have any responsibility for -- I
6 understand you had responsibility for reviewing these
7 reports then at least and making -- did you have
8 responsibility other than preparing the charts we talked
9 about earlier with respect to these customer relations
10 reports?

11 A. Not specifically, no.

12 Q. To you they were just a source for compiling
13 other reports?

14 A. Yes.

15 Q. Let me show you Bates stamped page 15743,
16 which is one of the customer relations reports, I
17 believe, for the week ending April 25th, 1998. Do you
18 see handwritten notes on the side that say fraud?

19 A. Yes.

20 Q. Do you know who wrote those?

21 A. I did.

22 Q. Could you describe what brought you to write
23 those comments on the side?

24 A. This report includes all complaints as they
25 are received, as they close, and Post-Sale Fulfillment

1 had a five-day turnaround to close nonregulatory
2 complaints and a ten-day turnaround for regulatory
3 complaints. We have a shared database between our group
4 and the Post-Sale Fulfillment group in which they update
5 the information, and each time they close any of these
6 complaints they put into the body of the database a root
7 cause for the complaint. I pulled information from that
8 electronic database to write these words.

9 Q. Is a portion of the root cause shown on this
10 report?

11 A. On two of these complaints, yes.

12 Q. What column would you see the root cause?

13 A. Corrective action and disposition.

14 Q. Do these reports only show in some cases only
15 a portion of the root cause? In other words, it's being
16 restricted by the amount of space there is to print?

17 A. Yes.

18 Q. So when you were looking at those reports, you
19 could pull up the entire root cause description.

20 A. Yes.

21 Q. Do you recall when you made these notes about
22 fraud on this document? Would you do it on a recurring
23 basis or was it one time or what?

24 A. Eventually I did it on a weekly basis to
25 produce the weekly reports we reviewed earlier.

1 Q. Do you recall when that started?

2 A. Either late spring or early summer 1998.

3 Q. When you said eventually, I mean, was there a
4 time before that where you were only doing it on
5 occasions?

6 A. I was not writing words at the beginning of
7 the year because there was no report in which that
8 information was requested.

9 Q. When was the first time you did that, to your
10 recollection? And by that I mean start writing comments
11 such as these where you say fraud.

12 A. As best I can recall, it was around May --
13 April or May, 1998.

14 Q. Other than the reports we discussed earlier,
15 were there any other way you communicated this type of
16 information to others in the company that you were
17 determining fraud was the root cause of these
18 complaints?

19 A. Yes.

20 Q. Would you describe them, please.

21 A. The ethnic marketing channel management group
22 headed by Keith McGee and Ted Gilmore would on occasion
23 ask for this type of information from our department,
24 and we would forward it to them via e-mail.

25 Q. Do you have that e-mail where you forwarded

1 that type of information to them?

2 A. I don't know if it exists in the system any
3 longer.

4 Q. Are you aware of any steps that have been
5 taken to retain e-mail related to this cause or this
6 issue?

7 MR. WOFFORD: Are you asking about
8 retaining e-mail or try to find e-mail?

9 BY MR. BECK:

10 Q. Retaining it.

11 A. Not specifically, no.

12 Q. Do you recall about how many times you may
13 have sent e-mails to the ethnic marketing managers about
14 fraud?

15 A. As best I can recall, between five and ten
16 times.

17 Q. Do you recall the time frame that that was
18 done?

19 A. I believe early summer 1998.

20 Q. Through when?

21 A. Summartime, perhaps into early fall.

22 Q. Of 1998?

23 A. Yes.

24 Q. Why do you think it ended in early fall?

25 A. I believe the information on the expanded

45

1 reports we looked at earlier, the full-page report gave
2 enough people enough information to where they felt that
3 was enough.

4 Q. Let me show you Bates stamp page 15747. If
5 you can, I'd like to relate to the date that these refer
6 to. Is this for the week ended April 25, 1998?

7 A. No.

8 Q. When is it for?

9 A. These show complaints received May 4th, 5th,
10 6th, and 7th of '98, so that would have been the week
11 ending May --

12 Q. May 8th?

13 A. Probably.

14 Q. And does this show that you had 74
15 unauthorized changes the week of May 8th, 1998?

16 A. Yes.

17 Q. Now, you had access to the database that
18 contained this information; is that right?

19 A. The information on here?

20 Q. Yes.

21 A. Yes.

22 Q. Who else beside you would have had access to
23 that information?

24 A. Post-Sale Fulfillment.

25 Q. Which is in the local company; right?

47

1 Q. Does that mean for this week there were 34
2 unauthorized changes?

3 A. 34 complaints of unauthorized changes.

4 Q. And to determine whether they were valid
5 complaints or not, what would you do?

6 A. Post-Sale Fulfillment investigated each one of
7 these until a resolution was reached.

8 Q. Do you see written comments on the side of
9 this page, page 15753?

10 A. Yes.

11 Q. Are those your handwriting, too?

12 A. Yes.

13 Q. You'll see some places it just says FR. Do
14 you see that?

15 A. Yes.

16 Q. Is that shorthand for fraud also?

17 A. I believe so.

18 Q. Let me show you page 15764. This page shows
19 15 unauthorized changes for a week in June; is that
20 right, of '98?

21 A. Yes.

22 Q. The 682, does that mean it was closed on
23 June 2nd, or what does that mean?

24 A. 682 is a complaint code used to define the
25 nature. It's basically a subheading within the broad

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1 A. Right.

2 Q. Who else at GTE Long Distance would have had
3 access to that information?

4 A. Other members of my department.

5 Q. Could you name them?

6 A. Ray Strait, Karen Turner.

7 Q. And that's an online database?

8 A. It's special software, has to be installed on
9 each individual's computer, and only our department
10 utilized the system.

11 Q. But it was updated continuously more or less?

12 A. Daily.

13 Q. Would any of your higher-ups have access to
14 that database?

15 A. No.

16 Q. Again, just so I understand the format, on
17 the top of each category where it had unauthorized
18 change -- and I'm showing you Bates stamp page 15753 --
19 this column, it states at the top -- is it unauthorized
20 change?

21 A. Yes.

22 Q. CHG for change?

23 A. Yes.

24 Q. And that relates, and there's a number 34.

25 A. Yes.

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1 category unauthorized change. I believe 682 is used to
2 mean in the database customer claims he or she did not
3 order GTE Long Distance and is claiming slandering.

4 Q. There's also a code 683. Do you recall what
5 that is?

6 A. As I recall, it means customer claims that he
7 or she was slanded away from GTE Long Distance by
8 another company.

9 Q. One of the notes that appears on occasion is
10 LOA exists. Do you recall that?

11 A. Yes.

12 Q. What does that mean?

13 A. That means based on the information in the
14 database, the customer claimed he or she was slanded.
15 GTE obtained from Snyder a copy of an LOA that was used
16 to change the customer's long distance service to GTE.
17 The customer either hasn't or couldn't review that LOA
18 to verify whether or not that was his or her signature.

19 Q. Would further action then be required as part
20 of the investigation to determine whether it was a
21 forgery or not?

22 A. Post-Sale Fulfillment would try a minimum of
23 three times to reach the customer after obtaining that
24 LOA. If they failed and absolutely couldn't reach the
25 customer or the customer said I don't want to see it,

1 the issue would be closed.

2 Q. Would you close that as fraudulent or not?

3 A. No. We would close it as LOA exists.

4 Q. From that would you determine -- was there any
5 determination one way or the other whether in such an
6 instance there was a forgery?

7 A. There was no determination made on those.

8 Q. Were all those cases where the customer
9 claimed that they did not authorize the change?

10 A. I believe so.

11 Q. And they just never reviewed the LOA that was
12 produced by Snyder.

13 A. Right.

14 Q. I'll hand you page Bates stamp 15789. Do you
15 see there appears to be two different types of
16 handwritten notes on this page, one in a darker felt pen
17 and another regular pen or ink?

18 A. Yes.

19 Q. Do you recall who made which of these marks on
20 this page?

21 A. I believe both of these markings are mine.

22 Q. Why do some appear in a darker pen than the
23 others?

24 A. I don't know. As I recall, the notes may be
25 from two different days simply using a different pen on

1 case Mrs. Hunter, the customer maintained the LOA was
2 fraudulent with her late husband's alleged signature on
3 it, which, according to her, he could not have signed
4 because he was deceased.

5 Q. Do you recall mentioning that case to anybody?

6 A. Not specifically, no.

7 Q. The next page, page 15817, has notes about the
8 husband dead for six years. Do you see that?

9 A. Yes.

10 Q. And would the explanation be similar to the
11 one you just gave except in this case the purported
12 signature is that of a person who had been dead for six
13 years?

14 A. Yes.

15 Q. You don't recall mentioning cases like that to
16 any of your co-workers or superiors?

17 A. My co-workers and myself did discuss issues
18 like this. It was not discussed as a rule in the weekly
19 executive meetings.

20 Q. Why?

21 A. Our role was not to manage the vendor, to
22 manage Snyder. We relied on the reports to show the
23 number of alleged fraudulent LOA's. We were not given
24 that meeting as a forum to make commentary such as that.

25 Q. Were you provided any other forums for making

1 one day than another.

2 Q. Do you see one that says, "no - heart attack"?

3 A. Yes.

4 Q. Could you describe what that meant?

5 A. That is my handwriting. I do not recall what
6 heart attack means.

7 Q. I'd like to hand you Bates stamp page 15803
8 and ask you to look at the handwritten statements on the
9 top right side of that page.

10 A. Yes.

11 Q. Could you describe what's meant by the
12 handwritten notes on that page?

13 A. I don't know. It isn't my handwriting.

14 Q. Do you recognize the handwriting?

15 A. No.

16 Q. I'll hand you page 15816 and ask you to look
17 at the handwriting on the bottom. Is that your
18 handwriting?

19 A. Yes.

20 Q. Do you see where it says, "I believe husband
21 dead for two years"?

22 A. Yes.

23 Q. Do you recall why you made that note?

24 A. Based on the information in the database after
25 Post-Sale Fulfillment talked to the customer, in this

1 commentary on what you were discovering?

2 A. Conference calls with Snyder, yes.

3 Q. Did you ever mention to your superiors at any
4 time that you were finding cases where the purported
5 signature on LOA's were those of people who had been
6 dead for years?

7 A. Yes.

8 Q. To whom did you say that?

9 A. Our director, Joe Caliro, was involved with
10 this issue.

11 Q. And he was up two levels above you in
12 management?

13 A. Yes.

14 Q. I'm sorry. You probably told me earlier. Is
15 he still employed by GTE?

16 A. Yes.

17 Q. And his position now is what?

18 A. Director, customer relations.

19 Q. And you recall or do you specifically recall
20 mentioning instances such as that to him?

21 A. Not specifically, no. It was general
22 department day-to-day discussions about complaints in
23 general, this being part of it.

24 Q. Do you know who Joe Caliro reported to at that
25 time?

1 A. In 1998?
 2 Q. Yes.
 3 A. I'm not sure. I believe Kevin Snyder, no
 4 relation.
 5 Q. What was Kevin Snyder's position?
 6 A. Vice president.
 7 Q. Of what?
 8 A. GTE Communications, I believe consumer markets
 9 or general markets. Actually, before Kevin was Jody
 10 Bilney. Again, I'm not sure of the time frame for those
 11 two bosses of his.
 12 Q. And would they be at the same management level
 13 as John Havens or was John Havens a higher level of
 14 management?
 15 A. Their title was vice president. His title was
 16 assistant vice president.
 17 Q. They were higher.
 18 A. Technically it would appear so, yes.
 19 Q. But you don't know?
 20 A. I don't know.
 21 Q. You mentioned earlier the two people who were
 22 in charge of managing the Snyder contract, Ted Gilmore
 23 and Keith McGee.
 24 A. Yes.
 25 Q. Were there others who had other types of

1 Q. And do you recall the time frame of those
 2 calls?
 3 A. As best I can recall, early summer 1998
 4 through about the end of 1998. I was not on every call.
 5 Q. What was the topic of those calls? Generally
 6 fraud, Snyder?
 7 A. Complaints as they related specifically to
 8 Snyder, both slamming and nonslamming.
 9 Q. Would you relate what you were discovering
 10 about the complaints concerning forgeries of customer
 11 signatures?
 12 A. Together with Post-Sale Fulfillment, I would.
 13 Q. What was Ms. Fields' reaction to those
 14 disclosures?
 15 A. She was as concerned as we were.
 16 Q. Do you recall any actions being taken during
 17 any of those conference calls?
 18 A. I recall Snyder assuring us on both the weekly
 19 quality calls and the monthly quality calls that they
 20 were taking measures to eliminate the problem.
 21 Q. I'm going to show you a number of documents
 22 that are Bates stamped 16638 through 16745. They appear
 23 to be titled GTE LD slamming complaints. I want to just
 24 generally ask you if you're familiar with these forms.
 25 A. I have seen this. I don't recall for what

1 responsibilities related to Snyder that you're aware of?
 2 A. Ted and Keith had staffs of administrators or
 3 managers who worked directly with Snyder.
 4 Q. Do you know whether any of those persons are
 5 still employed by GTE?
 6 A. I believe at least one is.
 7 Q. Who's that?
 8 A. Ann Fields.
 9 Q. She was in one of the sections of either Ted
 10 Gilmore or Keith McGee?
 11 A. Yes.
 12 Q. Do you know what her job was?
 13 A. I don't recall the title.
 14 Q. Do you recall what the job entailed, though?
 15 A. Quality.
 16 Q. Did you ever have occasion to discuss what you
 17 were finding with her?
 18 A. Yes.
 19 Q. Could you describe those conversations?
 20 A. Those were generally in the context of
 21 conference calls between Ann, myself, Post-Sale
 22 Fulfillment, and Snyder. Ann facilitated the calls.
 23 Q. Do you recall about how many such conference
 24 calls you participated in?
 25 A. Ten or so.

1 purpose it was created.
 2 Q. Were you involved at all in the creation of
 3 this report or supply any of the data in the report?
 4 A. I don't remember.
 5 Q. Do you know who prepared this report?
 6 A. No.
 7 Q. Do you know to whom it might have been
 8 distributed?
 9 A. I don't know.
 10 Q. One of the columns on the report is listed as
 11 MID. Would you know what that means?
 12 A. I don't remember what MID stands for.
 13 Q. Have you ever received any slamming complaints
 14 that relate to actions taken at phone marts in GTE's
 15 territories?
 16 MR. WOFFORD: You mean any territory or
 17 in Florida?
 18 BY MR. BECK:
 19 Q. Any territory first.
 20 A. Have I received information about such
 21 complaints?
 22 Q. Yes.
 23 A. Yes.
 24 Q. What information have you received?
 25 A. Information that a customer in an area where

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1 GTE has a phone mart alleging that he or she was slanned
2 by the phone mart.

3 Q. Did you ever have occasion to -- again, those
4 would be investigated by Post-Sale Fulfillment of the
5 local telephone company; is that right?

6 A. Yes.

7 Q. Have you ever had occasion to review any of
8 those relating to phone marts?

9 A. Occasionally.

10 Q. Any in Florida that you recall?

11 A. I believe I recall one in Florida.

12 Q. What do you recall about that?

13 A. As best I can recall, a customer in Florida
14 claimed that he or she never ordered GTE Long Distance
15 and yet was charged to GTE Long Distance regardless.
16 When Post-Sale Fulfillment did their investigation, they
17 obtained an LQA submitted to GTE by a GTE phone mart
18 with a customer's signature. The customer maintained he
19 or she did not sign it.

20 Q. Okay. That did not involve Snyder, did it?

21 A. No.

22 Q. Do you recall what disposition was made of
23 that complaint?

24 A. I believe the employee was either put on
25 disciplinary action or fired from the phone mart.

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1 Post-Sale Fulfillment providing some 1998 regulatory
2 Snyder complaints by agency.

3 Q. Do you recall the purpose of the e-mail?

4 A. No, I don't.

5 Q. Are you familiar with any of the other
6 documents in this package?

7 A. I don't recall seeing 17206. It appears it
8 could possibly contain information from the
9 aforementioned e-mail. I do not recall these pages.

10 Q. You're referring to 17207 reflecting a Snyder
11 meeting about slanning?

12 A. Yes.

13 Q. Do you recall any meetings that you might have
14 attended relating to Snyder and slanning specifically?

15 A. Snyder slanning at any time?

16 Q. Well, a meeting specifically dedicated to
17 slanning by Snyder.

18 A. I recall one such meeting.

19 Q. Could you describe that?

20 A. It was a meeting held in fall 1998 to address
21 Snyder complaints, specifically Snyder slanning
22 complaints, and to raise awareness of the issue.

23 Q. Who called the meeting; do you recall?

24 A. As I recall, Karen Turner.

25 Q. Do you recall other persons who attended that

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1 Q. Do you recall which phone mart it was?

2 A. No, I don't.

3 Q. Do you recall the customer's name?

4 A. No.

5 Q. Do you ever recall reviewing a customer named
6 James Brown?

7 A. I don't recall that name.

8 Q. I'm going to show you a document Bates stamped
9 16967. It's entitled GTE Communications Corporation
10 customer complaints involving Snyder Communications,
11 Inc. Have you ever seen that form before?

12 A. No, not that I can recall.

13 Q. So you would not know the purpose of this
14 report, would you?

15 A. No, I would not.

16 Q. I'll show you a series of documents that are
17 Bates stamped 17200 through 17216 and ask you whether
18 you've seen these documents before.

19 A. The first five pages I do not recall. This, I
20 recall. It's an e-mail to me.

21 Q. And you're referring to a Bates stamped page
22 17205; is that right?

23 A. Yes.

24 Q. Go ahead.

25 A. This is an e-mail to me from an employee of

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1 meeting?

2 A. As best I can recall, along with Karen and
3 myself, Liz Smith from Post-Sale Fulfillment, Jo Ann
4 Peters from GTE Network Services, and David Gadino from
5 GTE.

6 Q. Who is David Gadino?

7 A. I believe he is an attorney.

8 Q. Could you describe what was discussed at that
9 meeting?

10 MR. WOFFORD: Before you do, let me go
11 over -- can you read back his previous
12 answer?

13 (The record was read by
14 the court reporter.)

15 MR. WOFFORD: Give me a minute here.

16 (Brief recess.)

17 MR. WOFFORD: Back on the record,

18 Mr. Beck, the witness has specified that a
19 meeting took place and that it was attended
20 by, among other people, inhouse counsel for at
21 that time GTE. After conferring with the
22 witness, I'm going to instruct him not to
23 answer questions about the substance of the
24 discussions in that meeting on the basis that
25 it contains attorney-client privileged

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1 material.

2 BY MR. BECK:

3 Q. Mr. Connors, I'm going to give you Bates
4 stamped page 17228 and ask you if you recognize that.

5 A. No, I do not.

6 Q. I'm going to hand you page 17436 and ask you
7 if you recognize that.

8 A. I don't recall this specific interoffice memo,
9 although my name is on it as one of the distribution
10 list people.

11 Q. Do you recall the purpose of the memo? You
12 don't recall it at all?

13 A. I do not.

14 Q. Okay. I'm going to hand you page 17437 and
15 ask you if you recall that report.

16 A. No, I don't.

17 Q. I'm going to show you a chart on page 17445
18 and ask if you've ever seen that before.

19 A. I believe I recall seeing this at one point.

20 Q. This chart is entitled total Wentzville calls
21 per day; is that right?

22 A. Yes.

23 Q. What is Wentzville?

24 A. Wentzville is a city -- I forget the state
25 it's in -- that at one point, I believe -- I'm not

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1 or Snyder. I believe all three have been involved at
2 some point in performing some call center functions.

3 Q. And does call center generically refer to the
4 place where people call for questions related to their
5 bill and so forth?

6 A. Yes.

7 Q. Now, this chart shows -- let me ask you, what
8 does the chart show?

9 A. I did not create this chart. As best I
10 recall, my previous manager, Ray Strait, created this
11 chart. I don't know for what purpose or for what
12 meeting or for what audience. It appears to show month
13 by month the volume of calls per day received by the
14 Wentzville center beginning in August 1997 and running
15 until April '98.

16 Q. Does it show you that the numbers increased
17 shortly after Snyder started selling?

18 A. Yes, it does.

19 Q. You had no connection with Ray Strait creating
20 this chart?

21 A. Not that I recall.

22 Q. I'm going to show you page 17446 and ask you
23 if you recognize that.

24 A. I do not recall seeing this chart.

25 Q. The chart purports to show planning for three

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1 sure -- functioned in a call center functionality for
2 GTE Long Distance, meaning they received calls from
3 customers about an array of issues.

4 Q. Would that be the number you call when you
5 receive your bill from GTE Long Distance that says if
6 you have any questions call us?

7 A. It's possible. I don't recall specifically
8 what Wentzville's specific duties were. I have not seen
9 the name Wentzville in some time.

10 Q. They're no longer your call center.

11 A. Not to my knowledge.

12 Q. Where is that function being performed now?

13 A. AFNI, Andersen Financial -- I don't know the
14 rest of the acronym.

15 Q. What state is that from?

16 A. They are in Illinois, I believe, and in
17 Arizona.

18 Q. You mention that Snyder, I believe, at some
19 point was also doing call center functions for GTE Long
20 Distance; is that right?

21 A. Yes.

22 Q. Would that be the same function that was
23 performed by Wentzville here?

24 A. I don't know specifically the differences
25 between the call center functions for Wentzville, AFNI,

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1 days in April of 1998, does it not?

2 A. Yes.

3 Q. I'll show you page 17447 and ask you if you've
4 seen that before.

5 A. I do not recall seeing this chart before.

6 Q. Do you know if this is something Ray Strait
7 created or not?

8 A. I don't know.

9 Q. Do you recall there ever being any discussions
10 about the call centers receiving increased calls about
11 complaints about Snyder?

12 A. I don't recall any specific conversations, no.

13 Q. Did you ever have any discussions with Ray
14 Strait concerning the matters that are shown on these
15 documents; in other words, calls to the Wentzville
16 center?

17 A. I did not have any discussions of that sort
18 with Mr. Strait, no.

19 Q. Do you know to whom those documents might have
20 been distributed that we just looked at concerning the
21 Wentzville center?

22 A. I don't know. I don't know the audience for
23 those documents.

24 Q. Did you ever attend a meeting concerning a GTE
25 quarterly review -- let me back up. Let me show you

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1 document page 28574, which is entitled results, GTE
 2 quarterly review, May 7th through 8th, 1998, and ask if
 3 you're familiar with that quarterly review.
 4 A. No, I am not.
 5 Q. Did you ever attend any meetings reviewing
 6 Snyder's performance on a quarterly basis?
 7 A. Not that I recall.
 8 Q. Earlier in your deposition we talked briefly
 9 about the use of cell phones for third-party
 10 verification.
 11 A. Yes.
 12 Q. Do you recall any discussions concerning the
 13 cost that that would entail to implement that?
 14 A. I do not recall any discussions about cost.
 15 Q. Do you recall any discussions -- I mean, you
 16 had some discussions on whether that would be
 17 implemented nationwide instead of just in California; is
 18 that right?
 19 A. Liz Smith from Post-Sale Fulfillment and I
 20 talked about that amongst ourselves.
 21 Q. That that might be a way to decrease slapping
 22 by Snyder?
 23 A. We thought that possibly it would be.
 24 Q. But you never communicated that elsewhere?
 25 A. We may have brought it up on one of the

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1 conclusively whether the LOA was fraudulent or not.
 2 With me so far?
 3 A. Yes.
 4 Q. The customer still maintains that the LOA was
 5 fraudulently filed.
 6 A. Yes.
 7 Q. Is in that situation that complaint recorded
 8 as a fraudulent LOA?
 9 A. For purposes of this report, yes, it is.
 10 Q. So therefore, am I correct in thinking that
 11 the complaints recorded as fraudulent LOA on this report
 12 16387 and others like it are not affirmative
 13 determinations by GTE of fraudulent LOA's?
 14 A. Right.
 15 Q. That's the customer's opinion of what
 16 happened, not necessarily GTE's opinion; correct?
 17 A. Correct.
 18 MR. WOFFORD: That's all the questions I
 19 have.
 20 (Discussion off the record.)
 21 - - -
 22 FURTHER EXAMINATION
 23 BY MR. BECK:
 24 Q. I do want to follow up on that. Once a
 25 complaint is put in the fraudulent LOA category there,

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1 quality calls weekly or monthly with Snyder. I don't
 2 recall.
 3 MR. BECK: Can we break for just like
 4 two or three minutes? I think I'm done, but
 5 I'd like to review my notes.
 6 (Brief recess.)
 7 - - -
 8 EXAMINATION
 9 BY MR. WOFFORD:
 10 Q. Mr. Connors, let me ask you some questions
 11 about the document that has been marked 16387. Do you
 12 see the category fraudulent LOA on that document?
 13 A. Yes.
 14 Q. We've spent some time discussing that category
 15 today, haven't we?
 16 A. Yes.
 17 Q. Let me ask you a hypothetical and then try and
 18 relate it to this category; all right?
 19 A. Okay.
 20 Q. Let's assume that a customer complains to GTE
 21 that he did not order GTE Long Distance but was
 22 nevertheless switched to GTE Long Distance. With me so
 23 far?
 24 A. Yes.
 25 Q. GTE investigates, is unable to determine

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1 is there further investigation done past the point where
 2 your attorney questioned you?
 3 A. No.
 4 Q. So that is the last determination and final
 5 determination by GTE as to whether there was a
 6 fraudulent LOA or not; is that correct?
 7 A. Correct.
 8 Q. There's no further action taken beyond that.
 9 A. The customer's final word being that is not my
 10 signature, it would be recorded in this column as
 11 fraudulent LOA, believing the customer to be telling the
 12 truth when he or she says I did not sign that document
 13 and taking the customer's word for it.
 14 Q. And GTE contemplates no further investigation
 15 beyond that at that point; is that right?
 16 A. They may want to know if the salesperson at
 17 Snyder who submitted that document had had previous
 18 complaints lodged against him or her.
 19 Q. Right. But as far as the substance of that
 20 customer's complaint, that's the end of GTE's
 21 investigation.
 22 A. That issue is then closed.
 23 MR. BECK: Thank you.
 24 - - -
 25 (Deposition concluded at 1:25 p.m.)

Deposition of Larry Commons, 11-14-2000, The Marotte Group, Inc.

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