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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of
Investigation into the
integrity of SOUTHERN BELL
TELEPHONE AND TELEGRAPH
COMPANY'S repair service
activities and reports.

DOCKET NO. 910163-TL

920260-TL

DEPOSITION OF: EILEEN HENRY

TAKEN AT THE INSTANCE OF: Florida Public Service
Commission

PLACE: 666 N.W. 79th Avenue
Room 642
Miami, Florida

TIME: Commenced at 10:40 a.m.
Concluded at 11:08 a.m.

DATE: Tuesday, April 20, 1993

REPORTED BY: SYDNEY C. SILVA, CSR, RPR
Official Commission
Reporter

(x-ref 6000-93)

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PLEASE RECALL REFERENCE

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19 ALSO PRESENT:

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24 Communications

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S T I P U L A T I O N

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

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

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EILEEN HENRY

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

EXAMINATION

BY MS. RICHARDSON:

Q Okay, Ms. Henry, if you would, I'd like you
to state your name and spell it for the court reporter
so that we have it accurately.

A Eileen Henry, E-I-L-E-E-N. H-E-N-R-Y.

Q Thank you. And your address?

A

Q And the zip code?

A

Q And your phone number?

A Area code

Q Okay. And are you represented by an attorney
here today?

A Yes.

Q And do you want to put an appearance on the
record? I should have done that earlier and I forgot.

MS. MOSCOWITZ: Well, I assume the court
reporters have -- I'm Jane Moscovitz, of Baker and
Moscovitz, I represent the witness.

Q (By Ms. Richardson) Okay. And what is your
position, Ms. Henry, with the Company?

- 1 A Maintenance administrator.
- 2 Q And which IMC do you work in?
- 3 A South Dade.
- 4 Q And how long have you been there?
- 5 A Since 1983?
- 6 A Okay. And have you always been a maintenance
7 administrator the entire time?
- 8 A Uh-huh, yes.
- 9 Q And who is your present supervisor?
- 10 A Maria Smoak.
- 11 Q And is she a first level supervisor?
- 12 A Yeah.
- 13 Q Okay. And who is your second level
14 supervisor?
- 15 A April Ivy.
- 16 Q And who was your supervisor before Ms. Smoak,
17 your first level?
- 18 A I think it was Bill Morris -- Morrison. I'm
19 not quite certain.
- 20 Q Morrison?
- 21 A Uh-huh. He retired.
- 22 Q Okay. And do you know about what period of
23 time he was your supervisor, what years? (Pause)
- 24 A I can't quite remember the dates -- the
25 years, because he retired about two or three years now.

1 Q So it was maybe before 1990?

2 A Around that time, around 1990.

3 Q Around 1990. Okay. And thinking back, can
4 you tell me who your supervisor was before 1990, before
5 Mr. Morrison?

6 A You know, I can't, I don't remember, believe
7 me. Because you like change supervisors like sometimes
8 a year, six months. And let me see, I know I had Bill
9 Morrison, Jackie Griggs.

10 Q I didn't get her last name.

11 A Griggs.

12 Q G-R-I-G-G-S?

13 Q Is there anyone else that you can think of?

14 A Years ago, Ralph Mancusi, he died.

15 Q M-A-N-C-U-S-I?

16 A Yeah.

17 Q Okay.

18 A I can't remember anyone else right now. I
19 don't -- that covers like about six or seven years.

20 Q Okay. And what about second level
21 supervisors, who was before Ms. Ivy?

22 A Shirley Perring. No, no, no, not Shirley
23 Perring. What's her name? (Pause) I can't remember
24 her name right now. Shirley Perring was there twice,
25 she went away and she came back. And we had Laurie

1 Rorrer in between. And -- I can't remember the woman's
2 name. Sharon. Not Sharon.

3 Q Cherie Calvert.

4 A Right.

5 Q Okay. You're doing great.

6 A You know, at my age, it's a wonder I remember
7 anything. (Laughter)

8 Q Do you know who your supervisor -- your
9 second level was in 1983 when you first started? Do
10 you remember him or her? (Pause)

11 A I'm not good at names, believe me.

12 Q That's okay. Let's just go on then.

13 A I don't remember.

14 Q That's all right. Who is your operations
15 manager right now? Is that Ms. Ivy?

16 A No.

17 Q Who's the operations manager now?

18 A The operations manager is -- why these names
19 are slipping out of my head? Ted --

20 Q Rubin?

21 A Ted Rubin.

22 Q All right. And about how long has Mr. Rubin
23 been in that position, do you have any idea?

24 A Maybe a year-and-a-half, two years.

25 Q About 1991?

1 A Yeah, I think so.

2 Q And who is the general manager?

3 A General manager is Linda Isenhour.

4 Q Okay. And has Ms. Isenhour been your general
5 manager since 1983? Do you know?

6 A No, I don't remember who was before her, but
7 I don't think she was from the '80s --

8 Q Okay. But she has been a number of years
9 general manager?

10 A Uh-huh.

11 Q All right. Have you discussed your
12 deposition here today with anyone other than your
13 attorney and the attorneys for the Company?

14 A With my supervisor. Well, as a matter of
15 fact, I didn't really discuss it with her, I just gave
16 her the paper and she showed it -- said, "I have the
17 same paper so I know that you are supposed to go." But
18 we didn't do any discussion on it.

19 Q Just that you were supposed to be here?

20 A Yeah.

21 Q Okay. Has anyone discussed with you whether
22 you might be subject to discipline based upon your
23 responses here today?

24 A No.

25 Q Has anyone discussed with you possible penalties

1 for not telling the truth in this deposition today?

2 A Well, yeah. If I don't tell, yeah, my lawyer
3 told me that, if I don't tell the truth, I could be
4 subjected to penalty.

5 Q Okay. In your position of maintenance
6 administrator, what are your responsibilities?

7 A Screen and dispatch. Screening trouble
8 reports and dispatching and closing out the
9 technicians.

10 Q The technicians?

11 A Uh-huh.

12 Q Okay. A trouble report comes to you from the
13 CRSAB; is that correct?

14 A Uh-huh.

15 Q So someone has already initially received it
16 before you get it?

17 A Uh-huh.

18 Q Would a trouble report be screened before you
19 get it?

20 A No.

21 Q All right. When you screen a trouble report,
22 what are you doing to it?

23 A Evaluating the report, what causes the
24 customer to call it in. And so we have to test it
25 through the computer.

1 The first thing is calling the customer.
2 Because a lot of times the reports come in and they're not
3 clear, you know, as to what the customer is reporting, so
4 we always -- they stress that -- we should always call the
5 customer before we do anything else.

6 Q Okay.

7 A And then we test it and screen it and send it
8 where it should go, whether to dispatch out to the
9 central office or to the RCMAC for translation.

10 Q And that's R-C-M-A-C?

11 A Uh-huh. And that's about it.

12 Q Okay. Is part of your responsibility to
13 determine whether that report is out-of-service?

14 A Uh-huh.

15 Q And how do you determine when a report is
16 out-of-service?

17 A By what the customer reports and by the
18 tests.

19 Q What conditions would make a report
20 out-of-service?

21 A Can't be called, can't call out, and
22 sometimes static, can't hear, can't be heard.

23 Q What about no dial tone?

24 A Yeah. No dial -- well, if they can't call
25 out, they don't have dial tone.

1 Q Okay. Is part of your responsibilities on
2 screening determining whether to leave a report
3 affecting-service or should I say "service-affecting"?

4 A Rephrase that, I don't understand.

5 Q All right. Let's start with the definition.
6 You told me out-of-service is possibly no dial tone,
7 can't call out?

8 A Uh-huh.

9 Q What's the other status besides out-of-service?

10 A Service-affecting or nonservice-affecting.

11 Q Okay. Is there a third status or is it just
12 those two?

13 MS. MOSCOWITZ: Which two?

14 MS. RICHARDSON: The out-of-service and
15 service-affecting.

16 A Just those two.

17 Q (By Ms. Richardson) Just those two. Okay.

18 So your decision when you're screening is
19 either out-of-service or service-affecting?

20 A Uh-huh.

21 Q Okay. Are you aware of a Company requirement
22 that out-of-service reports be cleared within 24 hours?

23 A Yeah.

24 Q How long have you been aware of that
25 requirement?

1 A Quite a while now. I can't tell you
2 specifically, but it's quite a while.

3 Q Okay. Is that a number of years or a number
4 of --

5 A Uh-huh.

6 Q Since the '80s?

7 A Yeah, somewhere in the '80s.

8 Q Okay. Are you aware that the Public Service
9 Commission requires the Company to clear out-of-service
10 reports within 24 hours?

11 A Yeah.

12 Q And how long have you been aware of that?

13 A Well, at the same time.

14 Q Okay. Do you know what it means to "build
15 the base?"

16 A No. Well, now I know.

17 Q Okay. What is your understanding of that,
18 "building the base"? (Pause)

19 A I have an idea, but it's not the clear to me.

20 Q Well, just whatever you think, just let me
21 have it.

22 A Well, my idea of building the base before the
23 Commission started was that we were just competing with
24 the different offices, you know, like North Dade, Coral
25 Gables. And, you know, that's what my idea was; that's

1 what we were led to believe that that's what it was.

2 Because like the second level would say,
3 "Okay, North Dade did so well, let's prove that we can
4 do better." You know, that's what I thought building
5 the base was.

6 Q Now, I need a little clarification, "did so
7 well" on what?

8 A On clearing troubles.

9 Q All right. So were out-of-services troubles
10 being counted, the number of out-of-services troubles?

11 A Yeah, I think that was a part of it, yeah.

12 Q Okay. So North Dade would count its number
13 of out-of-services troubles?

14 A Uh-huh.

15 Q And South Dade would count its number of
16 out-of-services troubles?

17 A That's what it think it is.

18 Q And would it be the out-of-service-over-24 to
19 see who closed?

20 A I don't know. I can't define whether it was
21 over 24 hours or I don't know.

22 Q Okay. In terms of meeting that competition
23 between IMCs in building the base, what would be done
24 to help your IMC in the competition?

25 A I don't know.

1 Q Were you ever given instructions to not
2 status any out-of-services today?

3 A Uh-huh.

4 Q And that's a yes?

5 A Yes.

6 Q I'm sorry, I should have told you, the court
7 reporter can't pick up head nods and uh-huhs.

8 A Yes.

9 Q Okay. When?

10 A Dates, I'm not good at dates and I can't
11 pinpoint a specific time when we started it or when we
12 -- I know when we stopped it. But I can't tell you
13 exactly definitely when we started it.

14 Q Okay. When did you stop it?

15 A When the investigation started.

16 Q About 1990, '91?

17 A Somewhere there.

18 Q All right. So some time before the
19 investigation is when you were doing this?

20 A Uh-huh.

21 Q Okay. Do you know who gave you those
22 instructions?

23 A I can't name any specific person; because
24 sometimes it would be put up on the information board,
25 you know, so I can't really name any specific person.

1 Q Would it have been another MA that put it up?

2 A No.

3 Q Would it have come from a manager?

4 A Could be. Because I think whatever
5 procedures are in our district, it has to come from
6 upper management somewhere, I don't know. But we never
7 question it, we just do what we're told.

8 Q And why didn't you ever question it?

9 A Because I think the telephone company is a
10 reputable company and I never thought that we'd be
11 doing anything illegal, so I never questioned what
12 we're told to do. I didn't think it was illegal to do
13 a certain procedure.

14 Q So you basically then had no reason to
15 question it?

16 A Right.

17 Q Okay. Do you know if other MAs also followed
18 the instructions?

19 A I can't tell -- I don't know what they did.
20 It's up to their supervisors to know what they were
21 doing and what they did, I have no idea.

22 Q Okay. Were you ever instructed to close --
23 well, let me ask you: What's a "test-OK" report?
24 Define a "test-OK" for me.

25 A A test-OK is when I talk to -- it comes in

1 test-OK. Like when I got the report, it is testing
2 okay. When I call the customer and the customer said,
3 "It is okay," to me, that's a test-OK.

4 Q Okay. Has anyone ever instructed you to take
5 those test-OKs and close them out as out-of-service?

6 A If we're closing them out right away.

7 Q Within five, 10, 15 minutes?

8 A Uh-huh.

9 Q Okay. Even though they weren't out of
10 service?

11 A Well, yeah.

12 Q Do you know why that was being done?

13 A No.

14 Q Who told you to do this?

15 A Again, I said I cannot tell you exactly.

16 Q Would it have been a manager?

17 A It would have been -- it has to be a manager
18 who would say. Nobody comes to you directly and say,
19 "Do this," right? You get it on the information board
20 or it is passed around probably on a paper, you know.

21 Q Okay. I'd like to clarify. When you say
22 it's posted on the information board, is that a board
23 that all the MAs look at?

24 A No, no. Wait, what do you call that --

25 MS. MOSCOWITZ: I don't know what it's called.

- 1 A It's like that flashing --
- 2 Q Your computer screen --
- 3 A No, no, no.
- 4 Q -- display?
- 5 A Well, it's a screen. It's like what is on
- 6 the banks that tells the time and the --
- 7 Q A notice board.
- 8 A -- temperatures and all that.
- 9 MS. MOSCOWITZ: It's all done with dots.
- 10 MS. RICHARDSON: Lighted dots?
- 11 WITNESS HENRY: Uh-huh. It has a name, I
- 12 can't remember the name.
- 13 MS. RICHARDSON: I can't help you either.
- 14 MS. MOSCOWITZ: I don't know what it's called.
- 15 WITNESS HENRY: We all know what it is.
- 16 MR. VINSON: Lighted dots.
- 17 MS. MOSCOWITZ: Whatever.
- 18 WITNESS HENRY: Yeah.
- 19 Q (By Ms. Richardson) Is that a notice for all
- 20 the MAs? Are all the MAs directed to look at that
- 21 notice board?
- 22 A When it's up there, I guess everybody will
- 23 look at it and see it, it's up there. So I know that
- 24 everybody sees it.
- 25 Q Okay. Is it part of your responsibility to

1 read that board and follow the instructions on it?

2 A Well, sometimes it's up there and it depends
3 on where you're sitting, you know. And if you are not
4 looking directly at it, you won't see it; and then it
5 stays for a little while and then it goes off.

6 So it's not that they announce and say, "Look
7 at the information." Sometime you can hear it coming
8 over, because it gives a "beep beep," and then you look
9 around and you'll see it up there.

10 Q Okay. When you say it was passed around on,
11 I assume, paper, there would be a memo?

12 A Yeah, a memo. It's not specifically for
13 closing troubles test-OK, out-of-service. We have
14 memos for a lot of different things.

15 Q Okay. Do any of those memos give you
16 instructions that you today feel --

17 A No, no.

18 Q -- were improper?

19 A No.

20 Q Are you familiar with the CON carried-over-no
21 code?

22 A With the what?

23 Q C-O-N, the CON code, the carried-over-no?

24 A No.

25 Q Are you familiar with the no-access code?

1 A Yes.

2 Q And how is it used?

3 A The technician calls in and says, "I could
4 not gain access," the gate locked or nobody home.

5 Q Are you familiar with anyone using the
6 no-access code when there was actually -- when it did
7 not apply?

8 A No. Silly.

9 Q Have you ever seen a no-access code used when
10 a trouble was not dispatched?

11 A No.

12 Q Do you know if a no-access code stops that
13 24-hour clock?

14 A No. Not that I know of.

15 Q Do you know if a customer is due a rebate if
16 his trouble is out of service over 24 hours?

17 A I didn't know until recently.

18 Q Okay. In "recently," you mean 1990?

19 A Uh-huh.

20 Q I'd like to talk about disposition and cause
21 codes. What's a disposition code?

22 A A disposition code is what they are relating
23 to the trouble report. And the cause code is what
24 caused the trouble.

25 Q Okay. Do you know if there are certain

1 disposition and cause codes that would exclude an
2 out-of-service report from being counted against the
3 Company as a miss on that 24-hour index?

4 A No.

5 Q Were you ever instructed to use certain
6 disposition and cause codes?

7 A No. For what?

8 Q Well, just in general, like closing test-OKs
9 to out-of-service, were you ever given any
10 instructions, "Close out the disposition code,"
11 whatever?

12 A No, not necessarily. I really don't under
13 understand the question, really.

14 Q Okay, that's fine. And if you don't, please
15 ask.

16 A I don't understand.

17 Q Okay. You need to be comfortable with your
18 answers to me.

19 A Yeah.

20 Q Let's take the customer action code, the
21 cause code for customer action. Did anyone ever
22 instruct you specifically to use the customer action
23 code under certain circumstances?

24 A I don't know.

25 MS. MOSCOWITZ: You know, the reason that I

1 think --

2 MS. RICHARDSON: Okay. You're right. That's
3 too broad.

4 MS. MOSCOWITZ: Yeah. Because I'm sure she
5 was instructed to use it on occasion.

6 MS. RICHARDSON: Okay. Under correct
7 circumstances.

8 WITNESS HENRY: Yeah.

9 MS. RICHARDSON: Let me get off that, then.

10 Q (By Ms. Richardson) Let's go to excludes.
11 What happens when you exclude a report?

12 A I can tell you -- I don't know what happens,
13 it's gone. But I can tell you why we exclude.

14 Q All right, tell me why you exclude.

15 A If a customer calls in for telephone books,
16 they call in to trim a tree, they call in for a trouble
17 on the line when there is a service order pending, we
18 would then, especially if the service order was not
19 completed, we would exclude that trouble to the service
20 order to avoid sending two people out there to do the
21 same thing.

22 Q Okay. And those are all Company practices?

23 A Uh-huh.

24 Q All right. Has anyone ever directed you to
25 exclude a trouble report other than those Company

1 practices?

2 A No. We have a few more, but it's just like
3 not nothing detrimental to the customer or to cover up
4 anything. You know, it's like people calling wrong
5 numbers and people calling and they got a busy line and
6 you verify with the customer that it was receiver-
7 off-the-hook, you know. So those are the only things
8 we will say --

9 Q Okay, so --

10 A -- exclude.

11 Q -- receiver-off-the-hook is an excludable
12 report?

13 A No, it's not excludable. The person who
14 called, is a third -- that's a third-number call.

15 Q Oh, okay.

16 A Okay?

17 Q I understand. Do you know of anyone who has
18 ever excluded an out-of-service report?

19 A That's a no. We'll get penalized for that.

20 Q Okay. Has that always been the case?

21 A Yeah.

22 Q Okay. Do you know of anyone who has ever
23 used another employee's employee code?

24 A No, except it's a mistake. Like I would be
25 612 and Laura is 613 and sometimes you by accidentally

1 put a 612 or a 613 and you realize that some time down
2 the road that you made a mistake but you didn't do it
3 deliberately because you don't want people getting your
4 credits, you know. If you use somebody's number,
5 they're getting your screened work; it's counted to
6 them, not you.

7 Q Okay. Is it possible today to use another
8 person's employee code?

9 A Oh, no. Only by mistake, an error.

10 Q Have you heard the words "routine work"?

11 A Yeah.

12 Q And what is routine work?

13 A Routine work is after the technician has
14 gotten dial tone, he has cleaning up and wires to
15 resplice and whatever. I don't know, I can't tell you
16 exactly what it is, but that is what I take it for
17 routine work.

18 Q Okay. And are you familiar or have you ever
19 seen -- let me strike that and start over again.

20 Are you aware of any instructions that there
21 would be no routine work done today?

22 A No.

23 MS. RICHARDSON: Okay. Ms. Henry, I think
24 I've asked you all my questions. I want to thank you
25 for being here today and I appreciate the time. The

1 Commission may have a few questions, Mr. Anthony, your
2 attorney, and then we'll conclude.

3 MR. VINSON: No.

4 WITNESS HENRY: I'm ready willing and able.

5 MS. RICHARDSON: You certainly are, and we
6 appreciate it.

7 MR. ANTHONY: I hate to disappoint you but I
8 don't have any questions for you.

9 MS. MOSCOWITZ: Nor I.

10 (Thereupon, the deposition was concluded at
11 11:08 a.m.)

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AFFIDAVIT OF DEPONENT

1
 2 This is to certify that I, EILEEN HENRY, have read
 3 the foregoing transcription of my testimony, Page 6
 4 through 26, given on April 20, 1993 in Docket No.
 5 910163-TL, and find the same to be true and correct,
 6 with the exceptions, and/or corrections, if any, as
 7 shown on the errata sheet attached hereto.

8
 9
 10
 11 _____
 12 EILEEN HENRY

13
 14 Sworn to and subscribed before me this
 15 _____ day of _____, 19____

16
 17 _____
 18 NOTARY PUBLIC

19 State of _____

20 My Commission Expires:
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F L O R I D A)
:
C O U N T Y O F L E O N)

CERTIFICATE OF OATH

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

WITNESS my hand and official seal this
12th day of May, 1993.



Sydney C. Silva

SYDNEY C. SILVA
Notary Public - State of Florida

1 STATE OF FLORIDA)
 : CERTIFICATE OF REPORTER
2 COUNTY OF LEON)

3
4 I, SIDNEY C. SILVA, Official Commission
Reporter and Registered Professional Reporter,
5 DO HEREBY CERTIFY that I was authorized to
and did stenographically report the foregoing
deposition of EILEEN HENRY;

6 I FURTHER CERTIFY that this transcript,
7 consisting of 26 pages, constitutes a true record of
the testimony given by the witness.

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

10 DATED this 12th day of May, 1993.

11
12 Sydney C. Silva
SYDNEY C. SILVA, CSR, RPR
13 Official Commission Reporter
Bureau of Reporting
14 Telephone No. (904) 488-5981

15
16 STATE OF FLORIDA)
17 :
18 COUNTY OF LEON)

19 The foregoing certificate was acknowledged
before me this 12th day of May, 1993, by SYDNEY
SILVA, who is personally known to me.

20
21 Patricia A. Church
22 PATRICIA A. CHURCH
Notary Public - State of Florida
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AUG 13 1993

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BEFORE THE

FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of

Investigation into the
integrity of SOUTHERN BELL
TELEPHONE AND TELEGRAPH
COMPANY'S repair service
activities and reports.

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DOCKET NO. 910163-TL

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DEPOSITION OF: EILEEN HENRY

TAKEN AT THE INSTANCE OF: Florida Public Service Commission

PLACE: 666 N.W. 79th Avenue
Room 642
Miami, Florida

TIME: Commenced at 10:40 a.m.
Concluded at 11:08 a.m.

DATE: Tuesday, April 20, 1993

REPORTED BY: SYDNEY C. SILVA, CSR, RPR
Official Commission
Reporter

AFFIDAVIT OF DEPONENT

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This is to certify that I, EILEEN HENRY, have read the foregoing transcription of my testimony, Page 6 through 26, given on April 20, 1993 in Docket No. 910163-TL, and find the same to be true and correct, with the exceptions, and/or corrections, if any, as shown on the errata sheet attached hereto.

Eileen Henry
EILEEN HENRY

Sworn to and subscribed before me this 12 day of August, 1993

Karen Osbourne
NOTARY PUBLIC

State of Florida

My Commission Expires:

