

BEFORE THE
 FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL
 FILE COPY

920240
 DOCKET NO. 910163-TL
 FILED: June 16, 1993

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

DEPOSITION OF: BERTHA BROOKS

DATE: June 29, 1993

TIME: Commenced at: 8:37 a.m.
 Concluded at: 9:25 a.m.

PLACE: Southern Bell Telephone and Telegraph Co.
 666 Northwest 79th Avenue, Room 674
 Miami, Florida 33126

REPORTED BY: JOHN J. BLUE,
 Registered Professional Reporter,
 Notary Public, State of Florida At Large
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TAKEN BY: The Citizens of Florida, by and through
 Janis Sue Richardson,
 Associate Public Counsel

PURSUANT TO: Florida Rule of Civil Procedure
 1.310 (b) (6)

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I-N-D-E-X**WITNESS****DIRECT CROSS REDIRECT RECROSS**

Bertha Brooks

(Ms. Richardson)	4	42
(Mr. Greer)	41	
(Mr. Pierson)	42	
(Mr. Beatty)		42

EXHIBITS

(None)

1 THEREUPON:

2 BERTHA BROOKS,

3 having been first duly sworn, was

4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. RICHARDSON:

7 Q. Would you please state your name and spell it for the
8 Court Reporter?

9 A. Bertha Brooks. You want me to spell the whole name?
10 B-e-r-t-h-a, the first name; and Brooks, B-r-o-o-k-s.

11 Q. Thank you. And your address, please?

12 A. 18560 Northwest 27th Ave (sic), room 330.

13 Q. Miami?

14 A. Miami.

15 Q. And do you have the Zip Code for that?

16 A. Not too good with the Zip.

17 Q. All right. Is that a business address?

18 A. Yes, that's my work address.

19 Q. And your phone number, please?

20 A. 628-9237.

21 Q. Are you represented by an attorney here today?

22 A. Yes, I am.

23 MS. RICHARDSON: I'll ask him to place his appearance
24 on the record.

25 MR. SCOLA: Robert Scola, on behalf of Bertha Brooks.

1 MS. RICHARDSON: Thank you.

2 Q. (BY MS. RICHARDSON): Ms. Brooks, what's your present
3 position with the company?

4 A. M.A.

5 Q. Is that a Maintenance Administrator?

6 A. Yes.

7 Q. All right. Have you discussed this deposition here
8 today with anyone other than your attorney or the attorney for
9 Southern Bell?

10 A. No.

11 Q. Has anyone advised you that you would not be
12 disciplined based upon whatever answers you gave us here today?

13 A. Yes, they did. Got to remember stuff out of my head.

14 Q. Yes. Thank you, appreciate that.

15 Did you give a statement to the company in the past
16 about these matters, the repair matters?

17 A. Yes.

18 Q. Do you remember when that was?

19 A. About three years ago.

20 Q. Do you know who was with you in the room when you gave
21 that statement?

22 A. I don't remember.

23 Q. Do you know if an attorney was there?

24 A. (No response)

25 Q. Was there an attorney in the room with you when you

1 made your statement?

2 A. See, I made more than one.

3 Q. Oh, okay.

4 A. That's the problem.

5 Q. How many statements did you give to the company?

6 A. About three.

7 Q. Three. Okay. Then let's take them one at a time.

8 On your first statement, when was that?

9 A. That was with Security; and that was in October, the
10 year I guess was '90, must have been '90, I'm not exactly sure.

11 Q. Was anyone other than Security in the room with you at
12 that time?

13 A. No.

14 Q. And your second statement?

15 A. An attorney was there.

16 Q. An attorney was there? Was Security also there?

17 A. Yes.

18 Q. Are you a member of the Union?

19 A. Yes, I am.

20 Q. Was there someone from the Union there?

21 A. No.

22 Q. And do you remember when that second statement was
23 given?

24 A. No, not exactly.

25 Q. And then you said you gave a third statement?

1 A. Uh-huh.

2 Q. Do you know about when that was given?

3 A. It was within the same year, but ah . . .

4 Q. '90?

5 A. I think '90.

6 Q. All three of them were in '90?

7 A. I ... (Nods yes)

8 Q. Do you remember who was in the room with you then?

9 A. No.

10 Q. Do you know if there was an attorney present?

11 A. I believe they mentioned that one of them said that
12 they were an attorney; so, representing--

13 I believe they were an attorney. You know, they
14 represented themselves as an attorney or something. But I
15 didn't take names.

16 Q. And did you have someone from Security there,
17 do you know?

18 A. No.

19 Q. Was there a Union person present at this statement?

20 A. No.

21 Q. Did you discuss any of these statements with anyone?

22 A. No.

23 Q. Has anyone advised you of the possible criminal
24 penalties that could apply if you perjure your testimony here?

25 A. Yes.

1 Q. How long have you been a Maintenance Administrator for
2 the company?

3 A. About ten years.

4 Q. Has all of that time been here in Miami?

5 A. Right, yes.

6 Q. Have you worked in different IMCs in Miami during that
7 period of time?

8 A. No.

9 Q. Which IMC are you working in?

10 A. North Dade.

11 Q. And if you would, I'd like to know who your first
12 level manager is at this time.

13 A. At this moment?

14 Q. Yes, at this moment.

15 A. Dasset Freeman.

16 Q. And how long has Dasset Freeman been your first level
17 manager?

18 A. Four to five years.

19 Q. And do you remember who it was before Mr. Freeman?

20 A. I don't remember.

21 Q. Do you remember any other first level managers that
22 you've had during your ten years in Miami as an M.A.?

23 A. Any of them? Or are you saying all of them?

24 Q. Any of them. All of them.

25 How many do you remember? As many as you recall, I'd

1 appreciate your naming them.

2 A. Well, of course, Dasset. And Earl Merlgelsberg.

3 Q. And will you spell his last name?

4 A. M-E-R-G-E-L-S- Well--

5 Q. "Mergels," and then "-berg," "-b-e-r-g"?

6 A. Right.

7 Q. Okay.

8 A. Before him I don't think I had any more.

9 Q. And can you name your second level managers for me,
10 starting with your present one?

11 A. The present one is the only one I remember.

12 Q. Well--

13 A. I remember two, I'm sorry. Carlos Quintero. Present.

14 Q. And that's Q-u-i-n-t-e-r-o?

15 A. Right.

16 Q. All right.

17 A. And Joe Lesko.

18 Q. And that's L-e-s-k-o?

19 A. Right. Prior to him I don't-- the names-go-- you
20 know, they-- Prior to him I don't remember, before Lesko.

21 Q. Do you know who your Operations Manager is right now?

22 A. At this time?

23 Q. Yes.

24 A. I'm trying to make sure I say it right. Ralph De La
25 Vega.

1 Q. And do you know who it was before Mr. De La Vega?

2 A. Before him, what was his name? I don't remember his
3 name. I know his face; but the name, I can't recall it at this
4 second.

5 Q. Okay. Do you know who your General Manager is?

6 A. Now?

7 Q. Yes.

8 A. I think that's Linda Eisenhower, isn't it?

9 Q. Okay. And do you know who your Shop Steward is?

10 A. For my office?

11 Q. Yes.

12 A. Carolyn Gilbert.

13 Q. Can you briefly tell me what your duties are as a
14 Maintenance Administrator?

15 A. My job is varied. Basically it's to repair the
16 customer's phone and make sure it's repaired. That's it.

17 Q. Do you handle trouble reports in that process?

18 A. Right. Yes.

19 Q. Thank you. All right. Do the customers call you
20 directly to report a trouble?

21 A. No.

22 Q. They phone in the C R S A B?

23 A. (Nods yes)

24 Q. And then the repair service attendant sends it down to
25 you as an M. A.?

1 A. Yes.

2 Q. And then when you get the report, what is your first
3 action with it?

4 A. Determine what's wrong.

5 Q. Okay.

6 A. And see that it gets fixed.

7 Q. All right. And do you do some kind of test on the
8 line to see what's wrong with it?

9 A. If it's necessary.

10 Q. When you do the test is there some information that
11 you get that helps you decide if it's out of service or just
12 affecting service?

13 A. Now?

14 Q. Yes.

15 A. I don't make that decision. It's already made.

16 Q. All right. Before this, when was that decision made
17 to change that status and procedure, do you remember?

18 A. No.

19 Q. Was it just recently?

20 A. I know it was this year.

21 Q. It was this year?

22 A. (Nods yes)

23 Q. All right. Before this year, and let's go back.

24 A. Uh-huh.

25 Q. You know, at any point in time throughout your ten

1 years, if you would, when I ask you a question I'm really
2 asking you for your knowledge back all over but throughout that
3 ten-year period of time; and if you need to tell me "We don't
4 do this now but we used to do it this way," that's fine, or
5 however you need to phrase your answer so that the response is
6 throughout the ten-year period, I would appreciate it.

7 MR. BEATTY: I'm going to object to that format.

8 Because of the changes or whatever changes this witness is
9 aware of, the answer to that question in that fashion
10 would I think require too much responsibility on the part
11 of this witness, which can easily be resolved by asking a
12 question that relates to the past versus a question that
13 relates to the present.

14 MS. RICHARDSON: Let me put it this way then. I'd
15 like you to concentrate on the period of time prior to
16 1992.

17 THE WITNESS: Okay.

18 MS. RICHARDSON: If we can do that; and we will just
19 focus your answers from before 1992.

20 THE WITNESS: Okay.

21 Q. (BY MS. RICHARDSON): When you were testing trouble
22 reports was there some criteria you used to determine whether
23 that report was out of service or just affecting service?

24 A. Yes.

25 Q. Can you explain that?

- 1 A. It was the type of report, and the test.
- 2 Q. And what were the types of report that would indicate
3 an out of service condition?
- 4 A. If you called with no dial tone, you couldn't call out
5 and you couldn't receive.
- 6 Q. And what test? Is that just sort of a mechanized
7 test--
- 8 A. Yes.
- 9 Q. -- that the computer did?
- 10 A. (Nods yes)
- 11 Q. When you had reports come through the screening
12 process then did you automatically test every single one?
- 13 A. No. Like I said, it's according to your complaint.
- 14 Q. And that's the type of the report?
- 15 A. Or the customer's complaint.
- 16 Q. Or the customer's complaint; okay.
- 17 Was there a procedure for statusing reports out of
18 service or affecting service at close out rather than up front?
- 19 A. No.
- 20 Q. Are you aware of the company's requirement that out of
21 service reports be cleared within 24 hours?
- 22 A. Now?
- 23 Q. Yes.
- 24 A. Yes.
- 25 Q. Were you aware of that before 1992?

1 A. Not really.

2 Q. Were you aware before 1992-- Well, now, let me ask it
3 this way.

4 Are you aware that the Public Service Commission
5 requires the company to complete at least 95 percent of its out
6 of service repairs within 24 hours?

7 A. In 1992?

8 Q. Yes.

9 A. Yes.

10 Q. Were you aware of that before 1992?

11 A. Not-- you know, not basically.

12 Q. Do you know if a customer is due a rebate if they're
13 out of service more than 24 hours?

14 A. Now, yes.

15 Q. About how long have you been aware of that?

16 A. Now, since it was in the paper about rebates and
17 whatever.

18 Q. Within the last year, maybe?

19 A. Yes.

20 Q. When you have finished statusing a report in terms of
21 whether or not it's out of service and you finish the screening
22 process, what do you do then?

23 A. Take the next one.

24 Q. The next report?

25 A. Yes.

1 Q. Do you close the first one out or just leave it in a
2 hold status or--

3 I'm not sure. Is statusing in terms of out of service
4 or not out of service the only thing you do with that first
5 trouble?

6 A. Yes.

7 Q. Okay. What happens to that report then? How do you
8 clear it off your screen so you can get the next one?

9 A. Once it's statused.

10 Q. Once it's statused it just goes?

11 A. Yes.

12 Q. Is it dispatched at that point?

13 A. If I'm gonna dispatch.

14 Q. And if you decide not to dispatch, what happens to it?

15 A. It's closed.

16 Q. When you close it do you have to enter any more
17 information other than just the test?

18 A. What we did, what I did, what I said to the customer;
19 that's it.

20 Q. In a narrative format?

21 A. Yes.

22 Q. Do you have to place any certain codes on that report
23 to get it closed out, like a disposition code?

24 A. Yes.

25 Q. Can you briefly tell me what a disposition code is?

1 A. (No response)

2 Q. Just generally. You don't have to give me numbers or
3 anything like that. Just what does it say when you put a
4 disposition code on a report, or indicate?

5 A. It's-- The code is the same as my wording.

6 Q. Okay.

7 A. That's how I can describe it to you. That's-- you
8 know, that's my understanding.

9 Q. Does it generally indicate where the problem was in
10 the trouble, where the trouble was found?

11 A. Right. That's what it's supposed to mean.

12 Q. Can you give me an example of a disposition code?

13 A. Okay. If your phone tests okay, and I've talked to
14 you and we both agree it's okay, I'll close it out to an 0700
15 code, which is "Tests okay with customer."

16 Q. All right. Can you give me an idea of whether or not
17 you put a cause code on that report when you close it out?

18 A. The cause will be unknown, because you don't know why
19 you had the problem. I don't know why. Then I might use
20 "unknown." But if we know a cause, then you would put the
21 known cause.

22 Q. Are there other causes for reports that get
23 dispatched? Are there different kinds of cause codes that
24 explain what caused the problem on those that get sent out for
25 repair?

1 A. You mean if someone else closes it out?

2 Q. Right. If you send it to an ST, if you dispatch it to
3 a Service Technician, would he have different cause codes than
4 you would?

5 A. Yes. Everything you do, there's a cause code for it.

6 Q. Okay. Can you tell me what cause codes an outside
7 repairman might use, just a few examples?

8 A. I really-- You mean cause codes they use?

9 Q. Yes.

10 MR. BEATTY: If you know.

11 A. If I know. I know I've seen-- you know, from seeing
12 them on a chart, I've seen they have different cause codes;
13 they have equipment codes.

14 MS. RICHARDSON: Okay.

15 A. Employee codes--

16 MS. RICHARDSON: Okay.

17 A. -- if an employee caused a code. They also have the
18 unknown code, cause code.

19 Q. (BY MS. RICHARDSON): Do they have cause codes for
20 weather problems?

21 A. Yes, I've seen them there. Rodents. Bugs.

22 Q. Do they have different disposition codes than you do
23 to use on reports when they find the problem outside?

24 A. The only way I can say that is everything you do
25 there's a cause and a disposition code for it.

1 Q. For it. Okay. Do you know if there are any
2 disposition and cause codes that the company can use that would
3 keep an out of service over 24 from being counted as a miss
4 against the company?

5 A. I don't, I don't know any codes that would do that.

6 Q. You mentioned Test Okays.

7 A. Uh-huh.

8 Q. Can you briefly tell me, are there any Test Okays that
9 would be closed as out of service?

10 A. You're still talking now?

11 Q. Before 1992, were there any Test Okays that would be
12 closed as out of service?

13 A. Yes.

14 Q. Can you explain which ones would be closed as out of
15 service?

16 A. Those that called and said the line was dead at the
17 time they called or had an out of service complaint.

18 Q. Do you know of any instances where reports that were
19 phoned in that were test okay when they were tested were closed
20 out as out of service?

21 A. Would you repeat the question?

22 MS. RICHARDSON: Be glad to. At any time, if you
23 don't understand a question or need me to repeat it again,
24 just ask me and I'll be happy to do that. And if at any
25 time you need to go off the record, stop Mr. Blue and

1 discuss something with your attorney, we can do that also.

2 You need to feel comfortable with your answers that
3 you're answering the question I'm asking.

4 THE WITNESS: Right.

5 MS. RICHARDSON: That's what I'm saying, that's why I
6 said that. Great. All right.

7 Q. (BY MS. RICHARDSON): Do you know of any reports where
8 they were a test okay condition on receipt by the company, they
9 were not out of service, and yet they were closed or statused
10 out of service on close out?

11 A. No.

12 Q. Do you know a Miss D'Alessio?

13 A. Yes.

14 Q. And what was your working relationship with Miss
15 D'Alessio?

16 A. She was one of the first levels in the office. She
17 was my immediate first level.

18
19
20
21
22
23
24 A.

25 Q. Oh.

1 A.

2 Q.

3

4

5 MR. BEATTY: I'm going to object to the form of
6 question. It causes this witness to -- Well, let's see.

7 I withdraw my objection. You can answer that if you
8 can.

9 A.

10 MS. RICHARDSON: Okay.

11

12

13 Q. (BY MS. RICHARDSON): All right. If a manager-- this
14 is a hypothetical and speculative --

15 A. (Nods yes)

16 Q. If a manager were to ask you to take a group of test
17 okay reports and close them as out of service reports today,
18 would you consider that to be a proper thing to do?

19 A. That's kind of hard to ask that now, because see
20 they're already statused out of service or whatever; so I
21 wouldn't have to do that. We don't have the privilege of
22 making anything out of service today; so that's why, you know,
23 when you ask me that . . .

24 Q. Okay. So the situation would not at all arise?

25 A. It wouldn't arise.

1 Q. All right. Let me ask you another hypothetical.

2 If you're dealing with a service technician who has to
3 call in to close-- Well, first of all, does that happen
4 occasionally now?

5 A. Every now and then.

6 Q. Every now and then? All right. And the service
7 technician says "You sent me a noise report or affecting
8 service report, but when I got out here the line was absolutely
9 dead and it was out of service, and it needs to be restateded."

10 How would that be handled today?

11 A. He would call C.R.S.A.B.

12 Q. Are there any occasions when you yourself would call
13 Centralized Repair in order to restatus in effect from service
14 to an out of service report today?

15 A. Yes.

16 Q. Can you explain to me what those situations would be?

17 A. In cases where I see your phone is out of service and
18 they did not make it out of service, and I should call to make
19 sure that you're out of service.

20 Q.

21
22
23
24
25 A. I can only assume why. I don't know why.

1 Q. Then would you please tell me what your assumption is.

2 MR. BEATTY: Well, I'm going to object on the grounds
3 that that question calls for speculation and in light of
4 the fact that she has already indicated that she can only
5 assume as to what the intent is.

6 She obviously has no personal knowledge, so therefore
7 she has no proper basis to even speculate.

8 MS. RICHARDSON: That's fine. I'd still like an
9 answer to my question, Ms. Brooks.

10 THE WITNESS: Do I answer it?

11 MS. RICHARDSON: Yes, you do.

12 THE WITNESS: Now, repeat the question again.

13 Q.

14
15 MR. BEATTY: If you know.

16 A. I can only assume that they needed these numbers, so
17 many out of services, for whatever reasons.

18 Q. (BY MS. RICHARDSON): Do you know if it was being done
19 to help the IMC meet its out of service over 24-hour repair
20 limits?

21 MR. BEATTY: Objection to the form of the question.

22 First of all, it's leading.

23 Secondly, again it calls for speculation; and this is
24 speculation on top of the fact that you've asked her does
25 she know the reason.

1 She said she assumes, but then indicated that she
2 really does not, in fact, know the reason; so that--

3 MS. RICHARDSON: Counsel is testifying in his
4 objection--

5 MR. BEATTY: Please, please, if you can just excuse me
6 for one second and allow me to make my objection.

7 So that your subsequent question then is again trying
8 to lead her through this area for which she has no
9 knowledge. I object to it.

10 MS. RICHARDSON: We have an objection on the record,
11 but you may still answer my question.

12 A. (No response)

13 Q. (BY MS. RICHARDSON): Do you know if this was being
14 done to help the company meet its repair index, that out of
15 service over 24-hour index?

16 A. As I said, I don't know what they were trying to meet.

17 Q. I'm going to show you a document, Miss Brooks, and
18 this is Southern Bell's Response to Preliminary Order number
19 PSC 93-0263 PCO TL entered on February 19, 1993; and it was
20 filed by the company in a consolidated rate case docketed on
21 April 1st, 1993.

22 Line number 58 is Bertha Brooks, okay.

23 Have you seen this document?

24 A. Today.

25 Q. Today. Do you need any time to look over it before I

1 ask you questions about it?

2 A. No.

3 Q. Miss Brooks, by your name appears a series of numbers.
4 Number eleven appears by your name. And if you want to turn to
5 the front part, then you can see what number eleven says; but
6 it indicates that you might have some information about the
7 improper preparation of trouble reports.

8 Other than the Test Okays that we've discussed,
9 do you know of any other instances where trouble reports were
10 handled improperly?

11 A. No, I don't.

12 Q. It also indicates that you may have some information
13 under number eleven about improper activities generally.

14 And other than what you may have already testified to,
15 what can you tell me about improper activities in the North
16 Dade center?

17 A. I don't know.

18 Q. Number 12 indicates that you may have some information
19 about statusing troubles generally, including criteria for
20 statusing out of service.

21 What information do you have about that?

22 A. That's what I talked about earlier when you asked me
23 how do I status and how do I verify out of service.

24 That information I knew, but like I said, at the time.
25 Now we don't status anything out of service, we are not in

1 control of the out of service.

2 Q. Do you know of anyone who has improperly statused out
3 of service reports, other than the test okay reports we talked
4 about?

5 A. No.

6 Q. Do you know of anyone who has taken a group of
7 affecting service reports of any nature and closed them out as
8 out of service when they were not legitimate out of service
9 reports?

10 A. No.

11 Q. Do you know what the no access code is?

12 A. Yes.

13 Q. Would you briefly explain what the no access code is?

14 A. It just means that the repairman could not get into
15 the house, and they left a card for the customer to call back.

16 Q. Do you know of anyone who has taken an out of service
17 report and no accessed it before dispatch?

18 A. No.

19 Q. Do you know of anyone who has no accessed-a report
20 when access was available to the premises?

21 A. No.

22 Q. Do you know if that no access stops that 24-hour
23 repair clock?

24 A. I don't-- I didn't know it, no.

25 Q. Do you know it now?

1 A. Does it?

2 Q. Yes.

3 A. Oh.

4 Q. I'm sorry. Do you know that it does now?

5 A. (No response)

6 Q. I didn't realize you were asking me to answer your
7 question.

8 A. Right, right.

9 Q. I'm sorry. I got ahead of myself.

10 A. Right.

11 Q. Do you know now, today, whether or not the no access
12 stops that 24-hour repair clock?

13 A. Do I know that as given that it stops it? No.

14 Q. All right. Are you familiar with the C.O.N. or CON
15 Code, the Carry Over No Code?

16 A. I've heard of it.

17 Q. Have you ever used it in the past?

18 A. No.

19 Q. Do you know what it is? Can you briefly explain it?

20 A. In the past it was just a customer wanted a specific
21 due date out to what the company was offering, something
22 farther away than what the company was offering.

23 Q. Do you know whether or not the CON Code stopped the
24 24-hour repair clock?

25 A. No, I don't know whether it stopped it or not.

1 Q. Do you know of anyone who used the CON Code on out of
2 service reports when the company could not make the commitment?

3 A. No.

4 Q. Do you know how to exclude an report?

5 A. Me, as an M.A., know how to exclude?

6 Q. Yes.

7 A. Yes.

8 Q. How is that done?

9 A. A number of ways, for an M.A. Just exclude--

10 See, I hope we're talking about the same thing.

11 Q. Well, explain how it's done, and maybe we'll be on the
12 same wavelength.

13 A. For me, as an M.A., an exclude is-- for instance, if
14 you have a service order, you called to say your line was dead,
15 and there's a service order due today, that's excludable,
16 because the service order is due today, and I closed it out
17 to the service order. That's an exclude.

18 Q. Is it proper to exclude out of service reports?

19 A. I don't know. If it meets the criteria of excludes.

20 Q. Are there criteria for excluding out of service
21 reports?

22 A. Today?

23 Q. Yes.

24 A. Yes. Because in the same scenario I gave you with the
25 service order. C.R.S.A.B. might make your report no dial tone

1 because you told her "my line is dead"; but you still have an
2 order due today, so you're excludable, your order is due today.

3 Q. All right. Other than reports pending, service
4 orders, that exception--

5 A. Uh-huh.

6 Q. -- are there other out of service reports that are
7 excludable?

8 A. Not that I know of.

9 Q. Do you know of anyone who has taken out of service
10 reports on working lines and excluded them?

11 A. No.

12 Q. Do you know of any manager who has required M.A.s to
13 contact that manager before closing out out of service reports
14 that had gone over 24 hours?

15 A. At one time Nancy had told all the M.A.s in the office
16 that if they were in jeopardy of missing an out of service they
17 must get a supervisor's initials when they close it out.

18 Q. And that was Miss D'Alessio?

19 A. Yes.

20 Q. Do you know why she had this procedure in place?

21 A. She had the memo that Joe Lesko had written to her,
22 because his signature was at the bottom of the memo; and every
23 M.A. she covered she put your initials on it that she covered
24 you.

25 Q. Do you know why this procedure was being followed?

1 MR. BEATTY: Objection. Calls for speculation, unless
2 this person has personal knowledge of that.

3 A. I don't have any personal knowledge. I just assumed
4 that-- To me, I assumed that our people were erroneously
5 missing appointments, or missing-- you know, missing the out of
6 service; because maybe you went to lunch and you knew it was
7 repaired before you went to lunch, but you came back from
8 lunch, your mind wasn't there, and you missed it. So if you're
9 making those stupid-- what they would call like a stupid
10 mistake, that's what I assumed it was basically for.

11 MS. RICHARDSON: Okay.

12 A. I didn't take it any other way.

13 Q. (BY MS. RICHARDSON): Do you know if any of these
14 reports that were taken to a manager for signature on close
15 out, if the manager directed the use of specific disposition
16 and cause codes on those reports?

17 A. That I don't know.

18 Q. Do you know on any of those reports that the manager
19 was asked to sign off on if they directed the statusing of a
20 report at close out?

21 A. I don't know.

22 Q. Is that procedure still being followed in North Dade?

23 A. No.

24 Q. Do you know why it stopped?

25 A. No, I guess-- I assume it was because Nancy and Joe

1 weren't there.

2 (Discussion off the record, with the agreement
3 of the witness and all parties present)

4 Q. (BY MS. RICHARDSON): When you close out a report,
5 we've talked about disposition and cause codes and statusing on
6 the report. Is there a line of status on the report that
7 indicates the time that that trouble is closed out?

8 A. Yes.

9 Q. Is there a line of status on that report that
10 indicates a clearing time?

11 A. Yes.

12 Q. Can you tell me the difference between the clearing
13 time and the closing time on a report?

14 A. The clearing time is the time it was repaired.
15 The closing time is the time the clock picks up.

16 Q. And would they be the same or different on most out of
17 service reports?

18 A. (No response).

19 Q. Would they be the same or different on most reports
20 that had been dispatched?

21 A. Dispatched? I really don't know, because the
22 repairman closes those. I don't see theirs now. Like I said,
23 basically they have their own machine.

24 Q. Before 1988 did repairmen have to call in to the
25 Maintenance Administrators to close reports, before they had

1 their CAT terminals?

2 A. Yes.

3 Q. All right. During that period of time when you were
4 receiving phone calls from service technicians to close reports
5 that they had repaired, did they generally give you a clearing
6 time and the closing time, two different times, for out of
7 service reports?

8 A. No.

9 Q. Did they generally just give you one time?

10 A. Yes.

11 Q. And which time did they give you?

12 A. The time he closed it.

13 Q. All right. At any point in time were you ever
14 directed to back up that closing time that was given to you by
15 a service technician?

16 A. Yes.

17 Q. Would you explain that for me?

18 A. Okay. If he called me after lunch, he would make sure
19 you understood that he'd cleared it before lunch, he had taken
20 his lunch.

21 Q. Would he give you a specific time that he had cleared
22 it--

23 A. Yes.

24 Q. -- or just say "I have been gone for an hour or so,
25 just show it closed"?

1 A. Yes.

2 Q. At any--

3 MR. BEATTY: Excuse me; I've got to object to the
4 form. The question is a compound question, and you have
5 elicited an answer that was ambiguous at best.

6 Q. (BY MS. RICHARDSON): At any time were you directed to
7 make an assumption that a repairman would have spent five or
8 ten minutes doing routine work so it was proper to assume that
9 the clearing time was five or ten minutes earlier than the
10 repairman had actually given you?

11 A. No.

12 Q. On out of service reports that had missed the 24-hour
13 interval by 15 minutes, were you ever asked to back that time
14 up by 16 minutes to meet the 24-hour repair clock?

15 A. No.

16 Q. Do you know if any service technicians were ever
17 directed to back up their repair times within a minute of the
18 24-hour repair clock on out of service reports?

19 A. No.

20 Q. Do you know of any managers who closed out out of
21 service reports over 24 hours themselves rather than going
22 through an M.A.?

23 A. No.

24 Q. I'd like to go back to number 12 for a moment and
25 discuss the including criteria for statusing out of service.

1 During the ten years that you have been an M.A. has
2 the criteria for statusing out of service changed?

3 A. Yes.

4 Q. Going back to the very beginning, when you just
5 started as an M.A., can you indicate to me what the criteria
6 for statusing an out of service report were at that time?

7 A. It's always been the same.

8 Q. And that criteria is?

9 A. The customer's complaint; the test. Those are the two
10 major factors that I remember.

11 Q. Have different test codes or have the number of test
12 codes expanded or contracted for statusing out of service over
13 that ten-year period?

14 A. Over the ten years? Expanded.

15 Q. At any time from 1992 and before, have any managers
16 during heavy weather conditions outside-- rainy weather, and so
17 on-- given you an abbreviated list of test codes to be statused
18 as out of service?

19 A. No.

20 Q. And number 27 indicates that you may have some
21 information about supervisor involvement in closing troubles.
22 What can you tell me about that?

23 A. Nothing.

24 Q. In the test okay out of service instance that we
25 discussed was there a supervisor involved at that point?

1 A. (No response).

2 Q. Did a supervisor direct you to status those test okay
3 reports as out of service?

4 MR. BEATTY: Objection. That's been asked and
5 answered already.

6 MS. RICHARDSON: Well, I would like to clarify her
7 response to my question about supervisor involvement, she
8 knows nothing. I want to make sure that she's not
9 contradicting her prior testimony on this.

10 MR. BEATTY: Well, wasn't your question, in essence,
11 what does she know with respect to supervisors closing out
12 of service or closing reports other than what she's
13 already mentioned? That the gist.

14 MS. RICHARDSON: I didn't state it that way; but if
15 that's what she understood, then we can clarify it that
16 way.

17 THE WITNESS: Yes.

18 MS. RICHARDSON: I just want to make sure that the
19 record doesn't show a contradiction in her testimony.

20 A. That's what I understood.

21 I thought you was saying a boss closing a trouble
22 hisself.

23 MS. RICHARDSON: Oh. Okay. That's what you
24 understood?

25 THE WITNESS: Yes.

1 MS. RICHARDSON: All right. Let me rephrase my
2 question then, because you answered a question that I
3 wasn't quite sure I asked, so I want to make sure we're
4 clear on this.

5 Q. (BY MS. RICHARDSON): Do you know of any instances
6 where supervisors gave M.A.s instructions on closing out of
7 service reports that were questionable, other than the test
8 okay situation we discussed?

9 A. No.

10 Q. In your ten-year experience with the company, and
11 other than the test okay instance, has any manager ever given
12 you a direction for handling a trouble report that you felt at
13 that time was improper?

14 A. No.

15 Q. Now, I'm going to ask you basically the same question
16 but change it just a little bit.

17 At any time throughout your ten years, and other than
18 the test okay instance, has any manager ever given you a
19 direction for closing a trouble report that you today felt was
20 questionable?

21 A. No.

22 Q. Do you know what an employee-originated report is?

23 A. Yes.

24 Q. Would you briefly explain an EO report?

25 A. That's when an employee discovers a trouble and they

1 issue the report.

2 Q. I want to give you a hypothetical. If an employee is
3 outside, a service technician is outside repairing a line, and
4 a different customer comes up and asks that employee to report
5 that their line is dead, for them, because they can't call in,
6 is that an employee report?

7 A. No.

8 Q. Do you know of any instances where those type of
9 reports were entered as employee reports?

10 A. No.

11 Q. Do you know of any instances where customer direct
12 reports were entered as employee reports?

13 A. No.

14 Q. At the North Dade IMC was there ever a process where
15 customers were given a direct call-in line to the IMC to report
16 repeat troubles?

17 A. I'm not aware of it.

18 Q. Do you know of any instances where an out of service
19 report that was going out over 24 hours was closed and then
20 reopened as an employee-originated report in order to complete
21 the repair and close it?

22 A. No.

23 Q. Do you know of anyone who has created fictitious
24 trouble reports?

25 A. No.

1 Q. Have you heard of that being done?

2 A. No, not really.

3 Q. Miss Brooks, have you ever been disciplined by the
4 company for your handling of trouble reports?

5 A. No.

6 Q. Have you ever filed a grievance with the company?

7 A. Yes.

8 Q. Was it related to trouble report processing?

9 A. No.

10 Q. Was it related to a manager's directions or
11 instructions to you?

12 A. No.

13 Q. Was it related to managers doing craft work?

14 A. No.

15 Q. Have you ever been asked to help sell products or
16 services for the company?

17 A. Yes.

18 Q. Would you tell me about that?

19 MR. BEATTY: Object to the form of the question. It's
20 ambiguous.

21 Q. (BY MS. RICHARDSON): When were you asked to help sell
22 for the company?

23 A. Several years ago, several; how many I don't know.

24 Q. Was it part of a company promotional campaign, sales
25 campaign?

1 A. A sales campaign? I -- Yeah, I guess.

2 Q. Were you eligible for points or prizes?

3 A. Yes.

4 Q. Did you win anything?

5 A. A couple little things.

6 Q. During this sales campaign, which manager were you
7 working directly under at that time?

8 A. I believe, if it wasn't Earl--

9 Q. Mergelsberg?

10 A. Right. If it wasn't Earl, it might have been Larry.
11 I don't remember Larry's last name.

12 Q. Rorrer? Would it have been Rorrer, Larry Rorrer?

13 A. Doesn't sound right.

14 Q. Doesn't sound right. When you were helping with
15 sales, did you receive any special sales training?

16 A. No.

17 Q. Were you asked to do nothing but sales on any
18 particular day?

19 A. No.

20 Q. Were you ever placed in a separate room with a
21 telephone and asked to do cold calls for customer sales?

22 A. No.

23 Q. Were you ever asked to keep track of the amount of
24 time you spent selling a product to a customer rather than
25 helping them with a trouble report?

1 A. No.

2 Q. Miss Brooks, do you know of any instances where
3 customer trouble reports were mishandled in order to help the
4 company meet their repair index for out of service over 24
5 hours, other than the test okay incidents we have talked about?

6 A. No.

7 Q. Have you ever been told by any of your managers not to
8 status any out of service reports today?

9 A. No.

10 Q. Have any memos, messages or signs been placed in your
11 center indicating don't status any out of services today?

12 A. No.

13 Q. What was your relationship to Mr. Lesko? He was
14 second level manager for you?

15 A. Yes.

16 Q. Did he ever hold any other position that you worked
17 with him?

18 A. No.

19 Q. Did Mr. Lesko ever intimidate or pressure you to
20 handle trouble reports in a specific manner?

21 A. How do you mean "intimidate"?

22 Q. Direct you forcefully? Give you a command rather than
23 a request?

24 A. No.

25 Q. That's what I mean by intimidate. Another possibility

1 would be threaten you with discipline.

2 Those are points of intimidation. Intimidation can be
3 very overt or it can be subtle.

4 MR. BEATTY: I object to the form of the question.
5 Counsel is testifying and providing definitions which I
6 don't believe comport with Webster's or anyone else's
7 definitions of those terms. I object, it's leading.

8 Q. (BY MS. RICHARDSON): What does the word
9 "intimidation" mean to you, Miss Brooks?

10 MR. BEATTY: Objection, relevance.

11 A. What does intimidation mean to me?

12 MS. RICHARDSON: Yes.

13 A. It could mean a number of things.

14 This is intimidation, to me.

15 Q. (BY MS. RICHARDSON): You mean this deposition we're
16 having here today?

17 A. Yes. Or being investigated-- or not investigated so
18 much per se, but having to give a statement. That's
19 intimidation to me.

20 Or basically-- and threatening me on my job place, I
21 think I guess it was on my job place, as far as what does
22 intimidation mean to me.

23 Q. All right. Have you ever been intimidated by a
24 manager in your handling of trouble reports?

25 A. No.

1 MS. RICHARDSON: Miss Brooks, I want to thank you for
2 appearing here today. I have no further questions for you
3 at this time, but some of the PSC staff may have one or
4 two questions before you go.

5 MR. GREER: I've got or two, Miss Brooks.

6 BY MR. GREER:

7 Q. How do M.A.s record their time that they work? I know
8 like STs record it per job, per telephone number. How do the
9 M.A.s do it? Is it just they work eight hours, they don't
10 record it in the individual specific telephone number or
11 anything like that?

12 A. Right.

13 Q. So they just--

14 A. We don't record our time. It's on a computer
15 automatically.

16 Q. So you just work eight hours and that's it?

17 A. (Nods yes)

18 Q. Is it categorized as to how you work, like you may
19 work on regulated stuff or deregulated stuff? Or is it just
20 all regulated?

21 A. If I work on-- We have to category time to like
22 meetings, this meeting--

23 Q. Uh-huh.

24 A. Okay-- in customer report, customer direct reports
25 that I'm working on.

1 Q. You don't break out regulated versus deregulated?

2 A. No, not that word.

3 MR. GREER: Okay. That's all.

4 MR. PIERSON: I have one.

5 BY MR. PIERSON:

6 Q. Are you aware of any instance in which a service or
7 product was sold to a customer that that customer don't order?

8 A. No.

9 MR. PIERSON: Thank you.

10 MR. BEATTY: I have one.

11 CROSS-EXAMINATION

12 BY MR. BEATTY:

13 Q. Do you have a sales code?

14 A. Now? No.

15 Q. Prior to 1992 did you have a sales code?

16 A. No.

17 MR. BEATTY: I have no further questions.

18 MS. RICHARDSON: May I ask, since you brought up
19 codes.

20 REDIRECT EXAMINATION

21 BY MS. RICHARDSON:

22 Q. Did you have an employee code prior to 1992?

23 A. Same. You mean did it change?

24 Q. Yes.

25 A. I think I had the-- I think my number stayed the same

1 as what it is now.

2 Q. Do you know of anyone who used your employee code?

3 A. No.

4 MS. RICHARDSON: Thank you.

5 MR. BEATTY: That's all.

6 We will read all of them.

7 (Thereupon the deposition was concluded at 9:25 a.m.)

8

9

10

11

(Date)

Bertha Brooks

12

13 Sworn to and subscribed before me this ____ day of

14 _____, 1993.

15

16

Notary Public
State of Florida At Large

17

18

19 My Notary Commission Expires:

20

21

22

23

24

25

1 STATE OF FLORIDA)
 : ss. CERTIFICATE OF REPORTER
 2 COUNTY OF DADE)


3
 4 I, JOHN J. BLUE, Registered Professional
 Reporter, Certified Shorthand Reporter and Notary Public
 in and for the State of Florida at Large,

5
 6 DO HEREBY CERTIFY that the deposition of BERTHA
 BROOKS, a witness called by the Citizens of the State of
 Florida in the above-captioned matter, Docket No.
 7 910163-TL, was heard at the time and place herein stated;
 that the witness was by me first sworn to tell the truth;
 8 it is further

9
 10 CERTIFIED I reported in shorthand the said
 deposition; that the same has been transcribed under my
 direct supervision, and that this transcript, consisting
 of 43 pages, constitutes a true and accurate
 11 transcription of my notes of said deposition; it is
 further

12
 13 CERTIFIED that I am neither of counsel nor
 related to the parties in said cause and have no
 interest, financial or otherwise, in the outcome of this
 14 docket.

15
 16 IN WITNESS WHEREOF, I have hereunto set my hand
 at Miami, Dade County, Florida, this 17th day of August,
 1993.

17

 JOHN J. BLUE

18 Registered Professional Reporter
 Certified Shorthand Reporter and
 19 Notary Public
 In and for the State of Florida At Large
 20 Suite 1014, Ingraham Building
 25 Southeast 2nd Avenue
 21 Miami, Florida 33131
 (305) 371-6228

22
 23 My Notary Commission Expires:

24 December 21, 1993

1 **REPORTERS DEPOSITION CERTIFICATE WITH ACKNOWLEDGMENT**

2 STATE OF FLORIDA)
 3 : ss.
 4 COUNTY OF DADE)

5 I, JOHN J. BLUE, Registered Professional
 6 Reporter, certify that I was authorized to and did
 7 stenographically report the foregoing deposition
 8 and that the transcript is a true record of the
 9 testimony given by the witness.

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

15 Dated this 17th day of August, 1993.

16 *John J. Blue*
 17 JOHN J. BLUE

18 Registered Professional Reporter

19 STATE OF FLORIDA
 20 COUNTY OF DADE

21 The foregoing certificate was acknowledged
 22 before me this 17th day of August, 1993 by
 23 JOHN J. BLUE, who is personally known to me.

24 *Amar Kredi*
 25 Amar Kredi
 Notary Public - State of Florida
 My Commission No. CC194782
 Expires: May 16, 1996

