

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition on behalf of	:	DOCKET NO.: 910163-TL
CITIZENS OF THE STATE OF FLORIDA	:	FILED: July 21, 1992
to initiate investigation into	:	CONFIDENTIAL TL
integrity of SOUTHERN BELL	:	
TELEPHONE & TELEGRAPH COMPANY'S	:	
repair service activities and	:	
reports.	:	

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DEPOSITION OF: JOHN ROY MELTON, JR.

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TAKEN AT THE INSTANCE OF: The Staff of the Florida
Public Service Commission

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PLACE: Southern Bell Tower
301 West Bay Street
Jacksonville, Florida
20th Floor Conference Room

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TIME: Commenced at 11:40 a.m.
Concluded at 12:15 p.m.

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DATE: July 31, 1992

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REPORTED BY: Patricia H. Vierengel, RPR
Court Reporter

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DOCUMENT NUMBER-DATE

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TTCS-RECORDS/REGISTRATION

MEMBER COMPANY ASSOCIATION

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A P P E A R A N C E S

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A P P E A R A N C E S (Continued)

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WITNESS:

JOHN ROY MELTON

DIRECT EXAMINATION BY:

MR. BECK.....7

N O E X H I B I T S

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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 the 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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JOHN ROY MELTON, JR.,

having been produced and first duly sworn as a witness, then testified as follows:

MR. LACKEY: Mr. Melton, my name is Douglas Lackey. I'm appearing in this deposition on behalf of Bellsouth Telecommunications, Inc., Southern Bell, and we have got a couple of things we need to discuss before the deposition starts.

MR. MELTON: Okay.

MR. LACKEY: First, this lady is a court reporter. She's taking down everything I'm saying. She is going to take down the questions and your answers, and at some juncture what she is doing may be transcribed; that is, reduced to writing. It hasn't been ordered yet, but may be, and at that time you will have an opportunity to review the written transcript and make any corrections that are necessary and sign it.

It's my understanding that you don't want to waive that right?

MR. MacLENNAN: Yes.

MR. MELTON: That's correct.

MR. LACKEY: The other thing I need to do is give you an instruction, which is somewhat complicated, and I'll try to make it as clear as I can, but at the end if there's any question I'll be happy to resolve them

1 in any way I can for you.

2 It may well be that during the course of this
3 deposition that Mr. Hatch or -- and Mr. Beck -- it's
4 been a long week -- will ask you a question which
5 would require you, if you answered it, to reveal
6 information that you learned during the course of an
7 investigation at Southern Bell as conducted at the
8 direction of their Legal Department. If such a
9 question is asked, I will object on the grounds that
10 the information requested is privileged, and I will
11 instruct you not to answer that question.

12 At the same time, if it's a question about which
13 you have some personal knowledge, that requests
14 information about which you have personal knowledge
15 not gathered from the investigation but because of
16 your work or your other experiences, then subject to
17 the advice of your own counsel I would ask that you
18 answer that question.

19 It may be that Mr. Hatch or Mr. Beck will ask you
20 a question and I don't object, but you realize that in
21 order to respond to that question you'll have to
22 reveal information which resulted or came to you as a
23 result of the investigation I made reference to. If
24 that occurred, would you please just stop and tell me,
25 or tell your attorney that you have a problem so that

1 we can step out and address it, and then I'll take it
2 from there. What I'm trying to do is make sure that
3 if I miss a question you don't inadvertently reveal
4 the privileged information that we were discussing
5 earlier.

6 MR. HELTON: Okay.

7 MR. LACKEY: This entire situation has been
8 complicated slightly by something that we have learned
9 in Gainesville, and that is that there had been other
10 investigations regarding out-of-service reports other
11 than the one that I have been addressing.
12 Specifically, there was one in Gainesville in October,
13 November and December of 1990 and January of 1991. You
14 may know nothing about it and may not have anything to
15 do with that, but I continue to stress that the only
16 investigation that we are asking to be treated as
17 privileged is the most recent one involving trouble
18 reports, not any earlier investigation that was done by
19 the Security Department of Southern Bell.

20 The investigation that I'm referring to, if you
21 had any connection with it, it would have involved
22 interviews attended by attorneys that represented
23 Southern Bell, and other folks; not just Security
24 Department investigators. And I realize with that
25 last distinction between investigations it may confuse

1 things some.

2 If you have any questions as we go through the
3 deposition, if you would just stop and ask we will
4 straighten it out. Okay?

5 MR. MELTON: I have got some questions about what
6 you just comments had.

7 MR. LACKEY: Okay. If you want to ask me I'll try
8 to straighten it out.

9 MR. MELTON: The only investigation I'm aware of
10 was involved with just the Security Department. I was
11 in there with one other person with the Security rep
12 from Bellsouth. It was probably just about a year ago,
13 in this building. A gentleman was down here from
14 Birmingham. I don't recall his name.

15 MR. LACKEY: Let's step out and talk about this.

16 (Brief recess).

17 MR. LACKEY: All right. We have concluded that
18 the interview that he was speaking of was in this
19 investigation, so I have answered that question.

20 MR. BECK: Are you done?

21 MR. LACKEY: Unless he has some more questions.

22 MR. MELTON: No.

23 MR. LACKEY: Okay. Yes, with that I'm done.

24 DIRECT EXAMINATION

25 BY MR. BECK:

1 Q Okay. Mr. Melton, my name is Charlie Beck. I'm
2 with the Office of Public Counsel. I will be starting with
3 the questions, but there may be others after I'm done.

4 Q Could you please state your full name?

5 A John Roy Melton, Jr.

6 Q Are you employed by Southern Bell?

7 A Bellsouth. Yes, sir.

8 Q Bellsouth Telecommunications, Inc.

9 A Yes.

10 Q What position do you hold?

11 A I am an assistant manager, instructor.

12 Q In what area?

13 A In the Training Department.

14 Q Is that for the specific type of instruction that
15 you're involved in?

16 A I'm not sure -- I don't quite understand the
17 question.

18 Q You're an instructor?

19 A Yes, I'm an instructor.

20 Q In the Training Department?

21 A In the Training Department, yes.

22 Q And what types of subjects are you an instructor
23 on?

24 A I have -- I'm certified to teach about 18
25 different subjects.

1 Q Okay. How long have you held that position?

2 A Since March of '91. March the 15th of '91 is when
3 the effective job title change was.

4 Q Do you do training on any aspects of the job of
5 maintenance administrators?

6 A I have done one class on HLT2 testing, which is --
7 Yes. The answer is yes.

8 Q That's your mechanized loop testing?

9 A Yes.

10 Q Do you do any training in regard to any other
11 activities at installations and maintenance centers?

12 A No.

13 Q What position did you hold before March of '91?

14 A I was assistant manager in the IMC.

15 Q Here in Jacksonville?

16 A Yes.

17 Q How long did you hold that position?

18 A For just over -- Just about two years.

19 Q Okay. And were there particular aspects of the
20 management at the IMC that you were involved in?

21 A Certainly.

22 Q What was that?

23 A The maintenance administrators reported to me.

24 Q The two years is about March of '89 through March
25 of '91?

1 A I went in there in February of '89 and left -- I
2 actually left the Maintenance Center the end of January of
3 '91 to go to the Training Department, but the job title
4 wasn't effective until March. I was there a couple of
5 months earlier.

6 Q Have you had any other positions related to
7 installations and maintenance centers?

8 A No.

9 Q What was the one right before your assistant
10 manager here in Jacksonville at the IMC.

11 A I had an outside crew.

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24 A No. That happened to be where I was at at the
25 time.

1 Q Okay. When were you stationed at South Florida?

2 A I travel in my job. I wasn't stationed there. My
3 home is here. I went down there teaching a class.

4 Q Okay. And who is

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2 A So --

3 Q I understand.

4 A So I guess that's -- Yeah, that's what he had to
5 do with it.6 Q What was the memo, the best you can recall, that
7 you wrote to the MAs?8 A I remember writing the memo. It was something to
9 do with making sure we closed out cable failures to the
10 proper code.

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14 Q What was told to you?

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17 Q How would you identify this memo?

18 A You mean if I were to see it?

19 Q Well, how about if I were to ask for it, how would
20 I identify it so I could ask for this memo?21 A Well, probably I signed it, "John." That's how I
22 signed most of them that I wrote.

23 Q Was it handwritten or typed?

24 A No. It would have been typed.

25 Q And it was typed -- And it was addressed to whom?

1 A All maintenance administrators.

2 Q Do you recall about when you sent the memo?

3 A No, I don't.

4 Q But it would be while you were in the maintenance
5 center here in Jacksonville?

6 A Correct.

7 Q Okay. Now you said it was -- the memo generally
8 told them to make sure that they closed out reports to the
9 proper code?

10 A Um-ha. (Affirmative Response).

11 MR. MacLENNAN: You need to say out loud "Yes" or
12 "No."

13 A Yes.

14 Q Could you elaborate a little bit more on the memo,
15 what you recall?

16 A I told them to close out the cable failures to
17 Cause Code 320.

18 Q What is Cause Code 320?

19 A It is the code for -- to close out all multiple
20 cable failures where there's a sheath problem, hardware and
21 the plastics, et cetera, which covers anything where there's
22 a cable failure.

23 Q And is it your understanding that the memo told
24 persons to do the correct thing?

25 A Yes.

1 Q And I take it that from what was told to you that
2 somebody disagrees with that? Is that your understanding?

3 A That's my understanding.
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6 A Yes, I did.

7 Q What happened?
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11 A No, they haven't.
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13 A April the 14th of this year.
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16 A Yes, sir, that's correct.
17

18 A No.

19 Q Let me ask you about the interview that was
20 mentioned earlier on when Mr. Lackey was talking to you
21 about the investigation being claimed as privileged. Were
22 there any attorneys present while your statement was being
23 taken?

24 MR. LACKEY: Mr. Milton is not clear on that,
25 apparently.

1 Q Well, let me ask you: Who do you believe was
2 present when your statement was being taken?

3 A A security man, one person from Security.

4 Q How do you know he was from Security?

5 A He told me he was.

6 Q Do you recall what his name was?

7 A No, I do not.

8 Q Was anybody else present while your statement was
9 being taken?

10 A No.

11 Q Did you ever meet with any Southern Bell
12 attorneys?

13 A No.

14 Q Did you see any Southern Bell attorneys around
15 while your statement was being taken?

16 A No.

17 Q What did the security person tell you?

18 MR. LACKEY: I object to going into this. We have
19 a disagreement. Our records reflect that there was an
20 attorney present when Mr. Melton was interviewed.

21 MR. BECK: Well, the only evidence we have so far
22 is that there wasn't any.

23 MR. LACKEY: That's what he said. That's correct.

24 BY MR. BECK:

25 Q Okay. What did the security person tell you?

1 MR. LACKEY: Mr. Melton, I instruct you not to
2 answer that question on the grounds that to do so would
3 divulge privileged information.

4 Q Could you tell me what you told the security
5 person during the interview?

6 MR. LACKEY: I object to that question on the same
7 grounds.

8 Would you like me to restate the objection, or is
9 that sufficient?

10 MR. BECK: You're directing him not to answer, is
11 that correct?

12 MR. LACKEY: I'm directing him not to answer the
13 question.

14 MR. BECK: Oh, okay.

15 BY MR. BECK:

16 Q Do you recall what led you to write the memo about
17 closing out cable failures to Code 320?

18 A Yes.

19 Q What led you to write the memo?

20 A A discussion with my boss.

21 Q Who was that?

22 A Bob Wells.

23 Q I'm sorry. Bob who?

24 A Wells.

25 Q Wells. And what was that discussion you had with

1 Mr. Wells?

2 A It seems that one of the maintenance
3 administrators had improperly closed out a multiple cable
4 failure to the wrong code, and in order to prevent that from
5 happening again we talked about writing a memo so that they
6 would all be clear on what the proper code was to close them
7 out to.

8 Q Do you recall what code the NA had closed out the
9 multiple cable failure to?

10 A No, I do not.

11 Q Do you recall whether it was to a code that would
12 have excluded the failure from the Public Service Commission
13 requirement on out-of-service reports?

14 A No, I do not.

15 Q You just don't recall?

16 A I don't recall.

17 Q Okay. Was there anything else you recall Mr.
18 Wells telling you about the multiple cable failure being
19 closed to the wrong code?

20 A We discussed the fact that closing it out to the
21 proper code would take it out of the base for PSC --

22 Q What would have been --

23 A -- for one of the indexes of the results, showing
24 it to the proper code.

25 Q Okay. So as you understand it at least, what the

1 MA did was put it into the base, when in fact it should have
2 been out of the base?

3 MR. LACKEY: Let me object. You're
4 mischaracterizing his testimony. He testified he
5 doesn't have any recollection as to what the code was
6 the MA used.

7 MR. BECK: Well, he did say what the proper code
8 would or would not have done.

9 MR. LACKEY: He said what the proper code would
10 have done, but you go on, and he testified that he
11 remembers the MA's code would have done it the other
12 way, and he hasn't said that, and you can ask him
13 that.

14 MR. BECK: I will. Let me rephrase the question.

15 BY MR. BECK:

16 Q What do you recall Mr. Wells telling you about the
17 code that had been used by the MA?

18 A Nothing about that particular incident. We
19 discussed the code that should have been used, and he did
20 tell me that if we used the proper code that it wouldn't go
21 against the base.

22 Q Okay. And did he say that the proper code was
23 Code 320?

24 A Yes, he did.

25 Q Do you know what base he was referring to?

1 A The base for the index.

2 Q What index is that?

3 A Our objectives, you know, for reports and this
4 kind of thing.

5 Q Would the index, one of the indexes be the index
6 that requires 95% of customer generated out-of-service
7 reports to be repaired within 24 hours?

8 A I don't think it was elaborated on, just the term
9 "index" was used.

10 Q Do you have a -- or do your files have a copy of
11 that memo?

12 A No, they do not.

13 Q Did you check to see if it was in there?

14 A I don't have any of those files.

15 Q Okay. While you were at the Maintenance Center
16 were you having problems, any other problems coding multiple
17 cable failures?

18 A Not that I remember.

19 Q Are you generally familiar with the Commission
20 rule about out-of-service reports that I mentioned earlier?

21 A Yes.

22 Q And do you know that there are certain codes that
23 take the reports out of that requirement of the rule?

24 A Yes.

25 Q Would one of those codes be lightening, for

1 example?

2 A I think so.

3 Q Okay. Are there others that you know of that
4 would take it out of the operation of the rule?

5 A I can't recall now.

6 Q Do you have any knowledge of persons using an
7 exclude code, such as lightening, in instances where the
8 exclude code should not have been used?

9 A No, I do not.

10 Q Have you talked with anybody, or heard anything
11 about that being done?

12 A No.

13 Q Did you ever experience problems with persons
14 recording the cleared time the same as the close time on
15 reports?

16 A Yes. That happened on occasion.

17 Q Were any steps taken to try to get the word out on
18 the correct way to record the cleared time?

19 A Yes. We would detect some steps.

20 Q What steps do you recall?

21 A To make sure that the -- We would question the
22 technician that was working on the trouble in some cases to
23 make sure that the clear time and closed time were actually
24 what -- the times that they took place. In other words, if
25 the clear time was at 4:00 instead of 4:30 or 5:00, then we

1 needed to show it as such.

2 Q Do you know of any instances where persons have
3 recorded as a cleared time a time earlier than the time the
4 repair was actually made?

5 A No.

6 Q Okay. Have you talked with anybody or heard
7 anything about persons doing that?

8 A No. Not to my knowledge.

9 Q Okay. Again, as I ask you questions about have
10 you heard of or do you now, I'm excluding from those
11 questions anything that you may have been told by the
12 Southern Bell security person during your interview.

13 A Yeah.

14 Q Did you have a procedure in effect that would
15 require maintenance administrators to contact a manager to
16 get a close out code for any particular types of reports?

17 A Ask the question one more time, please.

18 Q Did you have a procedure in effect that would
19 require maintenance administrators to contact a manager to
20 get the close out codes for any particular types of reports?

21 A Not that I remember.

22 Q Okay. Let me give you an example. Did you have
23 any -- Were maintenance administrators ever directed to
24 contact the managers say on all out-of-service reports over
25 24 hours and get the manager to give the close out code for

1 the report?

2 A Yes and no, and let me tell you why I say that.
3 We required them to let us know if they had one going over
4 24, but we didn't furnish them the close out code. We
5 closed it to whatever the trouble was, but -- so we could
6 just keep up with the ones that went over 24 so that we
7 could be aware of it.

8 Q Okay. Do you know of or have you heard of any
9 instances of back timing the reports so that a report that
10 would have been over 24 hours was recorded as under 24
11 hours?

12 A Have I heard of it? Possibly. But we didn't -- I
13 didn't do any of that.

14 Q Did you know of anybody who did it in your center?

15 A No. No.

16 Q Now, other than just stuff you have heard in the
17 newspapers or anything, have you talked with anybody about
18 or heard anything specifically about persons doing that?

19 A No.

20 Q Do you have any knowledge of no access codes being
21 used at times when there, in fact, was no problem gaining
22 access?

23 A No.

24 Q Have you talked with anybody or heard anything
25 about persons doing that?

1 A No.

2 Q Are you familiar with the distinction between
3 customer generated reports and employee generated reports?

4 A Yes.

5 Q Do you know of any occasions where employee
6 generated reports were opened when, in fact, it should have
7 been a customer generated report?

8 A No.

9 Q Have you heard of that being done?

10 A No. Wait a minute. Yes, I have heard of it being
11 done.

12 Q Could you describe what you have heard?

13 A I heard that there were some folks doing that,
14 some service techs out of a cross box somewhere, and they
15 got terminated because of it.

16 Q Do you know where?

17 A It was down in South Florida, I think.

18 Wait a minute. Let me back up. Maybe they weren't
19 employee reports. They were just additional reports that
20 they were having made up just to increase their
21 productivity.

22 Q Okay.

23 A I don't think they had anything -- maybe I better
24 retract that. I don't think it had anything to do with
25 employee reports, and that's what you were asking about.

1 Q Yes.

2 A Okay. Let me back up on that.

3 Q What you're responding was just kind of the rumor
4 mill?

5 A Yeah.

6 Q You haven't spoken to anybody specifically about
7 that?

8 A No, I haven't.

9 Q Let me ask you about the creating of reports. Do
10 you have any knowledge of persons creating reports in order
11 to build up the base?

12 A Not other than what we just talked about.

13 Q The rumor mill?

14 A Yeah.

15 Q Okay. Are you familiar with a CON code that used
16 to be used?

17 A C-O-N code?

18 Q Yes.

19 A No.

20 Q Okay. Have you ever heard of a code being used on
21 occasions where a customer asked that the repair be done at
22 a later time than the one that was offered to the customer?

23 A With my two years in there I'm sure the situation
24 may have arisen, but I can't recall of a time right now when
25 it did.

1 Q Okay. Do you have any knowledge of affecting
2 service reports being statused as out-of-service reports?

3 A No.

4 Q Have you heard or talked with anybody about that
5 being done?

6 A No.

7 Q Do you have any knowledge of persons using
8 fictitious employee codes on service reports?

9 A No.

10 Q Have you heard or talked to anybody about that?

11 A No.

12 Q Do you have any knowledge about reports being, or
13 repair reports being falsified in any manner that we haven't
14 discussed here today?

15 A No.

16 Q And have you talked or heard anything about that
17 other than just general rumors?

18 A No.

19 Q Just a few more questions about the cable
20 failures. Am I correct that the one that was the problem
21 that preceded your writing the memo, that that counted
22 against you as far as the PSC commitment on the rules?

23 A I don't know if it counted against us as far as
24 the PSC rules go because our company indexes are more strict
25 than the PSC guidelines. It may have just counted against

1 us on the company index. I don't know.

2 Q Okay. If you know, did that miscode lead to you
3 missing the index in that month?

4 A I don't -- I don't know. I don't think so. We
5 had real good results. I don't know.

6 Q Do you recall which center or which exchange the
7 multiple cable failure was in?

8 A No, I do not.

9 Q What geographic area was covered by your center?

10 A Everything north and west of the St. Johns River.
11 You want the towns?

12 Q No.

13 Do you have any knowledge about any persons doing
14 anything with respect to the repair records that violated,
15 that purposely violated company policies or procedures?

16 A No.

17 MR. BECK: Mr. Melton, thank you. That's all I
18 have. There may be other questions.

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

20 MR. LACKEY: I would like to call you outside
21 again before we conclude the deposition.

22 (Brief recess).

23 MR. MacLENNAN: And I have no questions. I think
24 we made it clear that we would like to read it once the
25 deposition is transcribed.

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MR. LACKEY: I have no questions, so we are done.

(Witness excused).

(Whereupon, the deposition was concluded at 12:15 p.m.).

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AFFIDAVIT OF DEPONENT

This is to certify that I, JUDITH R. ROTE, have read the foregoing transcript of my testimony, Pages 1 through 30, given on July 31, 1992, in Docket No. 916163-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.

JOHN ROY MELTON, JR.

Sworn to and subscribed before me this _____ day of _____, 1993.

Print name here:
Notary Public - State of Florida
My Commission Expires:
My Commission No.:

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

CERTIFICATE OF OATH

I, the undersigned authority, certify that JOHN ROY MELTON, JR., personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 25th day of September, 1993.

Patricia H. Vierengel
PATRICIA H. VIERENGEL, Court Reporter
Phone: (904) 725-8657
Notary Public - State of Florida
My Commission expires:
My Commission No.:

**PATRICIA H. VIERENGEL
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES 6/21/97
COMM. # CC 296027**

1 STATE OF FLORIDA)
2 COUNTY OF DUVAL)

CERTIFICATE OF REPORTER

3

I, PATRICIA H. VIERENGEL, Court Reporter, DO HEREBY CERTIFY that I was authorized to and did stenographically report the foregoing deposition of JOHN ROY MELTON, JR.;

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I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, 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.

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DATED THIS 25th day of September, 1993.

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Patricia H. Vierengel

PATRICIA H. VIERENGEL, Court Reporter
Telephone No.: (904) 725-8657

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11 STATE OF FLORIDA)
12 COUNTY OF DUVAL)

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The foregoing certificate was acknowledged before me this 25th day of Sept., 1993, by PATRICIA H. VIERENGEL, who is personally known to me.

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Marie C. Gentry

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Print Name:

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Notary Public - State of Florida

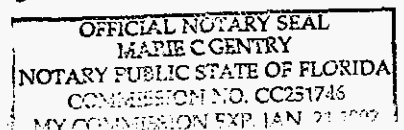
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My Commission No.:

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DOCKET NO.: 910163-TL FILED July 21, 1992

NAME: JOHN ROY MELTON, JR.

DATE: September 25, 1993

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