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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Petition on behalf of CITIZENS)
OF THE STATE OF FLORIDA to Initiate)
Investigation into Integrity of)
SOUTHERN BELL TELEPHONE & TELEGRAPH)
COMPANY's Repair Service Activities)
and Reports.)

DOCKET NO. 910163-TL

~~100000-74~~

COPY

DEPOSITION OF:	ALTHEA NICHOLS
TAKEN AT THE INSTANCE OF:	Citizens of the State of Florida, by and through Jack Shreve, Office of Public Counsel
DATE:	Thursday, July 30, 1992
TIME:	Commenced at 1:55 p.m. Concluded at 2:25 p.m.
PLACE:	6451 North Federal Highway Room 1015A Fort Lauderdale, Florida
REPORTED BY:	JANE FAUROT Notary Public in and for the State of Florida at Large

ACCURATE STENOGRAPHY REPORTERS, INC.
100 SALEM COURT
TALLAHASSEE, FLORIDA 32301
(904) 878-2221

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RECORDS/ACCOUNTING

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APPEARANCES:

REPRESENTING THE SOUTHERN BELL TELEPHONE AND
TELEGRAPH COMPANY:

HARRIS R. ANTHONY, ESQUIRE
BellSouth Telecommunications, Inc.
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Telegraph Company
c/o Marshall M. Criser, III
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REPRESENTING THE CITIZENS OF THE STATE OF FLORIDA:

SUE RICHARDSON, ESQUIRE
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REPRESENTING THE FLORIDA PUBLIC SERVICE
COMMISSION:

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REPRESENTING ALTHEA NICHOLS:

THERESE A. PIKE, ESQUIRE
Law Offices of Ted Crespi, P.A.
The 110 Tower, Suite 815
110 S. E. Sixth Street
Fort Lauderdale, Florida 33301

ALSO PRESENT:

WALTER BAER, Office of Public Counsel.
CARL VINSON, FPSC Division of Communications.

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I N D E X

WITNESS:

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1 Service Commission into the trouble reporting practices
2 of Southern Bell.

3 As you may know, Southern Bell conducted its own
4 investigation into the same matters, and that is a
5 privileged investigation. That means nobody can get
6 access to that investigation. So, to the extent that
7 you get any questions that may ask you to divulge
8 information that you have about that investigation,
9 what was said to you, if you participated, what you may
10 have said to somebody, I'm going to ask you not to
11 answer those questions as they come up.

12 To the extent you can answer questions with
13 knowledge other than from the investigation, you're
14 free to do so, unless the question is otherwise
15 objected to. And so you should answer the questions
16 fully and honestly. Okay? I just didn't want you to
17 be surprised. Thank you.

18 MS. PIKE: I'm going to ask that you answer all
19 the questions out loud, because the court reporter has
20 to take down everything you say. It's real important
21 that you give a hearty "yes" or "no," so she can take
22 down everything you say. Okay.

23 THE WITNESS: Okay.

24 MS. RICHARDSON: All right. And we are still
25 doing preliminary stuff here.

1 I would ~~like~~ to establish some common
2 understanding of some very general terms so that when
3 you and I both look at the record, we both know what we
4 meant by the responses, okay? And there is just two of
5 them. One of them is "I don't know." So, if you ever
6 respond to me, "I don't know," or if I ask you do you
7 know and you say "No," that means you have no personal
8 direct knowledge of what I've asked, okay, no firsthand
9 knowledge. And you don't have any information from
10 another source that you're aware of. Is that
11 acceptable for you?

12 THE WITNESS: Yes.

13 MS. RICHARDSON: Thank you. Okay. And then
14 pretty such the ~~same~~ thing for "I can't remember" or "I
15 don't recall." If you use that for me, that tells me
16 that you have absolutely a blank memory in that
17 respect. If there is something sort of hanging out
18 here you're not real sure about it but you have heard a
19 little bit of something, then if you would, tell me, "I
20 don't remember, ~~but~~ there is something here." That
21 gives me an opportunity to maybe do some more questions
22 or try to refresh your memory or bring it back more
23 clearly. Is that acceptable?

24 THE WITNESS: Yes.

25 MS. RICHARDSON: Okay.

1 DIRECT EXAMINATION

2 BY MS. RICHARDSON:

3 Q And if you would, I would like to start by having
4 you give the court reporter your name, and to spell it for
5 her, so we have it accurately.6 A My name is Althea Nichols, A-L-T-H-E-A, last name,
7 N-I-C-H-O-L-S.8 Q And your address, please?
910
11 Q And a zip code?
1213 Q Thank you. Ms. Nichols, what is your present
14 position with the Company?15 A My present position is assistant manager in the
16 South Broward IMC.

17 Q Okay. And how long have you held this position?

18 A A little less -- three years. Three years.

19 Q And what is your present pay grade?

20 A Pay Grade 3.

21 Q And who is your present supervisor?

22 A Nicole Maxfield.

23 Q And who is her supervisor?

24 A Mr. Izzy Perera.

25 Q And what did you do prior to this position?

1 A I worked in Miami on a PLRMS project.

2 Q Would you spell that?

3 A P-L-R-M-S.

4 Q And --

5 A Plant location management system.

6 Q Thank you. There are so many acronyms, I lose
7 some of them. And I've never heard that one, so that's a
8 new one on me. What exactly did your job require you to do?

9 A I supervised dispatch clerks to verify cable plats
10 for mechanized data base.

11 Q Is this related to the data base that's used by
12 TRACKER and ACORR, A-C-O-R-R?

13 A I'm not sure. I'm not exactly sure.

14 Q Okay. What happened after you sent your people
15 out and the cables were platted? What happened with that
16 information? How was it used?

17 A The information was just verified from an outside
18 vendor, and loaded into a computer base. Wherever it was
19 disseminated, I do not know.

20 Q Okay. For ~~example~~, then, I get the impression
21 that maybe if somebody wanted to do some digging, they would
22 call and then that would be the information that would be
23 pulled up to tell them where the cable was?

24 A I'm not sure.

25 Q You're not sure. Okay. When did you start with

1 the Company?

2 A I started in November of 1973.

3 Q Okay. And what was your entry level position?

4 A Repair clerk.

5 Q Repair clerk. And what did you do as a repair
6 clerk?

7 A At that time I worked in a manual environment
8 taking repair reports.

9 Q You mean like customer troubles?

10 A Customer troubles.

11 Q Residence and business?

12 A Yes.

13 Q Okay. And how did it work back in 1973, the
14 repair process, taking troubles? How did it work back then?

15 A The customer called directly into the repair
16 clerk. The repair clerk took the trouble report, processed
17 it on a paper ticket, and it was basically handled like they
18 do now. It was tested and dispatched.

19 Q All right. And then how was it -- after it was
20 repaired, do you know what happened then? Was that part of
21 your process, also?

22 A That was not part of my process. My process was
23 to talk to the customer and just take it on the paper
24 ticket.

25 Q Okay. And then --

1 A Pass it over to the tester.

2 Q And the tester, then, would make sure it was
3 dispatched if it needed to be?

4 A If it was needed to be.

5 Q Okay. Then how is that process handled now,
6 today?

7 A In a mechanized environment.

8 Q Can you elaborate just a little bit more? I'm not
9 asking for, you know, down to the nth detail; I'm trying to
10 get some feel of what you know about the customer trouble
11 report process?

12 A Okay. Mechanized, it goes to an answering service
13 bureau and it comes into the IMC for handling, testing and
14 dispatching.

15 Q What about the clearing and closing? I mean, once
16 it is dispatched it's still just sort of open and out there,
17 isn't it? How do you get these reports cleared and closed
18 out of the system?

19 A The reports are dispatched in the system to a
20 technician. The technician closes the report when he is
21 through with it.

22 Q Okay. Is part of your duties in the IMC where you
23 are now -- you said you were assistant manager, is that what
24 you told me?

25 A Yes.

1 Q Okay. Do part of your duties encompass that
2 customer reporting process, that trouble reporting process
3 and handling those reports?

4 A I'm not exactly sure what you mean by that.

5 Q Let me back up, then. I asked you what your prior
6 duties were. What are your present duties? What are you
7 responsible for?

8 A My present duties are -- I have the MAs, and what
9 they do is the analysis of the trouble reports.

10 Q Okay. And so the MA reports to you and you are
11 responsible for supervising them?

12 A Yes.

13 Q Okay. In that scope of your duties, then, are you
14 required to be familiar with disposition codes and cause
15 codes and clearing a report out?

16 A Yes.

17 Q And disposition?

18 A Yes, I was.

19 Q Okay. And are you responsible also for seeing
20 that the reports get closed properly?

21 A For the maintenance administrators, yes.

22 Q So, your responsibility would not be on the
23 clearing and closing by STs in the field, then, is what
24 you're saying?

25 A No.

1 Q Okay. And **that** has been within the last three
2 years?

3 A Yes.
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19 A In my office?

20 Q Or anywhere within the Company recently in terms
21 of this investigation.

22 A Just two young ladies in my office.

23 Q And would you please give me their names?

24 A

25 Q

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Q Do you feel that was based upon something you had told him?

A Yes.

Q Okay. And would you please explain?

- 1 Q Okay. And did he get back to you then?
- 2 A Yes, he did.
- 3 Q And what did he tell you?
- 4 A He felt, based on the information that I gave him,
5 that the entry was not warranted.
- 6 Q And he removed it then?
- 7 A Yes.
- 8 Q Okay. (Pause) Ms. Nichols, do you know of anyone
9 who has backed up repair times to meet the out-of-service
10 index of 95 percent?
- 11 A No.
- 12 Q Are you aware of the rule that requires
13 out-of-services to be cleared within 24 hours and to the 95
14 percent level?
- 15 A I'm aware of that rule, yes.
- 16 Q Have you, yourself, then, ever backed up the times
17 on a trouble report?
- 18 A No.
- 19 Q Have you ever directed anyone to back up the
20 times?
- 21 A No.
- 22 Q Okay. Outside of your one conversation with the
23 discipline committee or the people who at first administered
24 the discipline, have you ever heard of people backing up the
25 times on trouble reports?

1 A No.

2 Q Do you know of any procedures in place in an IMC
3 where you have worked where the maintenance administrators
4 were told to call a manager to get disposition and cause
5 codes before closing out reports that were about to go
6 out-of-service over 24 hours?

7 A No.

8 Q Have you ever heard of that being done?

9 A No.

10 Q Have you ever directed any of your MAs to do that?

11 A No.

12 Q Are you familiar with the no access code, the
13 disposition or intermediate status code of no access, the
14 NAS?

15 A Yes.

16 Q Okay. And what is your knowledge of that code?
17 What is your understanding that it means?

18 A A report is no access when a technician needs
19 entry into a customer's premise.

20 Q Needs entry, in other words, he didn't get entry?

21 A He either cannot receive entry into the premise or
22 he cannot get to the protector because of a locked gate
23 or --

24 Q Something of that nature?

25 A Right, some entry.

1 Q Okay. Do you know if a no access on a trouble
2 report stops the repair clock for that report in terms of
3 the 24 hours, the commitment to get that report cleared
4 within 24 hours? Do you know if the no access stops the
5 clock?

6 A No, I don't know that.

7 Q You don't know that. Okay. Have you ever heard
8 of anybody using the no access code to stop the clock on a
9 repair report?

10 A No.

11 Q Okay. Do you know what it means to exclude a
12 trouble report?

13 A Yes.

14 Q And would you tell me your understanding of what
15 it means to exclude a trouble report?

16 A Reports are excluded according to reasons given to
17 us in our Bell systems practice and procedures.

18 Q Okay. And can you identify some of those reasons
19 for me, just to clarify?

20 A One reason would be a report that only involves an
21 intercarrier, Sprint or AT&T or a common carrier.

22 Q So the trouble is related to Sprint and not
23 Southern Bell?

24 A Correct.

25 Q Would there be any other types that you can think

1 of right offhand?

2 A Another instance would be somebody, a third-party
3 call of a legitimate busy. If the customer -- if another
4 party is trying to reach a number, and that line has been
5 busy, legitimately busy, or off the hook, then that meets
6 the exclude criteria.

7 Q Okay. Would it be proper under Company
8 procedures, then, to exclude an out-of-service report?

9 A No. No.

10 Q All right. Do you know of anyone, then, who has
11 intentionally excluded an out-of-service report?

12 A No one.

13 Q Now, do you know of anyone who may have
14 misinterpreted the procedures and was excluding reports?

15 A No.

16 Q Have you ever heard of that being done?

17 A No.

18 Q And have you ever done that yourself?

19 A No.

20 Q Have you ever directed anyone to exclude
21 out-of-service?

22 A No.

23 Q Do you know of anyone who has excluded an
24 out-of-service report or closed one before, so that it
25 wouldn't go out over 24 hours, and then reopened it as a new

1 report in order to ~~clear~~ and close it?

2 A No.

3 Q Okay. Have you ever heard of that being done?

4 A No.

5 Q You have never directed anyone to do that?

6 A No.

7 Q And you have never done that yourself?

8 A No.

9 Q Do you know what a commitment time is on a report?

10 A Yes.

11 Q And would you briefly tell me what your
12 understanding is?

13 A A commitment time is the time that's given to the
14 customer when service will be cleared.

15 Q Okay. Do you know what a carryover no or the
16 C-O-N, CON code is?

17 A Yes.

18 Q And what is your understanding of what that is?

19 A If a customer requests an appointment outside of
20 the appointment interval that the Company is offering, then
21 that would meet the criteria for a CON.

22 Q Okay. What about when the Company knows it can't
23 make the commitment and calls the customer before the
24 commitment time, and renegotiates that commitment? Would
25 the CON code be appropriate then?

1 A No.

2 Q Do you know of anyone who has used the CON code to
3 stop the clock on the repair time of a report?

4 A No.

5 Q Have you heard of that being done?

6 A No.

7 Q Have you ever done so yourself?

8 A No.

9 Q Have you ever directed anyone to do so?

10 A No.

11 Q Do you know of anyone who has extended a
12 commitment time without contacting a customer?

13 A No.

14 Q Do you know of anyone who may have done so and
15 told you they had done so unintentionally?

16 A No.

17 Q Is it proper under Company procedures to take test
18 okay reports and close them out as out-of-service?

19 A Repeat that again.

20 MS. PIKE: Do you know what a test okay report is?

21 THE WITNESS: Yes.

22 BY MS. RICHARDSON:

23 Q Is it proper under Company procedures to take a
24 test okay report and close it out as an out-of-service
25 report?

1 A No.

2 Q Okay. Do you know of anyone who has taken test
3 okay reports and closed them out as out-of-service?

4 A No.

5 Q Okay. Have you ever directed anyone to do so?

6 A No.

7 Q And have you ever done so yourself?

8 A No.

9 Q Do you know of anyone who has violated Company
10 procedures?

11 A No. (Pause)

12 Q And that is intentionally or unintentionally that
13 you may know about?

14 A No.

15 Q And have you ever done so yourself?

16 A No.

17 Q And have you ever directed anyone to do so?

18 A No.

19 Q Do you know of anybody who has used someone else's
20 employee code to status a trouble report?

21 A No.

22 Q Have you ever heard of that being done?

23 A No.

24 Q Have you ever done that yourself?

25 A No.

1 Q And have ~~you~~ ever directed someone else to do so?

2 A No.

3 Q Okay. Are you familiar with disposition and cause
4 codes that would take an out-of-service report and exclude
5 it from that 95 percent base?

6 A No.

7 Q Or exempt it from being counted in that base?

8 A No.

9 Q All right. Let me try a few on you. For
10 instance, let's try this one: If the trouble was found to
11 be in the customer's own telephone set, okay? And it had
12 been out-of-service, and it was closed with a disposition
13 code of 1200, inside wire. Do you recognize that code, the
14 1200 codes, inside wire codes?

15 A Yes.

16 Q Okay. Do you know if that particular report,
17 then, would be counted in the out-of-service-over-24-hours
18 index report?

19 A No, I'm not familiar with that.

20 Q You're not familiar with that.

21 A Huh-uh.

22 Q Let's take a cause code. Let's say there is a
23 hurricane and lots of lines go down. And we have a lot of
24 trouble reports that can't get cleared within 24 hours, and
25 we close them or the Company closes them to the hurricane

1 weather code. Do you know if those reports would be counted
2 in that out-of-service index?

3 A I don't know.

4 Q You don't know if they would?

5 A Right.

6 Q Do you know of anyone who has used any means
7 whatsoever to manipulate this 95 percent index base to make
8 sure that it was met?

9 A No.

10 Q Have you ever heard of that being done?

11 A No.

12 Q Have you ever done that yourself?

13 A No.

14 Q And have you ever directed anyone to do so?

15 A No.

16 Q Do you know of anyone who has falsified a customer
17 record?

18 A No.

19 Q Have you ever heard of that being done?

20 A No.

21 Q And have you ever done that yourself?

22 A No.

23 Q And have you ever directed anyone to do so?

24 A No.

25 Q Do you know of any other means of excluding an

1 out-of-service report from that 24-hour base?

2 A No.

3 Q Ms. Nichols, have you ever reported any employee
4 for mishandling customer reports?

5 A No.

6 Q Have you ever seen or noticed an employee engaged
7 in what you may have thought would be questionable handling
8 of customer records and reports?

9 A No.

10 Q Do you know if anyone has ever reported you for
11 mishandling customer reports?

12 A No.

13 MS. RICHARDSON: Ms. Nichols, I want to thank you
14 for your presence here today, and I appreciate your
15 time. I have no further questions, but the Public
16 Service Commission may have one or two for you. Thank
17 you.

18 CROSS EXAMINATION

19 BY MR. GREER:

20 Q Ms. Nichols, I have a couple. Can you tell me
21 what your opinion is of a test okay report?

22 A My opinion?

23 Q Well, what do you consider a test okay report?

24 A A test okay report is a report when you have
25 contacted the customer and there is nothing wrong with the

1 telephone network, meaning the delivery of dial tone or --
2 he is not experiencing any problems with his telephone
3 service.

4 Q Isn't it possible to have an out-of-service and
5 status it as an out-of-service report and it tests okay
6 later, heavy rains possibly?

7 A Rephrase that again.

8 Q Isn't it possible to have a customer direct report
9 which is stasured out-of-service, which will later test
10 okay, you know cable dries up, something of that
11 nature?

12 A Yes.

13 Q Okay. Are there weather exclude codes? I mean
14 are there codes, cause codes, that are weather-related?

15 A I'm not totally familiar with -- there are the
16 cause codes, but how they are weather-related, I'm not
17 totally familiar with those.

18 Q Does weather exclude some reports from being in
19 the out-of-service base?

20 A I can't answer that. I don't know.

21 MR. GREER: That's all I have. Thank you.

22 MR. ANTHONY: I don't have anything.

23 CROSS EXAMINATION

24 BY MS. PIKE:

25 Q I have one question for you. When you appealed

1 your disciplinary entry with Mr. Sanders and ultimately
2 prevailed on that, did Mr. Sanders provide you with any
3 information about the credibility of the source that
4 allegedly implicated you?

5 A He stated that based on his review of the
6 information that I had given him, that the persons that, on
7 the initial interview, that said that I would have
8 instructed them, that he later determined that based on that
9 person, that the statement or whatever, was not credible.
10 The person was not valid. And he feels that the entry
11 should be removed.

12 MS. PIKE: Thank you. No other questions.

13 MR. ANTHONY: Thank you, Ms. Nichols.

14 MS. RICHARDSON: I think I would like one
15 follow-up to that.

16 REDIRECT EXAMINATION

17 BY MS. RICHARDSON:

18 Q In that particular conversation when he was
19 telling you that that person was not credible, did he give
20 you any other indication, then, about what that person had
21 indicated you had told them to do?

22 A No, he did not.

23 Q And did he explain why that other person's
24 testimony against you was not credible?

25 A No, he did not.

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MS. RICHARDSON: Thank you.
(The deposition concluded at 2:25 p.m.)

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CERTIFICATE OF ADMINISTERING OATH

STATE OF FLORIDA:
COUNTY OF LEON:

I, JANE FAUROT, Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that on the date and place indicated on the title page of this transcript, an oath was duly administered by me to the designated witness(s) before testimony was taken.

DATED THIS 27th day of September, 1993.



JANE FAUROT
MY COMMISSION # CC295576 EXPIRES
July 16, 1997
BONDED THRU TROY FAIR INSURANCE, INC.

Jane Faurot
JANE FAUROT
100 Salem Court
Tallahassee, Florida 32301
(904) 878-2221

MY COMMISSION EXPIRES: 7/16/97

CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

I, JANE FAUROT, Court Reporter, do hereby certify that the foregoing proceedings was taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages numbered 1 through 27 are a true and correct record of the proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

DATED THIS 27th day of September, 1993.

Jane Faurot
JANE FAUROT
100 Salem Court
Tallahassee, Florida 32301
(904) 878-2221

SWORN TO AND SUBSCRIBED TO BEFORE ME THIS 27th day of September, 1993, IN THE CITY OF TALLAHASSEE, COUNTY OF LEON,

1 STATE OF FLORIDA, BY THE ABOVE PERSON WHO IS PERSONALLY
2 KNOWN BY ME.

3 *Melanie Bradford*
4 NOTARY PUBLIC
5 STATE OF FLORIDA

