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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

900360-TL

COPY

DEPOSITION OF:	WILLIAM DAVID MORRIS, III
TAKEN AT THE INSTANCE OF:	Citizens of the State of Florida, by and through Jack Shreve, Office of Public Counsel
DATE:	Monday, July 27, 1992
TIME:	Commenced at ??:00 a.m. Concluded at 8:58 a.m.
PLACE:	666 N.W. 79th Avenue Room 642 Miami, 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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APPEARANCES:

REPRESENTING THE SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY:

HARRIS R. ANTHONY, ESQUIRE
BellSouth Telecommunications, Inc.
d/b/a Southern Bell Telephone & Telegraph Company
c/o Marshall M. Criser, III
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

REPRESENTING THE CITIZENS OF THE STATE OF FLORIDA:

SUE RICHARDSON, ESQUIRE
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street
Room 812
Tallahassee, Florida 32399-1400

REPRESENTING THE FLORIDA PUBLIC SERVICE COMMISSION:

JEAN WILSON, ESQUIRE and
STAN GREER, Class B Practitioner
FPSC Division of Legal Services
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0863

REPRESENTING WILLIAM DAVID MORRIS, III:

ROBERT N. SCOLA, JR., ESQUIRE
Quinion, Strafer & Scola, P.A.
2400 South Dixie Highway
Second Floor
Miami, Florida 33133

ALSO PRESENT:

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

* * * * *

I N D E X

WITNESS:

PAGE NO.

WILLIAM DAVID MORRIS, III

Direct Examination by Ms. Richardson

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CERTIFICATE OF REPORTER

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S T I P U L A T I O N S

1
2 The following deposition of WILLIAM DAVID MORRIS,
3 III, was taken on oral examination, pursuant to notice, for
4 purposes of discovery, for use in evidence, and for such
5 other uses and purposes as may be permitted by the Florida
6 Rules of Civil Procedure and other applicable law. Reading
7 and signing of said deposition by the witness is not waived.
8 All objections, except as to the form of the question, are
9 reserved until final hearing in this cause; and notice of
10 filing is waived.

11 * * * * *

12 Thereupon,

13 WILLIAM DAVID MORRIS, III
14 was called as a witness, having been first duly sworn, was
15 examined and testified as follows:

16 MS. RICHARDSON: And, Mr. Scola, would you like to
17 put yourself down as appearing here today?

18 MR. SCOLA: I'm Robert Scola, appearing on behalf
19 of Bill Morris.

20 MR. ANTHONY: Okay. Before we get into the
21 preliminaries, I'll do the pre-preliminaries.

22 Mr. Scola, just for your information, we have had
23 some stipulations that the constant parties have agreed
24 to here, which is that the deposition was taken
25 pursuant to proper notice and that we don't go off the

1 record without the witness' consent; that we will not
2 waive reading and signing, and that any objections,
3 except as to the form of the question, will be deferred
4 until the use of the transcript at hearing or some
5 other use similar in nature. Those are agreeable to
6 you?

7 MR. SCOLA: That's fine.

8 MR. ANTHONY: The only other thing that I would
9 like to put on the record again is the fact that this
10 deposition relates to things that were also the subject
11 of an investigation undertaken by Southern Bell's Legal
12 Department, which investigation is privileged. And,
13 Mr. Morris, to the extent that somebody may ask you a
14 question about anything that you may have learned, and
15 it may not be anything at all, but in the event a
16 question does come up about something you may know, or
17 learned, or discussed in the context of that
18 investigation, I'm simply going to instruct you not to
19 answer the question, because it is privileged; and,
20 therefore, is not subject to discovery. Anything else,
21 that you can answer the question independent of what
22 may have come up in that investigation, if anything, of
23 course, you're free to answer. And I would expect that
24 you would answer that fully and honestly. So if that
25 is agreeable, since that is what we have said all

1 along, I'm finished with my pre-preliminaries.

2 MS. RICHARDSON: Okay. And I'll start on mine.
3 And I only have two definitions that I would like to
4 get clear on the front end, so that we both understand.
5 If you respond "I don't know" or I ask you do you know
6 about something and you say, "No," what I am asking for
7 is not only personal and direct knowledge that you may
8 have, but any secondhand knowledge, any hearsay, any
9 rumors, anything that you may have out there, if there
10 is anything, in other words, your mind is not a blank,
11 then "I don't know" is not a proper response. Okay,
12 you do know something about it. Are we clear on that
13 one?

14 THE WITNESS: Okay.

15 MS. RICHARDSON: It's basically the same type of
16 definition for "I can't remember" or "I can't recall."
17 If you have an absolute blank, if you say, "I can't
18 remember" or "I can't recall," or I ask you do you
19 remember or do you recall and you say, "No," that tells
20 me that nothing, not rumor, not hearsay, no secondary
21 knowledge, as well as no personal or direct knowledge.
22 And are we clear on that?

23 THE WITNESS: Yes.

24 MS. RICHARDSON: And the last one, if I ask you do
25 you know of any employee or do you know anyone that has

1 done this, that or the other, when I say, "Do you
2 know," I mean for yourself, as well as any other
3 employee out there. So, when you're responding to a
4 question, "Do you know about disposition codes?" Okay,
5 that response, if you say "Yes," would be for yourself
6 as well as perhaps anyone else that performs your same
7 function. Or if I ask you, "Do you know of anyone
8 falsifying a report," that means you personally, yes or
9 no, and anyone else, yes or no. Are we clear on that?

10 THE WITNESS: Okay.

11 MS. RICHARDSON: Okay. And I guess the last
12 thing, to help our court reporter, if you would speak
13 clearly and succinctly and loud enough for her to get
14 everything down, we would appreciate that.

15 THE WITNESS: Okay.

16 MS. RICHARDSON: Okay. Do you have any questions
17 before we get started?

18 THE WITNESS: No.

19 DIRECT EXAMINATION

20 BY MS. RICHARDSON:

21 Q Mr. Morris, would you please state your name for
22 the record, your full name?

23 A William David Morris, III.

24 Q Okay. And Morris is M-O-R-R --

25 A I-S.

1 Q I-S. Okay. And your address, please?

2 A

3 THE REPORTER: Could you spell that for me?

4 THE WITNESS:

5 BY MS. RICHARDSON:

6 Q Okay. And what is your present position?

7 A Dispatch control foreman.

8 Q Dispatch control foreman?

9 A Yes.

10 Q And who is your present supervisor?

11 A April Ivy.

12 Q And who is Ms. Ivy's supervisor, one level above
13 her?

14 A Ted Rubin.

15 Q And that's R-U-B-I-N?

16 A Right.

17 Q Okay. And where are your present activities
18 located, which center?

19 A That's the South Dade Maintenance Center.

20 Q You're in South Dade. I'm going to have to ask
21 you to speak up just a little bit. I think she's having
22 trouble hearing you.

23 How long have you been at the South Dade Center?

24 A Since October of 1989.

25 Q And where were you prior to that?

1 A In the Central Maintenance Center.

2 Q Is that before or after it was merged with Metro?

3 A Before.

4 Q Okay. Were you there after it was merged with
5 Metro?

6 A No.

7 Q Okay. That's when you moved?

8 A Prior to that merger, I moved to -- in '89 I moved
9 from there.

10 Q Okay. How long have you been with the Company?

11 A Twenty-three years.

12 Q And what did you begin -- what was your entry
13 level position?

14 A They called them an IR then, station technician.

15 Q All right. In your present position and any prior
16 positions that you have held with the Company, are you
17 familiar with the customer trouble reporting process?

18 A Yes.

19 Q All right. And are you familiar with the initial
20 reporting and handling, initially through LMOS, the customer
21 trouble reports?

22 A Yes.

23 Q Are you familiar with the disposition and cause
24 codes used?

25 A Yes.

1 Q Are you familiar with what an exclude is? When a
2 report is excluded, what happens?

3 A I'm really not sure.

4 Q Are you responsible for closing out reports?

5 A No.

6 Q Have you ever been responsible for closing out a
7 customer trouble report?

8 A 1979.

9 Q 1979. And what position did you hold in 1979?

10 A They were called test desk foremen then.

11 Q Okay. And what were the responsibilities of a
12 test desk foreman?

13 A To oversee the testing and dispatching and closing
14 out of trouble reports.

15 Q Okay. Your present position as a dispatch foreman
16 involved what responsibilities?

17 A Matching force to the load every day, moving the
18 guys around, making sure that I have enough people in each
19 area to clear the troubles or install the lines that I have
20 to get done that day.

21 Q All right. And if you don't have enough people,
22 what do you do?

23 A I ask my boss for help.

24 Q Ms. Ivy?

25 A Yes.

- 1 Q And has this occurred in the past?
- 2 A Yes.
- 3 Q And how has it been handled?
- 4 A They will go outside the district and try and get
5 help if someone else can afford to give us help.
- 6 Q All right. Would you pull employees, say, from
7 construction or another area?
- 8 A Not from another area.
- 9 Q Okay. From within your own area, would you pull
10 people off construction or other activities?
- 11 A Sometimes.
- 12 Q Okay, sir. Mr. Morris, have you heard or do you
13 have any knowledge of anyone, any employee, and this, again,
14 includes yourself, of backing up repair times in order to
15 meet the out-of-service index over 24 hours?
- 16 A Only after this incident started, you know, from
17 newspaper reports and what was going on and stuff.
- 18 Q Okay. So, your knowledge comes from the
19 newspaper?
- 20 A Right.
- 21 Q Is that the only source you have?
- 22 A Basically.
- 23 Q Okay. When you say "basically," do you mean you
24 may have discussed these kinds of things with other people?
- 25 A About, you know, just what they read in the

1 newspaper and what we read, but nobody has ever said
2 anything other than that.

3 Q Would you tell me what you read in the newspaper?

4 A Just that we were accused of withholding monies
5 from people that were due rebates.

6 Q And when does a person become entitled to a
7 rebate?

8 A After their phone is out-of-service for 24 hours.

9 Q All right. And what would prevent them from
10 getting a rebate?

11 A If it was closed out prior to that. Like I say,
12 what I have been reading, that they closed it out or backed
13 up times.

14 Q Okay. And when you discussed these matters with
15 other people, did they share any personal knowledge or
16 experience outside of the newspaper reports?

17 A No.

18 Q Are you familiar with maintenance administrators
19 having to call their manager before closing out a report, an
20 out-of-service report, to get permission to do that?

21 A No.

22 Q Are you familiar with anyone statusing an
23 affecting service report as an out-of-service report in
24 order to build the base?

25 A No.

1 Q Are you familiar with anyone -- and this, again,
2 all of these include yourself?

3 A Right.

4 Q Okay. Leaving an affecting service status on a
5 report and closing it out as affecting service instead of
6 stroking it out-of-service, when it should have been?

7 A No.

8 Q Okay. Are you familiar with anyone who used the
9 no access code to stop the clock on a repair time?

10 A No.

11 Q Are you familiar with anyone using the carryover
12 no or CON code to stop the clock on the commitment or repair
13 time?

14 A No.

15 Q Are you familiar with anyone excluding reports in
16 order to keep them from being counted on the repair index?

17 A No.

18 Q Do you know what the exclusion codes are? Do you
19 know what is involved in an exclusion code?

20 A Honestly, no.

21 Q Okay. If a trouble, an out-of-service trouble,
22 has been closed or the disposition code used on closing this
23 particular trouble was flood, would that particular report
24 be counted in the PSC repair index for 95 percent?

25 A I don't really know.

1 Q You don't know.

2 A The part of the business I work in wouldn't use
3 that code, that I know of.

4 Q The part that you work in right now?

5 A Yes, that I know of.

6 Q What about in '79? I know that's asking you to
7 think back.

8 A I don't think there was such a thing. I would say
9 there was not such a thing back then.

10 Q Okay. In '79, if you will think back to when you
11 were closing out reports, did you use disposition codes on
12 close out?

13 A Yes.

14 Q And what was your understanding of the purpose of
15 the disposition code?

16 A My understanding was it was a tracking vehicle, so
17 we knew, you know, what the customer's problem was.

18 Q Okay. Are you familiar with, when I say "repair
19 index," what I'm referring to? Do you understand that term?

20 A Report rate.

21 Q Report rate, and the report rate goes just for the
22 Company or to the Public Service Commission, the quality of
23 service? Generally, what is your understanding of that?

24 A To me, it's a measurement for us so we can tell
25 what we are doing, what our report rate is.

1 Q Okay. And what is the measurement that you were
2 supposed to meet?

3 A In '79, I couldn't tell you.

4 Q Do you know what it is at present? Since dispatch
5 and force to load and being able to cure problems comes
6 under being able to fix the problems in time and meet the
7 report rate, do you know what it is at present?

8 A Honest, no. I think it's about a five. I don't
9 know. I don't pay any attention to it.

10 Q So, you think you can miss about 5 percent of the
11 trouble? Is that what you're saying?

12 MR. ANTHONY: I think you all are talking past
13 each other. He is talking about report rate, which is
14 different from the Commission index.

15 MS. RICHARDSON: Okay. Then I need to -- I need
16 to clarify that. Thank you.

17 BY MS. RICHARDSON:

18 Q The report rate, when you say "report rate," if
19 you would be more clear for me, because this is all somewhat
20 new terminology, and I want to make sure we are
21 communicating clearly. As Mr. Anthony pointed out, we
22 probably, may be talking past each other.

23 A The report rate to me is the number of customer
24 reports per 100 lines that we have that we take.

25 Q Okay. Are you familiar with a company requirement

1 or a Public Service Commission requirement, that 95 percent
2 of all out-of-service troubles be cleared within 24 hours?

3 A Yes, I am.

4 Q All right. That is the one I'm referring to.

5 A Okay.

6 Q Okay. Now on the 95-percent-rate-index, are you
7 familiar with anyone who has closed out an affecting service
8 report as an out-of-service in order to build the base to
9 meet that index?

10 A No.

11 Q Okay. Are you familiar with anyone who may have
12 used a dummy number or an unassigned employee code on the
13 report that goes on a customer trouble report, the
14 intermediate statuses that get placed in a dispatch status?

15 A No.

16 Q Okay. Are you familiar with any employee -- and,
17 again, all of these include yourself in this question -- who
18 has used someone else's employee code, a legitimate code,
19 but not their own personal number in statusing trouble
20 reports?

21 A No.

22 Q Are you familiar with anyone who has falsified a
23 customer trouble report?

24 A No.

25 Q

1 Company at any point since 1979?

2 A Yes.

3 Q All right.

4

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6 row. If we need to take them singly, we can.

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24 Q All right. And was this Ms. Ivy that was present?

25 You said your supervisor?

1 A Ted Rubin.

2 Q Ted Rubin was present. And you're not sure, was
3 it perhaps Hilda Geer?

4 A That's who it was. Yes, that's the name.

5 Q Was the other person present?

6 A Right.

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16 A Yes.

17 Q Would you please tell me who?

18 A that I know of for sure, and other
19 people I don't really know for sure.

20 Q Okay. But you have, maybe, some hearsay that
21 other people have been disciplined?

22 A Yes.

23 Q Okay. Do you know if a customer is supposed to
24 get a rebate if his phone is out-of-service over 24 hours?

25 A As far as I know, yes.

1 Q Do you know of anyone who has miscoded a customer
2 trouble report form with the result that the customer who
3 should have gotten a rebate did not get a rebate?

4 A No.

5 Q Okay. Do you know of anyone, any employee for the
6 Company who was dispatched out on a service to correct a
7 problem and miscoded that problem to an excludable code, for
8 instance, a CPE or an inside wire code?

9 A No.

10 Q If a customer's trouble was closed to an inside
11 wire code, and it had gone out over service 24 hours, would
12 that customer be eligible for a rebate?

13 A I don't know.

14 Q Has anyone in the Company discussed your
15 deposition today with you?

16 A Yes.

17 Q And who would that be?

18 A The guy that was here before. He just told me
19 what the deposition was, that you were going to ask me
20 questions.

21 Q Is that Mr. Carver?

22 MR. ANTHONY: The fellow with the beard?

23 THE WITNESS: Yes, the little guy with the beard.

24 MS. RICHARDSON: Is that Mr. Carver?

25 MR. ANTHONY: Mr. Carver.

1 BY MS. RICHARDSON:

2 Q And that was just recently, then, in setting up
3 the time and the deposition?

4 A Right.

5 MS. RICHARDSON: All right. Thank you. I think
6 Ms. Wilson and Mr. Greer may have some questions for
7 you, Mr. Morris.

8 MR. GREER: I don't think we do.

9 MS. RICHARDSON: Do you have any?

10 MR. ANTHONY: I don't have any.

11 MS. RICHARDSON: Mr. Scola?

12 MR. SCOLA: No questions.

13 MR. ANTHONY: Thank you, Mr. Morris.

14 MS. RICHARDSON: Thank you. I appreciate you
15 coming by this afternoon.

16 (The deposition was concluded at 2:00 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 FAIN 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 20 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 28 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.

Melanie Y. Bradford
NOTARY PUBLIC
STATE OF FLORIDA



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