

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICANTS: HONORABLE SODY CLEMENTS,)
an Individual and Oklahoma Resident on behalf of)
herself and others similarly situated: LT. GENERAL)
(Ret.) RICHARD A. BURPEE, an Individual and)
Oklahoma Resident on behalf of himself and others)
similarly situated; JAMES PROCTOR, an Individual and)
Oklahoma Resident on behalf of himself and others)
similarly situated; RODD A MOESEL, an Individual and)
Oklahoma Resident on behalf of himself and others)
similarly situated; RAY H. POTTS, an Individual and)
Oklahoma Resident on behalf of himself and others)
similarly situated; BOB A. RICKS, an Individual and)
Oklahoma Resident on behalf of himself and others)
similarly situated.)

CAUSE NO. PUD 201500344

RELIEF SOUGHT: VACATE OR MODIFY OKLAHOMA)
CORPORATION COMMISSION ORDER NO. 341630,)
CAUSE NO. PUD 260; AND REDETERMINE ISSUES)
FOLLOWING INTRINSIC FRAUD)

FILED
JAN 13 2016
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CORPORATION COMMISSION
OF OKLAHOMA

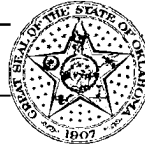


Deposition of David H. Miller taken in Cause No. PUD 890000662

Oklahoma Corporation Commission
P.O. BOX 52000
OKLAHOMA CITY, OKLAHOMA 73152-2000

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Oklahoma City, OK 73105
Telephone: (405) 521-2261
www.occeweb.com

Bob Anthony, Commissioner



From: _____@cox.net
Sent: Thursday, January 07, 2016 8:34 AM
To: Bob Anthony
Subject: [NEWSENDER] - Open Records Request- Bell Bribery Case - Message is from an unknown sender

Commissioner Bob Anthony,

I have read with interest the articles in the Oklahoman newspaper concerning the AT&T/Bell Bribery case.

The issues regarding public corruption, bribery, perjury, etc. have been raised by the Oklahoma Supreme Court and the Oklahoma Corporation Commission.

I would like to know more about this case and as a Open Records Request I ask that you send me, in electronic form, copies of any depositions given in the 1990's commission cases by Bell attorneys Glen Glass and Bill Free.

Thank you for your time and consideration.

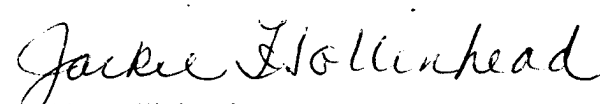
To: _____@cox.net

Re: Open Records Request- Bell Bribery Case

This response is given to your "Open Records Request- Bell Bribery Case" that was received by email on January 7, 2016.

Links provide electronic images of 1993 depositions by Bell attorneys Glen Glass and Bill Free. "Filed under seal" information readily available and certain other information is provided as well (see also David H. Miller deposition).

Respectfully yours,


Jackie Hollinhead
Executive Assistant to Commissioner Bob Anthony
Oklahoma Corporation Commission

Marches On

Pesticides Deadline
Business ... B-8

Local Tragedy
City/State ... A-9

Mostly Sunny
High Lower 80s
Low Mid 50s

TULSA WORLD

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88th Year - No. 286 • Tulsa, Oklahoma, Tuesday, June 29, 1993 • Entire Contents © 1993 World Publishing Company 35 Cents

Ex-Bell Exec Takes Fifth in Bribery Probe

By Chuck Ervin
World Capitol Bureau

OKLAHOMA CITY — A former Southwestern Bell vice president, who resigned under fire, took the Fifth Amendment 13 times during questioning about his role in alleged bribery and corruption at the Corporation Commission, according to records the Oklahoma Supreme Court unsealed in an order issued Monday.

The court also took an evidentiary hearing on allegations that Commissioner Bob Anthony was prejudiced against

Southwestern Bell away from the commission and handed it over to a special master.

Bell has charged that Anthony's role as an FBI informant prejudiced him against the telephone company in a 1992 rate case. The commission ordered Bell to pay back to its customers \$148 million in overcharges, lower its rates by \$97 million a year and spend \$85 million to upgrade its system over a five-year period.

Bell is appealing based on its contention that Anthony's role as an informant and his allegations of illegal activity by Southwestern Bell in an earlier 1989 case made it impossible for him to be unbiased in the 1992 case.

The Supreme Court ordered records unsealed, including depositions by Anth-

ony, his top aide, Skip Nicholson, former Bell Oklahoma Division President J.B. Ellis, former Bell Oklahoma General Counsel Glen Glass and Bell Vice President David Miller.

The court appointed retired District Judge William Myers of Oklahoma City as a special master and told him to take over the evidentiary hearing on Anthony's alleged bias.

It said the special master hearing would be limited to determining if Anthony was an FBI informant during the Bell rate case and when the telephone company knew, or should have known, about his role as an informant.

In his deposition, Anthony said he informed Ellis of illegal activity by Bell representatives before the rate hearing. The Supreme Court ordered all hear-

ings conducted by Myers to be open to the public and gave him 60 days to report his findings to the court.

At his deposition, Miller was asked by David Lee, Anthony's attorney, why he had retired from Southwestern Bell.

"I was asked to retire," Miller said. Lee then inquired why Miller had been asked to retire, and Miller's attorney objected.

"He's going to exercise his Fifth Amendment rights, and he's going to decline to answer that question, or any other question that relates to his employment with Southwestern Bell or his dealings with the Corporation Commission or any of the commissioners under his constitutional rights under the Fifth Amendment." See Bell on A-3

Rates Frozen for Homes
For Elderly Retarded

Agency Layoffs Planned,
State Union Chief Charges

...Bell

Continued from A-1
Amendment," said Pat Ryan, Miller's lawyer.

Miller also took the Fifth Amendment when asked by Lee when he had first met Anthony.

"On Feb. 21, 1989, did you convey to Commissioner Anthony, \$2,450 in cash?" Lee asked.

Miller took the Fifth.

In his deposition, Anthony said Miller delivered the money to him.

"Mr. Miller, did you know that the conveyance of \$2,450 to Commissioner Anthony on Feb. 21, 1989 was illegal?" Lee asked.

Miller took the Fifth.

"Did you provide Commissioner Anthony with a list of people who contributed the \$2,450 in cash?" Lee asked.

Miller took the Fifth.

Anthony testified that Miller and his secretary supplied a list of phony contributors to cover cash payments.

Miller also declined to answer if he had attended an April 10, 1991, meeting with Anthony and Liam Coonan, a Bell attorney who conducted an internal investigation into Anthony's allegations.

Anthony testified that the meeting was an attempt to gloss over Miller's activities.

Miller also took the Fifth when asked if he was discharged by Bell "because of illegal contributions you made to Bob Anthony in 1989" and again, when he was asked if he knew of any attempt by Bell to get an administrative law judge at the commission to delay issuing his report on the Bell rate case.

In his testimony, Ellis said Miller was asked to leave because he had not told internal investigators all he knew about campaign contributions to commissioners.

Ellis, himself, soon took yearly

retirement after less than two years as president of the Bell Oklahoma Division.

Anthony testified that Bill Anderson, a private Oklahoma City attorney who represented Bell and other public utilities, told him about a bribe paid to former Commissioner Bob Hopkins and promised an illegal payment to Nicholson.

"He (Anderson) made a deal, to use his word, with me regarding the manner in which I would vote in this matter (1989 Bell case), which basically involved providing \$15,000 to get my administrative aide (Nicholson) a car," Anthony said.

"And he (Anderson) indicated that \$10,000 had been given to Commissioner Hopkins for Commissioner Hopkins' vote in this matter," Anthony stated.

He added that, apparently, Anderson was confident about the position former Commissioner Jim Townsend would take in the 1989 case in which Bell eventually was ordered to repay \$30 million.

A federal grand jury has indicted Hopkins for accepting a \$10,000 bribe and Anderson with paying the alleged bribe. Anderson also has been indicted along with Broken Bow businessman Jewel Callahan for allegedly tampering with a government witness in the investigation.

Anthony also testified that on one occasion Bell representatives "provided me with several thousands of dollars in cash, and there was reason to believe Mr. Glass was involved in that as well."

That was a reference to Glen Glass, Bell's senior attorney in Oklahoma, who was transferred to Texas about the time Miller and Ellis retired.

Ellis testified that he thought Anderson was "a strange fellow" and a "dangerous guy" and that he "didn't like him from day one."

But Glass, who let Anderson go after learning of the FBI probe, recalled it differently when asked if Ellis had expressed concern about Anderson.

"No, he never discussed his reservations (about Bell using Anderson to represent it)," Glass said.

...Rates

Continued from A-1
lawmakers did not budget it.

The commission also froze reimbursement rates for private intermediate care facilities for the mentally retarded, now at \$57.59 per patient per day.

Bonnie Page, the director of the Center of Family Love, which operates a 52-bed intermediate care facility in Okarche, warned that the commission's failure to increase the rate to \$61.34 per day would result in the closing of her facility.

Patients now at the Okarche facility will probably be forced to move into state-run facilities, which cost the state more money to operate, Page said.

The Rates and Standards Committee had recommended that the commission freeze rates for the intermediate care facilities until the DHS completes a "findings" process to determine whether the proposed increase was justified. The DHS Medical Services Division, however, had recommended that rates for intermediate care facilities be increased until a new way to determine rates can be developed.

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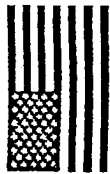
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THE DAILY OKLAHOMAN

The State Newspaper Since 1907

308

OKLAHOMA CITY, OK

TUESDAY, JUNE 29, 1993

32 PAGES

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Ex-Bell Official Took 5th Amendment, Transcript Shows

By Paul English
Capitol Bureau

A one-time Oklahoma executive of Southwestern Bell Telephone Co. has refused to answer under oath 13 questions about allegations that he made illegal payments to a member of the Oklahoma Corporation Commission, a transcript showed Monday.

And, another former Bell executive testified he had been told "some travel expenses of spouses of commission employees were being picked up" by Bell.

The transcript of the deposition of David H. Miller was made public shortly after the state Supreme Court ordered the unsealing of all records filed against the commission by Bell. Bell is trying to get Commissioner Bob Antho-

On Page 10:

- Court Decides Issue

ny disqualified from hearing its rate case after he revealed he has been an FBI informant in its probe of Bell's relationship with the communis-

sion. State Attorney General Susan Loving said earlier this month in a brief that there was "uncontroverted evidence" that Miller and Bill Anderson, a former Bell attorney, offered bribes to Anthony.

Miller's attorney, Patrick M. Ryan, said at Miller's deposition hearing that Miller would exercise his Fifth Amendment rights to decline to answer questions relating to his employment

with Bell, his dealings with the commission or any of the commissioners.

Among the questions he declined to answer was whether he had told Anthony on April 10, 1981, that in conveying cash to Anthony "discreetness was a big concern, legality was not a concern to me."

David W. Lee, Anthony's attorney, asked Miller, "... on Feb. 21, 1989, did you convey to commissioner Anthony \$2,450 in cash?" Miller declined to answer.

Miller also remained silent when asked if he had provided Anthony with a list of people who were purported to have contributed part of the \$2,450 in cash.

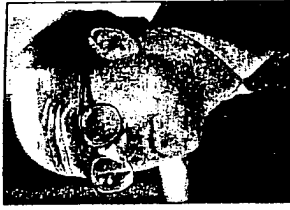
The former Bell official did acknowledge that he had been interviewed by the FBI in April

1991. He also said he had been informed by the FBI in late 1991 that some of his conversations had been monitored by electronic surveillance. Anthony has said that he informed Bell officials of his concerns about the payments by Miller and Anderson.

A deposition by James B. Ellis, former president of the Oklahoma division of Southwestern Bell, said Anderson was on a \$50,000 a year retainer to Bell's legal department and was "a strange fellow."

"I didn't like his approach, and so ... it doesn't surprise me that I might have said he was a dangerous guy," Ellis said.

Asked if he had told Anthony in a March 29, 1990 deposition that he did not want to know
See TRANSCRIPT, Page 2

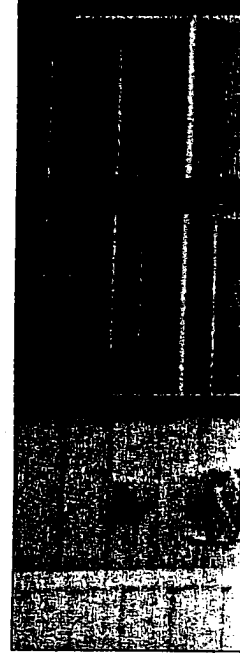


Bob Anthony

Mom, 4 Kids Found Slain in Home

Child Spoke Of Abuse, Teacher Says

By Jack Money



Husband Held In Killings

By Charolette Aiken,
Penny Owen, Jack Money
and Nolan Clay
Staff Writers



ONE IN A SERIES

Say YES to a strong Oklahoma economy.



Oklahoma is on the road to economic recovery. However, one key factor that's missing is a statewide, state-of-the-art telecommunications network. Southwestern Bell Telephone has proposed a plan that will provide Oklahoma with a more up-to-date network. The plan is called TeleState/21 and is designed to provide twenty-first century service for *all* of Oklahoma . . . now.

Here's what TeleState/21 would do:

- ◆ Freeze prices for five years on basic local telephone service for business and residence customers.
- ◆ Put a cap on prices for long distance calls within Southwestern Bell Telephone's service areas. Prices could be *cut* but *not* increased.
- ◆ Bring digital, computerized central offices to more than 100 communities over a five-year period.
- ◆ Expand Oklahoma's digital network and install 600 miles of fiber optic cable.
- ◆ Establish a discount life-line program for low-income Oklahomans.

What's in this for Bell?

We're betting that this investment will help stimulate the Oklahoma economy. Because we expect to benefit from that investment, we're willing to spend up to \$80 million to seize this opportunity for the state.

In exchange for all of the above, we are asking for some pricing flexibility on optional services, and we're proposing revisions in the regulatory process.

We propose replacing the current regulatory system with one that focuses on prices, not profits. That would protect our customers and our owners. Both are important to us.

TeleState/21

We are *not* asking for deregulation. If TeleState/21 is approved, the Oklahoma Corporation Commission would continue to oversee the telephone business in Oklahoma. The commission would continue to monitor service quality, approve rate changes, and serve as a sounding board for consumer concerns.



David H. Miller, assistant vice president — revenues and public affairs, is a native of Shawnee and earned a BBA degree from the University of Oklahoma. Miller and his staff developed the TeleState/21 plan for Oklahoma.

For more information or to express your opinion about this program, call your SWBT local manager or write to David H. Miller, 800 N. Harvey, Room 420, Oklahoma City, Oklahoma 73102.


David H. Miller
Assistant Vice President — Revenues and Public Affairs

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF THE APPLICATION)
OF HOWARD W. MOTLEY, JR., FOR AN)
INQUIRY INTO THE RATES AND CHARGES)
OF SOUTHWESTERN BELL TELEPHONE)
COMPANY.) CAUSE NO. PUD 890000662

DEPOSITION OF DAVID H. MILLER

[This deposition is filed under seal in the Office of
General Counsel.]



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ATTORNEYS FOR SOUTHWESTERN BELL
TELEPHONE COMPANY

CERTIFICATE OF MAILING

On this 9th day of June, 1993, a true and correct copy of the foregoing was faxed, hand-delivered and/or mailed, postage prepaid, to:

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BEFORE THE CORPORATION COMMISSION OF THE
STATE OF OKLAHOMA

IN THE MATTER OF THE)
APPLICATION OF HOWARD W.)
MOTLEY, JR., FOR AN INQUIRY)
INTO THE RATES AND CHARGES OF)
SOUTHWESTERN BELL TELEPHONE)
COMPANY.)

ORIGINAL

No. PUD 890000662

DEPOSITION OF DAVID H. MILLER,
taken on behalf of the Applicant, pursuant to
agreement of the parties, on Thursday,
May 6, 1993, at the law offices of Crowe & Dunlevy,
1800 Mid-America Tower, Oklahoma City, Oklahoma,
before me, Maynard E. Peterson, Certified Shorthand
Reporter within and for the State of Oklahoma.

A p p e a r a n c e s :

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9 Ryan, Corbyn & Geister
10 Suite 900
11 119 North Robinson Avenue
12 Oklahoma City, OK 73102-4608

13 I N D E X

14	WITNESS	Page
15	DAVID H. MILLER	
16	Direct Examination by Mr. Lee	3
17	EXHIBITS	NONE

18 DAVID H. MILLER,
19 being produced, sworn and examined on behalf of the
20 Applicant, deposeth and saith as follows:

21 DIRECT EXAMINATION

22 BY MR. LEE:

23 Q. Would you state your name, please.

24 A. David H. Miller.

25 Q. What is your residence address, Mr. Miller?

1 A. 6016 Marlow Lane, Oklahoma City, Oklahoma.

2 Q. What is your occupation, Mr. Miller?

3 A. I'm retired from Southwestern Bell and
4 currently Director of Public Relations for the
5 Education And Employment Ministry.

6 Q. When did you retire from Southwestern Bell?

7 A. August 19th, 1992.

8 Q. Why did you retire from Southwestern Bell?

9 A. I was asked to retire.

10 Q. Why were you asked to retire from
11 Southwestern Bell?

12 MR. RYAN: I object, calling for
13 speculation.

14 Q. (BY MR. LEE) I would like to ask the
15 witness to answer the question.

16 (Sotto voce colloquy was here had between
17 counsel and the witness.)

18 MR. RYAN: David, as I mentioned to you
19 yesterday afternoon in our telephone conversation,
20 Mr. Miller is going to exercise his Fifth Amendment
21 rights during this deposition. And he's going to
22 decline to answer that question, or any other
23 question that relates to his employment with
24 Southwestern Bell or his dealings with the
25 Corporation Commission or any of the commissioners

1 under the his constitutional rights under the Fifth
2 Amendment.

3 MR. LEE: I accept Mr. Ryan's
4 representation, although in this regard, I would
5 like to ask a few more questions to make sure that
6 that applies to a few areas.

7 MR. RYAN: Okay.

8 Q. (BY MR. LEE) Mr. Miller, when did you
9 first meet Commissioner Bob Anthony?

10 MR. RYAN: The same advice. When I make
11 the statement to Mr. Lee that you are going to
12 decline to answer these questions under your
13 constitutional rights, I think we ought to assume
14 for the record that he is going to follow that
15 advice unless you want to pursue it further.

16 MR. LEE: All right.

17 Q. (BY MR. LEE) Mr. Miller, on February 21st,
18 1989, did you convey to Commissioner Anthony \$2,450
19 in cash?

20 MR. RYAN: He's going to decline to answer
21 that question.

22 Q. (BY MR. LEE) Mr. Miller, did you know that
23 the conveyance of \$2,450 to Commissioner Anthony on
24 February 21st, 1989 was illegal?

25 MR. RYAN: He's going to decline to answer

1 that question.

2 Q. (BY MR. LEE) Mr. Miller, on February 21st,
3 1989, in conjunction with your conveyance to
4 Commissioner Anthony of \$2,450 in cash, did you also
5 provide Commissioner Anthony with a list of people
6 who were purported to be contributors and people who
7 contributed to the \$2,450 in cash?

8 MR. RYAN: He's going to decline to answer
9 that question.

10 Q. (BY MR. LEE) Mr. Miller, who is Mary
11 Tyson?

12 MR. RYAN: He's going to decline to answer
13 that question as well.

14 Q. (BY MR. LEE) Mr. Miller, was Mary Tyson
15 one of the people on the list that you conveyed to
16 Commissioner Anthony on February 21st, 1989, along
17 with the \$2,450 in cash?

18 MR. RYAN: He will decline to answer that
19 question.

20 Q. (BY MR. LEE) Mr. Miller, have you been
21 interviewed by agents of the Federal Bureau of
22 Investigation within the last three years?

23 A. Yes, I have.

24 Q. When was the last time you were interviewed
25 by the Federal Bureau of Investigation?

1 A. The last time was probably in April of '91.

2 Q. From the time period after February of
3 1989, when was the first time that you were
4 contacted by agents of the Federal Bureau of
5 Investigation?

6 MR. RYAN: Can we have that question read
7 back again, please.

8 (The last question was read by the reporter.)

9 A. The first time I was contacted was in March
10 of 1991.

11 MR. CHAMBERLAIN: Sorry, I can't hear you.

12 MR. RYAN: March, 1991, is his best
13 recollection.

14 Q. (BY MR. LEE) Were you ever contacted by or
15 interviewed by agents of the Federal Bureau of
16 Investigation at any time other than the two times
17 you have just mentioned, April of 1991 and March of
18 1991?

19 A. I was initially contacted in March of '91.
20 I had a subsequent meeting with the FBI shortly
21 after that. And then there was the one, the last
22 one which was in April of '91, to the best of my
23 recollection.

24 Q. In 1992, was there ever an attempt by the
25 Federal Bureau of Investigation to interview you?

1 A. Not that I'm aware of.

2 Q. Mr. Miller, at any time have you ever
3 received written notice from the United States
4 Government that any conversation that you
5 participated in had been monitored by electronic
6 surveillance?

7 A. Yes, I have.

8 Q. And when was that that you received notice
9 of that?

10 A. I'm not sure.

11 Q. Would it have been in 1991?

12 A. I think so.

13 Q. Would it have been in 1992?

14 A. I think it was in the latter part of 1991.

15 Q. How many times have you been notified by
16 the United States Government that a conversation
17 that you participated in was the subject of
18 electronic surveillance?

19 A. Once.

20 Q. Just one time?

21 A. Yes, sir.

22 Q. On April the 10th, 1991, did you have a
23 meeting with Commissioner Bob Anthony and Liam
24 Coonan of Southwestern Bell?

25 MR. RYAN: He will decline to answer that

1 question.

2 Q. (BY MR. LEE) At that April 10th, 1991
3 meeting, with Commissioner Anthony and Liam Coonan,
4 did you make the comment with regard to your
5 activities in conveying cash to Commissioner Anthony
6 that "discreetness was a big concern, legality was
7 not a concern to me"?

8 MR. RYAN: He will decline to answer that
9 question.

10 Q. (BY MR. LEE) In the summer of 1992, were
11 you aware that the FBI interviewed Mary Tyson?

12 MR. RYAN: He will decline to answer that
13 question.

14 Q. (BY MR. LEE) Mr. Miller, isn't it true
15 that you were discharged from Southwestern Bell
16 because of the illegal contribution you made to Bob
17 Anthony in 1989?

18 MR. RYAN: He will decline to answer that
19 question.

20 Q. (BY MR. LEE) Mr. Miller, did you ever or
21 were you ever aware of any attempt by any
22 representative of Southwestern Bell to ask
23 Administrative Law Judge Bob Goldfield to delay
24 issuing his administrative law judge report in the
25 PUD 662 rate case?

1 MR. RYAN: He will decline to answer that
2 question.

3 Q. (BY MR. LEE) Mr. Miller, were you ever
4 aware of any representative of Southwestern Bell
5 conducting conversations with any member of the
6 Oklahoma Corporation Commission in 1992 concerning a
7 contemplated settlement of the PUD 662 rate case?

8 MR. RYAN: He will decline to answer that
9 question.

10 MR. LEE: Mr. Ryan, is it your position
11 that you intend to advise your client to continue to
12 keep invoking the Fifth Amendment privilege against
13 self-incrimination with regard to your client with
14 regard to questions along this tenor?

15 MR. RYAN: Yes, at least at this time. As
16 you know, there is an investigation that is ongoing;
17 perhaps, once that's all been concluded, Mr. Miller
18 may very well answer these questions you have asked
19 and others, but at this time he's invoking his
20 rights.

21 MR. LEE: I have no further questions.

22 MR. COATS: Our next witness is not due
23 until 10 o'clock. So we have a little bit of a
24 hiatus here.

25

ORIGINAL

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David H. Miller

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DAVID H. MILLER

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10 STATE OF OKLAHOMA)

11) ss.

12 COUNTY OF OKLAHOMA)

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15 Subscribed and sworn to before me this

16 27 day of May, 1993.

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Lela M. Craig

21

Notary Public, State of Oklahoma

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My commission expires 1-28-96.

25

C E R T I F I C A T E

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2
3 STATE OF OKLAHOMA)
4) ss.
5 COUNTY OF OKLAHOMA)

6 I, Maynard E. Peterson, a Certified
7 Shorthand Reporter within and for the State of
8 Oklahoma, do certify that the witness in the
9 foregoing deposition, DAVID H. MILLER, was duly
10 sworn to testify the truth, the whole truth and
11 nothing but the truth, in the within-entitled cause;
12 that said deposition was taken at the time and place
13 herein named; that the deposition is a true record
14 of the witness's testimony as reported by me and
15 thereafter transcribed into typewriting by computer.

16 I do further certify that I am not
17 counsel, attorney or relative of either party, or
18 clerk or stenographer of either party, or otherwise
19 interested in the event of this suit.

20 I do further certify that I am a duly
21 qualified and acting Certified Shorthand Reporter
22 within and for the State of Oklahoma, Certificate
23 No. 00325.

24 IN WITNESS WHEREOF, I have hereunto set my
25 hand and affixed my CSR stamp at my office in
Oklahoma City, Oklahoma, this 11th day of May, 1993.

Maynard E. Peterson

Oklahoma Certified Shorthand Reporter

26 COSTS: \$ 28 / 20

27 Paid by Applicant

28 Maynard E. Peterson
29 Oklahoma Certified Shorthand Reporter
30 Certificate Number 00325
31 Exp. Date: December 31, 1994

