

Nancy B. White  
General Counsel-Florida  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(305) 347-5558

June 6, 2002

Mrs. Blanca S. Bayó  
Director, Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

020493-TP

**Re: Complaint of BellSouth Telecommunications, Inc., regarding  
the Regulatory Assessment Fees Paid by Supra  
Telecommunications, Inc., for the years 2000 and 2001**

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of BellSouth's  
Complaint which we ask that you file in the above-captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the  
original was filed and return the copy to me. Copies have been served to the  
parties of record as shown on the certificate of service.

Sincerely,

  
Nancy B. White (KA)

Enclosures

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey

DOCUMENT NUMBER-DATE

05938 JUN-6 02

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**  
**Undocketed - Complaint of BellSouth Regarding the**  
**Regulatory Assessment Fees Paid by Supra for the years 2000 and 2001**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Electronic Mail and U.S. Mail this 6th day of June, 2002 to the following:

Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Ann Shelfer, Esq.  
Supra Telecommunications and  
Information Systems, Inc.  
1311 Executive Center Drive  
Koger Center - Ellis Building  
Suite 200  
Tallahassee, FL 32301-5027  
Tel. No. (850) 402-0510  
Fax. No. (850) 402-0522  
[ashelfer@stis.com](mailto:ashelfer@stis.com)

Brian Chaiken  
Paul Turner  
Kirk Dahlke  
Supra Telecommunications and  
Information Systems, Inc.  
2620 S. W. 27<sup>th</sup> Avenue  
Miami, FL 33133  
Tel. No. (305) 476-4248  
Fax. No. (305) 443-1078  
[bchaiken@stis.com](mailto:bchaiken@stis.com)  
[pturner@stis.com](mailto:pturner@stis.com)  
[kdahlke@stis.com](mailto:kdahlke@stis.com)

  
Nancy B. White (KA)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint of BellSouth )  
Telecommunications, Inc., regarding )  
the Regulatory Assessment Fees )  
Paid by Supra Telecommunications )  
and Information Systems, Inc., for )  
the years 2000 and 2001. )  
\_\_\_\_\_ )

Docket No.

Filed: June 6, 2002

**COMPLAINT**

BELLSOUTH TELECOMMUNICATONS, INC. ("BellSouth"), through its undersigned counsel, hereby files this Complaint against Supra Telecommunications and Information Systems, Inc. ("Supra") pursuant to Rules 25-22.036(2), 25-22.036(3)(b), and 28-106.201 of the Florida Administrative Code and Florida Statutes Chapters 350 and 364.

In support of its Complaint, BellSouth avers the following:

**I.**

BellSouth is an incumbent local exchange company certified by the Florida Public Service Commission ("Commission") to provide local exchange telecommunications services in Florida. BellSouth's service of process address is

Nancy B. White  
c/o Nancy H. Sims  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301

## II.

Supra is an alternative local exchange telecommunications company certified by the Commission to provide telecommunications services in Florida. Supra's business address, according to Commission records, is

Supra Telecommunications and  
Information Systems, Inc.  
2620 S. W. 27<sup>th</sup> Avenue  
Miami, Florida 33133-3005

## III.

Pursuant to Section 364.336, Florida Statutes, each telecommunications company regulated under Chapter 364 is required to pay to the Commission a regulatory assessment fee that is composed of a percentage of the Company's annual gross operating revenues derived from intrastate business. Amounts paid to other telecommunications companies for the use of any telecommunications network are deducted from the gross operating revenue for purposes of computing the regulatory assessment fee due. See Section 364.336, Florida Statutes.

## IV.

Rule 25-4.0161, Florida Administrative Code implements Section 364.336, Florida Statutes and requires the filing by Alternative Local Exchange Company Regulatory Assessment Fees Return. Consistent with the statute it implements, the Rule requires that amounts paid to another telecommunications company for use of any telecommunications network to

provide service may be deducted from the gross operating revenues. See Rule 25-4.0161(1), Florida Administrative Code.

V.

Supra purchases services and elements from BellSouth in order to provide local exchange telecommunications services to its customers in Florida.

VI.

Attached hereto as Exhibit "A" is a true and correct copy of Supra's Alternative Local Exchange Company Regulatory Assessment Fee Return for the period of January 1, 2000 to December 31, 2000. Attached hereto as Exhibit "B" is a true and correct copy of Supra's Alternative Local Exchange Company Regulatory Assessment Fee Return for the period of January 1, 2001 to December 31, 2001. These filings are matters of public record.

VII.

In its reports required by the statute and the Rule, Supra declared, under penalty of criminal prosecution, to the Commission that it had paid BellSouth \$1,032,596.00 in 2000 and \$23,552,861.00 in 2001 and deducted those amounts from its gross operative revenues for purposes of computing the regulatory assessment fee due. This deduction led to a lower regulatory assessment fee for Supra in 2000 and 2001.

VIII.

On September 27, 2001, in Docket No. 001305-TP, Mr. Olukayode Ramos, President and Chief Executive Officer of Supra, testified under oath that Supra had not paid BellSouth anything for the year 2000 ~~and nothing for~~ the year 2001 as of September 27, 2001. See Exhibit "C".

IX.

Further confirming this fact, attached hereto as Exhibit "D" is the affidavit of Claude Morton which clearly states that Supra did not make any payments to BellSouth in 2000 and did not pay BellSouth \$23,552,861.00 in 2001.

X.

This Commission has jurisdiction to enforce its rules and the provisions of Chapter 364 pursuant to Section 350.127 and Section 364.285, Florida Statutes. Moreover, Section 364.337(5), Florida Statutes, grants the Commission authority to ensure the fair treatment of all telecommunications providers in the telecommunications marketplace. In addition, Section 364.285(1), Florida Statutes, grants the Commission the authority to impose penalties for willful violations of the Commission rules and orders, and for violation of any provision of Chapter 364.

XI.

As is apparent from the Exhibits attached hereto, Supra has submitted false information to this Commission in connection with its 2000 and 2001 regulatory assessment fee payments. BellSouth's substantial interests have

been affected by Supra's actions. First, the regulatory assessment fees collected by the Commission are for the use of the Commission in performance of its functions and duties. Second, all other regulated Companies are required to abide by the Commission's rules and the precepts of Chapter 364. If Supra is allowed to flout these rules, then all other telecommunications companies, including BellSouth, are treated unfairly and this Commission is financially affected, thereby affecting its regulation of BellSouth.

WHEREFORE, Complainant, BellSouth Telecommunications, Inc., prays that, after due proceedings that there be judgment herein against Supra as follows:

- (1) Ordering Supra to file correct and accurate Regulatory Assessment Fees forms establishing the actual amount of regulatory assessment fees, if any, that Supra paid to BellSouth in 2000 and 2001;
- (2) Ordering Supra to pay all sums due and owing in regulatory assessment fees for years 2000 and 2001;
- (3) Ordering Supra to pay penalties and interest;
- (4) Ordering Supra to pay penalties for violation of the Commission Rules and of Chapter 364, Florida Statutes; and
- (5) For all other relief deemed appropriate under the law.

Respectfully submitted this \_\_\_\_ day of 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.

*Nancy B. White*

---

NANCY B. WHITE (KW)  
JAMES MEZA III  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301  
(305) 347-5558

*R. Douglas Lackey*

---

R. DOUGLAS LACKEY (KW)  
T. MICHAEL TWOMEY  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0750

PC Docs 437672

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE 01/31/2001

Alternative Local Exchange Company Regulatory Assessment Fee Return

See TG 394 & TI 635

CK Amt \$ 9232.00

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:  
01/01/2000 TO 12/31/2000

DEPOSIT

TX088  
Supra Telecommunications and Information Systems, Inc.  
Koger Center - Ellis Building  
1311 Executive Center Drive, Suite 200  
Tallahassee, FL 32301-5027

FOR PSC USE ONLY

Check# 1827

\$ 4,645.00 0603006

\$ 929.00 003001

\$ 232.00 0603006

004011

Postmark Date 5/21/01 JOK

Initials of Preparer MC

DOTS

MAY 29 2001

Complete Below if Official Mailing Address Has Changed

(Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services	\$ 2,199,013	\$ 2,199,013
2.	Long Distance Services (IntraLATA only)**		
3.	Access Services	1,929,959	1,929,959
4.	Private Line Services		
5.	Leased Facilities & Circuits Services		
6.	Miscellaneous Services		
7.	TOTAL REVENUES		\$ 4,128,972
8.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		1,032,596
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		3,096,376
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		4,645
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		929
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		232
13.	TOTAL AMOUNT DUE		\$ 5,806

\* These amounts must be intrastate only and must be verifiable.  
\*\* Other long distance revenue must be filed on the Interexchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

Facilities-Based Provider

Reseller

Other

BILLING INFORMATION

Complete below if billing agent if other than yourself.

(Name) (Address: City/State/Zip) (Telephone)

COMPANY INFORMATION

Do you lease telecommunications' facilities?  YES  NO

If YES, who do you lease these facilities from? Name: Bell South

Address:

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 337.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

(Signature of Company Official) CFO (Title) 5/21/01 (Date)

(Preparer of Form - Please Print Name) Telephone Number ( ) Fax Number ( )

F.B.I. No.

EXHIBIT "A"

A TRUE COPY  
ATTEST Kay Hym  
Chief, Bureau of Records and  
Hearing Services

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE 01/30/2002

Alternative Local Exchange Company Regulatory Assessment Fee Return

STATUS:

Florida Public Service Commission  
(See Filing Instructions on Back of Form)

- Actual Return
- Estimated Return
- Amended Return

EX088-01-0-R  
Supra Telecommunications and Information Systems, Inc.  
Koger Center - Ellis Building  
1311 Executive Center Drive, Suite 200  
Tallahassee, FL 32301-5027

PERIOD COVERED:  
01/01/2001 TO 12/31/2001

DEPOSIT

DIGS JAN 30 2002

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY	
Check# 4228	
\$ 13,779.10	0603006 003001
\$	P 0603006 004011
\$	
Postmark Date 1/29/02	WALK IN
Initials of Preparer	me

(Name of Company) (Address) (City/State) (Zip)

LINE NO	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1	Basic Local Services	\$ 24,293,405.00	\$ 24,293,405.00
2	Long Distance Services (IntraLATA only)**		
3	Access Services	8,445,020.00	8,445,020.00
4	Private Line Services		
5	Leased Facilities & Circuits Services		
6	Miscellaneous Services		
7	TOTAL REVENUES		\$ 32,738,925.00
8	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		29,552,861.00
9	Net IntraState Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		9,186,064.00
10	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		13,779.10
11	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		
12	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		
13	TOTAL AMOUNT DUE		\$ 13,779.10

- \* These amounts must be intrastate only and must be verifiable.
- \*\* Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

Facilities-Based Provider

CURRENT COMPANY STATUS  
 Reseller  
 Other

BILLING INFORMATION

Complete below if billing agent if other than yourself.

(Name) (Address: City/State/Zip) (Telephone)

COMPANY INFORMATION

Do you lease telecommunications facilities?  YES  NO  
 If YES, who do you lease these facilities from? (Name): Bell South

Address:

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 337.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

(Signature of Company Official) CFO (Title) 1/23/02 (Date)

(Preparer of Form - Please Print Name) Telephone Number ( ) Fax Number ( )

F.E.I. No.

EXHIBIT "B"

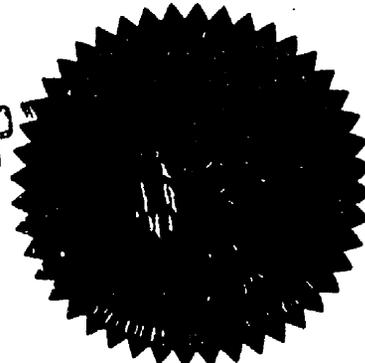
BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 001305-TP

In the Matter of

PETITION BY BELL SOUTH  
TELECOMMUNICATIONS, INC. FOR  
ARBITRATION OF CERTAIN ISSUES IN  
INTERCONNECTION AGREEMENT WITH  
SUPRA TELECOMMUNICATIONS AND  
INFORMATION SYSTEMS, INC.

FILE COPY



ELECTRONIC VERSIONS OF THIS TRANSCRIPT ARE  
A CONVENIENCE COPY ONLY AND ARE NOT  
THE OFFICIAL TRANSCRIPT OF THE HEARING.  
THE .PDF VERSION INCLUDES PREFILED TESTIMONY.

VOLUME 5

Pages 590 through 783

PROCEEDINGS: HEARING

BEFORE: COMMISSIONER LILA A. JABER  
COMMISSIONER BRAULIO L. BAEZ  
COMMISSIONER MICHAEL A. PALECKI

DATE: Thursday, September 27, 2001

TIME: Commenced at 9:30 a.m.

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: TRICIA DeMARTE  
Official FPSC Reporter  
(850) 413-6736

APPEARANCES: (As heretofore noted.)

EXHIBIT "C"

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION

12595 OCT-4 01

FPSC-COMMISSION CLERK

## I N D E X

## WITNESSES

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NAME:

PAGE NO.

OLUKAYODE A. RAMOS

Continued Direct Examination  
by Mr. Chaiken

593

Prefiled Rebuttal Testimony Inserted

597

Prefiled Direct Testimony of

Carol Bentley as adopted by

Olukayode Ramos Inserted

669

Prefiled Rebuttal Testimony of

Carol Bentley as adopted by

Olukayode Ramos Inserted

685

Cross Examination by Ms. White

704

Cross Examination by Mr. Twomey

726

1 COMMISSIONER JABER: To which issue?

2 MS. WHITE: It's impeachment as to credibility.

3 It's -- the disconnection for nonpay is Issue 63.

4 COMMISSIONER JABER: I'll allow the question.

5 MS. WHITE: Would you like me --

6 COMMISSIONER JABER: Repeat it for Mr. Ramos.

7 MS. WHITE: -- to repeat the question?

8 BY MS. WHITE:

9 Q How much did Supra pay BellSouth for services  
10 BellSouth rendered to Supra in the year 2000?

11 A Supra has not paid BellSouth anything for the year  
12 2000 because there have been billing disputes between the  
13 parties. And if you want me to elaborate on that, I will do  
14 that.

15 Q No, thank you. Can you tell me how much Supra has  
16 paid BellSouth for services that BellSouth has rendered to  
17 Supra for the year 2000 from January 1st to date, I mean,  
18 sorry, 2001 from January 1st to date?

19 A Supra has not paid BellSouth any amount because there  
20 have been billing disputes between the parties. And as a  
21 matter of fact, it is Supra's belief that BellSouth owes Supra  
22 money.

23 Q Mr. Ramos, are you familiar with the requirement that  
24 telecommunications companies are required to pay regulatory  
25 assessment fees to the state of Florida?

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of BellSouth )  
Telecommunications, Inc., regarding )  
the Regulatory Assessment Fees ) Docket No.  
Paid by Supra Telecommunications )  
and Information Systems, Inc., for ) Filed:  
the years 2000 and 2001. )  
\_\_\_\_\_ )

State of Alabama  
County of Jefferson

**Affidavit of Claude P. Morton**

Before me, the undersigned authority, personally appeared Claude P. Morton, who stated that he is currently the Senior Staff Manager for Billing and Collections at BellSouth telecommunications, Inc. ("BellSouth"), and further states the following:

1. My title is Senior Staff Manager for Billing and Collections. I have held that title since 1998.
2. My business address is 3535 Colonnade Parkway, Birmingham, AL 35243.
3. I have examined the payment history of Supra to BellSouth for the year 2000. BellSouth received no payment from Supra in the year 2000. Contrary to Supra's Regulatory Assessment Fee Return for the period of January 1, 2000 to December 31, 2000, Supra did not pay BellSouth \$1,032,596.00 in that time frame.
4. I have examined the payment history of Supra to BellSouth for the year 2001. BellSouth received one payment from Supra in the year 2001 in the amount of [REDACTED] Contrary to Supra's Regulatory Assessment Fee

EXHIBIT "D"

Return for the period of January 1, 2001 to December 31, 2001, Supra did not pay BellSouth \$23,552,861.00 in that time frame.

5. Further affiant sayeth not.

Dated this 5<sup>th</sup> day of June, 2002.

Claude P. Morton  
Claude P. Morton

Sworn to and subscribed  
before me this 5<sup>th</sup> day of June, 2002

Patricia A. Hopkins

Notary Public

My Commission expires 09-29-2003