

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 001305-TP      Date Docketed: 09/01/2000      Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

Company: BellSouth Telecommunications, Inc.  
Supra Telecommunications and Information Systems,

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_

Expiration: \_\_\_\_\_

Referred to:  
 ("()") indicates OPR)

ADM AFA APP CAF (CMP) CMU EAG ECR GCL LEG PAI RAR RGO SER WAW  
 \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff

Staff Counsel

OCRs ( )

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Recommended assignments for hearing  
 and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: \_\_\_\_\_

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.  
IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level

0

Due Dates

Previous      Current

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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	DS	JC	JB	BB	XX		

Where panels are assigned the senior Commissioner is Panel Chairman;  
 the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM	DOCUMENT NO.
DS	JC	JB	BB	XX		
						12897-05

Approved: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 001306-TI Date Docketed: 09/05/2000 Title: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5643 issued to MVX Communications, LLC for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees: Telecommunications Companies.

Company: MVX Communications, LLC

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("()") indicates OPR

ADM AFA APP CAF (CMP) CMU EAG ECR GCL LEG PAI RAR RGO SER WAW  
X \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

## Section 2 - OPR Completes and returns to RAR in 10 workdays.

## Time Schedule

Program/Module B1(k)

## Staff Assignments

OPR Staff P Isler  
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Staff Counsel F Banks  
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WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.  
 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level

0

## Due Dates

Previous Current

1. Staff Recommendation	NONE	12/07/2000
2. Agenda	NONE	12/19/2000
3. PAA Order - PSC Certificate Cancellation	NONE	01/08/2001
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Recommended assignments for hearing  
 and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 09/12/2000

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

## Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	DS	JC	JB	BZ	XX		
X							

Where panels are assigned the senior Commissioner is Panel Chairman;  
 the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

- Prehearing Officer

Commissioners					ADM
DS	JC	JB	BZ	XX	
					X

Approved: 20/5mDate: 09/12/2000





# Case Scheduling/Rescheduling Advice

Last Revised 10/30/2000 at 10:29

Page 1 of 1

Printed on 10/30/2000 at 16:35

**To:**

<input checked="" type="checkbox"/> Commissioner Jacobs <input checked="" type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Commissioner Baez <input checked="" type="checkbox"/> New Commissioner-SC <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Tech <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input checked="" type="checkbox"/> Economic Regulation Director <input checked="" type="checkbox"/> Competitive Services Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Safety & Electric Reliability Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Regulatory Oversight Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - David Dowds
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**From:** Office of Chairman Terry Deason

**Docket Number:** 001305-TP

**Docket Title:** Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		05/04/2001	Tallahassee, Room 152	1:30 PM - 5:00 PM
Hearing		05/16/2001	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		05/17/2001	Tallahassee, Room 148	9:30 AM - 5:00 PM

## 2. Hearing/Prehearing Assignment Information

### Hearing Officers

#### Former Assignments

Commissioners						Hearing Exam.	Staff
ALL	DS	JC	JB	BZ	SC		

#### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	DS	JC	JB	BZ	SC		
		X		X	X		

### Prehearing Officer

Commissioners						
DS	JC	JB	BZ	SC	ADM	

Commissioners						
DS	JC	JB	BZ	SC	ADM	
	X					

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

**Remarks:**

# Case Assignment and Scheduling Record

## Section 1 - Division of Records and Report (RAR) Completes

Docket No. 001305-TP Date Docketed: 09/01/2000 Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.  
 Company: BellSouth Telecommunications, Inc.  
Supra Telecommunications and Information Systems.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_

Expiration: \_\_\_\_\_

Referred to:  
 ("()") indicates OPR

ADM AFA APP CAF (CMP) CMU EAG ECR GCL LEG PAI RAR RGO SER WAW  
 \_\_\_\_\_ X \_\_\_\_\_

## Section 2 - OPR Completes and returns to RAR in 10 workdays.

### Time Schedule

Program/Module A20(b)

### Staff Assignments

OPR Staff D Dowds  
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 Staff Counsel W Knight, D Caldwell  
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 IT IS TENTATIVE AND SUBJECT TO REVISION.  
 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level**

1

### Due Dates

Previous Current

1. Notice of Issue ID	NONE	12/20/2000
2. Issue Identification	NONE	01/08/2001
3. Order Establishing Procedure	NONE	01/23/2001
4. Direct Testimony & Exhibits	NONE	02/26/2001
5. Rebuttal Testimony & Exhibits	NONE	04/02/2001
6. FAW Notice Filed for Prehearing	NONE	04/03/2001
7. Notice of Prehearing and Hearing	NONE	04/10/2001
8. Prehearing Statements	NONE	04/19/2001
9. Prehearing	NONE	05/04/2001
10. Prehearing Order	NONE	05/11/2001
11. Hearing (5/16 - 17/2001)	NONE	05/16/2001
12. Transcripts Due	NONE	05/24/2001
13. Briefs Due	NONE	06/14/2001
14. Staff Recommendation	NONE	07/26/2001
15. Agenda	NONE	08/07/2001
16. Standard Order	NONE	08/27/2001
17. Close Docket or Revise CASR	NONE	12/27/2001
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Recommended assignments for hearing  
 and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 10/31/2000

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

## Section 3 - Chairman Completes

Assignments are as follows:

**CSRA**

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	DS	JC	JB	BZ	XX		
		X		X	X		

- Prehearing Officer

Commissioners					ADM
DS	JC	JB	BZ	XX	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman;  
 the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

Approved: 10/31/2000

Date: 10/31/2000

# Case Scheduling/Rescheduling Advice

Last Revised 01/11/2001 at 09:33

Page 1 of 1

Printed on 01/12/2001 at 11:41

**To:**

<input type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Commissioner Baez <input checked="" type="checkbox"/> Commissioner Palecki <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Tech <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input type="checkbox"/> Economic Regulation Director <input checked="" type="checkbox"/> Competitive Services Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Safety & Electric Reliability Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Regulatory Oversight Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - David Dowds
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**From:** Office of Chairman E. Leon Jacobs

**Docket Number:** 001305-TP

**Docket Title:** Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time

## 2. Hearing/Prehearing Assignment Information

### Hearing Officers

Former Assignments							
Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

### Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM
1					

Commissioners					
JC	DS	JB	BZ	PL	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

### Remarks:

Reassignment of Chairman's Caseload. No other changes were made. PH - 5/4/01; H - 5/16-17/01.

## Case Scheduling/Rescheduling Advice

Last Revised 04/10/2001 at 09:43

Page 1 of 1

Printed on 04/13/2001 at 12:48

**To:**

<input type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Commissioner Baez <input checked="" type="checkbox"/> Commissioner Palecki <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Tech <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input type="checkbox"/> Economic Regulation Director <input checked="" type="checkbox"/> Competitive Services Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Safety & Electric Reliability Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Regulatory Oversight Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - David Dowds
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**From:** Office of Chairman E. Leon Jacobs

**Docket Number:** 001305-TP

**Docket Title:** Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

### 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	05/04/2001	05/02/2001	Tallahassee, Room 152	1:30 PM - 5:00 PM

### 2. Hearing/Prehearing Assignment Information

#### Hearing Officers

Former Assignments							
Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

#### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

#### Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

**Remarks:** H - 5/16-17/01.

# Case Assignment and Scheduling Record

## Section 1 - Division of Records and Reports (RAR) Completes

Jocket No. 001305-TP Date Docketed: 09/01/2000 Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.  
 Company: BellSouth Telecommunications, Inc.  
Supra Telecommunications and Information Systems.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_

Expiration: \_\_\_\_\_

Referred to:  
 ("()") indicates OPR

ADM AFA APP CAF (CMP) CMU EAG ECR GCL LEG PAI RAR RGO SER WAW  
 \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

## Section 2 - OPR Completes and returns to RAR in 10 workdays.

## Time Schedule

Program/Module A20(b)

### Staff Assignments

OPR Staff D Dowds  
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 Staff Counsel W Knight  
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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

2

### Due Dates

Previous Current

1. Rebuttal Testimony & Exhibits	SAME	04/02/2001
2. Notice of Prehearing and Hearing	SAME	04/10/2001
3. Prehearing Statements	SAME	04/19/2001
4. Standard Order	SAME	04/23/2001
5. Prehearing	05/04/2001	05/02/2001
6. Prehearing Order	SAME	05/11/2001
7. Hearing (5/16 - 17/2001)	SAME	05/16/2001
8. Transcripts Due	SAME	05/24/2001
9. Briefs Due	SAME	06/14/2001
10. Staff Recommendation	SAME	07/26/2001
11. Agenda	SAME	08/07/2001
12. Standard Order	SAME	08/27/2001
13. Close Docket or Revise CASR	SAME	12/27/2001
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Recommended assignments for hearing  
 and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 10/31/2000

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

## Section 3 - Chairman Completes

Assignments are as follows:

**CSRA**

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman;  
 the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

Approved: B. J. Smith

Date: 04/16/2001

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# Case Scheduling/Rescheduling Advice

Last Revised 04/27/2001 at 10:25

Page 1 of 1

Printed on 05/01/2001 at 14:41

**To:**

<input type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Commissioner Baez <input checked="" type="checkbox"/> Commissioner Palecki <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Tech <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input type="checkbox"/> Economic Regulation Director <input checked="" type="checkbox"/> Competitive Services Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Safety & Electric Reliability Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Regulatory Oversight Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - David Dowds
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**From:** Office of Chairman E. Leon Jacobs

**Docket Number:** 001305-TP

**Docket Title:** Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	05/02/2001	Cancelled	Tallahassee, Room 148	1:30 PM - 5:00 PM
Hearing	05/16/2001	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing	05/17/2001	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM

## 2. Hearing/Prehearing Assignment Information

### Former Assignments

#### Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

#### Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

**Remarks:** THE PREHEARING AND HEARING WILL BE RESCHEDULED AT A LATER DATE.

# Case Assignment and Scheduling Record

Section 1 - Division of Records and Report: RAR Completes

Docket No. 001305-TP Date Docketed: 09/01/2000 Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.  
Company: BellSouth Telecommunications, Inc.  
Supra Telecommunications and Information Systems,

Official Filing Date: \_\_\_\_\_  
Last Day to Suspend: \_\_\_\_\_

Expiration: \_\_\_\_\_

Referred to:  
("()" indicates OPR)

ADM AFA APP CAF (CMP) CMU EAG ECR GCL LEG PAI RAR RGO SER WAW  
\_\_\_\_\_ X \_\_\_\_\_

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

## Staff Assignments

OPR Staff K Logue

Staff Counsel W Knight

OCRs ( ) \_\_\_\_\_

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Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 06/08/2001

Initials: OPR \_\_\_\_\_  
Staff Counsel \_\_\_\_\_

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT.  
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FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
Current CASR revision level

3

## Due Dates

Previous Current

1. Order Establishing Procedure	NONE	06/20/2001
2. Direct Testimony & Exhibits (All)	NONE	07/02/2001
3. Testimony - Rebuttal & Exhibits (All)	NONE	08/01/2001
4. Prehearing Statements	04/19/2001	08/22/2001
5. Notice of Prehearing and Hearing	NONE	08/27/2001
6. Prehearing	05/02/2001	09/05/2001
7. Transcript of Prehearing Due	NONE	09/10/2001
8. Prehearing Order	05/11/2001	09/17/2001
9. Hearing (09/26-28/01)	05/16/2001	09/26/2001
10. Transcript of Hearing Due	05/24/2001	10/05/2001
11. Briefs Due	06/14/2001	10/26/2001
12. Staff Recommendation	07/26/2001	01/17/2002
13. Agenda	08/07/2001	01/22/2002
14. Standard Order	08/27/2001	02/11/2002
15. Close Docket or Revise CASR	12/27/2001	03/11/2002
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Section 3 - Chairman Completes

Assignments are as follows:

CSRA

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: Z. Ism

Date: 06/08/2001



## Case Scheduling/Rescheduling Advice

Last Revised 06/04/2001 at 10:06

Page 1 of 1

Printed on 06/19/2001 at 16:04

**To:**

<input type="checkbox"/> Commissioner Deason <input type="checkbox"/> Commissioner Jaber <input checked="" type="checkbox"/> Commissioner Baez <input checked="" type="checkbox"/> Commissioner Palecki <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Public Information Officer	<input checked="" type="checkbox"/> Deputy Executive Director/Tech <input checked="" type="checkbox"/> Appeals Director <input checked="" type="checkbox"/> Legal Director <input type="checkbox"/> Economic Regulation Director <input checked="" type="checkbox"/> Competitive Services Director <input checked="" type="checkbox"/> Consumer Affairs Director	<input type="checkbox"/> Safety & Electric Reliability Director <input checked="" type="checkbox"/> Records & Reporting Director <input checked="" type="checkbox"/> PAI Director <input type="checkbox"/> Regulatory Oversight Director <input checked="" type="checkbox"/> Court Reporter <input checked="" type="checkbox"/> Staff Contact - David Dowds
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**From:** Office of Chairman E. Leon Jacobs

**Docket Number:** 001305-TP

**Docket Title:** Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

### 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference		09/05/2001	Tallahassee, Room 152	9:30 AM - 12:00 PM
Hearing		09/26/2001	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		09/27/2001	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		09/28/2001	Tallahassee, Room 148	9:30 AM - 5:00 PM

### 2. Hearing/Prehearing Assignment Information

#### Former Assignments

##### Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

#### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

##### Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

**Remarks:**

Case Assignment and Scheduling Record

Section 1 - Division of Records and Report (RAR) Completes

Docket No. 001305-TP Date Docketed: 09/01/2000 Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.  
 Company: BellSouth Telecommunications, Inc.  
Supra Telecommunications and Information Systems.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("()") indicates OPR) \_\_\_\_\_  
 ADM AFA APP CAF (CMP) CMU EAG ECR GCL LEG PAI RAR RGO SER WAW  
 \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff K Logue  
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Staff Counsel W Knight  
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OCRs ( ) \_\_\_\_\_  
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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

4

Due Dates

Previous Current

1. Order Establishing Procedure	06/22/2001	06/27/2001
2. Direct Testimony & Exhibits (All)	07/02/2001	07/18/2001
3. Testimony - Rebuttal & Exhibits (All)	08/01/2001	08/08/2001
4. Prehearing Statements	04/19/2001	08/22/2001
5. Notice of Prehearing and Hearing	SAME	08/27/2001
6. Prehearing	05/02/2001	09/05/2001
7. Transcript of Prehearing Due	SAME	09/10/2001
8. Prehearing Order	05/11/2001	09/17/2001
9. Hearing (09/26-28/01)	05/16/2001	09/26/2001
10. Transcript of Hearing Due	05/24/2001	10/05/2001
11. Briefs Due	06/14/2001	10/26/2001
12. Staff Recommendation	07/26/2001	01/17/2002
13. Agenda	08/07/2001	01/22/2002
14. Standard Order	08/27/2001	02/11/2002
15. Close Docket or Revise CASR	12/27/2001	03/11/2002
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Recommended assignments for hearing  
 and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 06/27/2001

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

**PSC-01-1401-PCO-TP**

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman;  
 the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

Approved: [Signature]  
 Date: 06/27/2001

## Case Scheduling/Rescheduling Advice

Last Revised 07/11/2001 at 08:41

Page 1 of 1

Printed on 07/17/2001 at 15:42

To: ☐ Commissioner Deason ☒ Deputy Executive Director/Tech ☐ Safety & Electric Reliability Director  
☐ Commissioner Jaber ☒ Appeals Director ☒ Records & Reporting Director  
☒ Commissioner Baez ☒ Legal Director ☒ PAI Director  
☒ Commissioner Palecki ☐ Economic Regulation Director ☐ Regulatory Oversight Director  
☒ Executive Director ☒ Competitive Services Director ☒ Court Reporter  
☒ Public Information Officer ☒ Consumer Affairs Director ☒ Staff Contact - David Dowds

From: Office of Chairman E. Leon Jacobs

Docket Number: 001305-TP

Docket Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

### 1. Schedule Information

Event	Former Date	New Date	Location	Time
Prehearing Conference	09/05/2001	09/10/2001	Tallahassee, Room 148	9:30 AM - 12:00 PM

### 2. Hearing/Prehearing Assignment Information

#### Former Assignments

#### Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

#### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

#### Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: H-9/26-28/01

# Case Assignment and Scheduling Record

## Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 001305-TP Date Docketed: 09/01/2000 Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

Company: BellSouth Telecommunications, Inc.  
Supra Telecommunications and Information Systems,

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_

Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("()") indicates OPR

APP CAF CCA (CMP) ECR GCL LEG PAI RGO SER  
 \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

## Section 2 - OPR Completes and returns to CCA in 10 workdays.

## Time Schedule

Program/Module A20(b)

### Staff Assignments

OPR Staff L King, M Barrett, K Logue,

T Schultz

Staff Counsel W Knight

OCRs ( )

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Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 07/11/2001

Initials: OPR

Staff Counsel \_\_\_\_\_

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level

5

### Due Dates

Previous Current

1. Direct Testimony & Exhibits	NONE	07/18/2001
2. Testimony - Rebuttal & Exhibits (All)	08/01/2001	08/08/2001
3. Prehearing Statements	04/19/2001	08/22/2001
4. Notice of Prehearing and Hearing	SAME	08/27/2001
5. Prehearing	09/05/2001	09/10/2001
6. Transcript of Prehearing Due	09/10/2001	09/17/2001
7. Prehearing Order	05/11/2001	09/17/2001
8. Hearing (09/26-28/01)	05/16/2001	09/26/2001
9. Transcript of Hearing Due	05/24/2001	10/05/2001
10. Briefs Due	06/14/2001	10/26/2001
11. Staff Recommendation	01/17/2002	01/10/2002
12. Agenda	08/07/2001	01/22/2002
13. Standard Order	08/27/2001	02/11/2002
14. Close Docket or Revise CASR	12/27/2001	03/11/2002
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## Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: B. J. Smith

Date: 07/11/2001

Case Assignment and Scheduling Record

Section 1 - Bureau of Records and Hearing Offices Completes

Docket No. 001305-TP Date Docketed: 09/01/2000 Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.  
 Company: BellSouth Telecommunications, Inc.  
Supra Telecommunications and Information Systems.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_  
 Referred to: \_\_\_\_\_ APP CAF CCA (CMP) ECR GCL LEG PAI RGO SER  
 ("() " indicates OPR) \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program/Module A20(b)

Staff Assignments

OPR Staff L King, M Barrett, K Logue,  
T Schultz  
Staff Counsel W Knight  
OCRs ( )  
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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level**

6

Due Dates

Previous Current

1.	Direct Testimony & Exhibits	07/18/2001	07/27/2001
2.	Testimony - Rebuttal & Exhibits (All)	08/08/2001	08/15/2001
3.	Prehearing Statements	04/19/2001	08/22/2001
4.	Notice of Prehearing and Hearing	SAME	08/27/2001
5.	Prehearing	09/05/2001	09/10/2001
6.	Transcript of Prehearing Due	09/10/2001	09/17/2001
7.	Prehearing Order	05/11/2001	09/17/2001
8.	Hearing (09/26-28/01)	05/16/2001	09/26/2001
9.	Transcript of Hearing Due	05/24/2001	10/05/2001
10.	Briefs Due	06/14/2001	10/26/2001
11.	Staff Recommendation	01/17/2002	01/10/2002
12.	Agenda	08/07/2001	01/22/2002
13.	Standard Order	08/27/2001	02/11/2002
14.	Close Docket or Revise CASR	12/27/2001	03/11/2002
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Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 07/13/2001

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	X			X	X		

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
				X	

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: L. J. Smith

Date: 07/16/2001

## Case Scheduling/Rescheduling Advice

Last Revised 08/29/2001 at 10:14

Page 1 of 1

Printed on 09/17/2001 at 15:29

To: ☐ Commissioner Deason ☒ Deputy Executive Director/Tech ☐ Safety & Electric Reliability Director  
☒ Commissioner Jaber ☒ Appeals Director ☒ Records & Reporting Director  
☒ Commissioner Baez ☒ Legal Director ☒ PAI Director  
☒ Commissioner Palecki ☐ Economic Regulation Director ☐ Regulatory Oversight Director  
☒ Executive Director ☒ Competitive Services Director ☒ Court Reporter  
☒ Public Information Officer ☒ Consumer Affairs Director ☒ Staff Contact - David Dowds

From: Office of Chairman E. Leon Jacobs

Docket Number: 001305-TP

Docket Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

### 1. Schedule Information

Event	Former Date	New Date	Location	Time

### 2. Hearing/Prehearing Assignment Information

#### Former Assignments

#### Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
	1						

#### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
			X	X	X		

#### Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: PH- 9/10/01; H-9/26-28/01. COM. JABER REPLACED CHR. JACOBS ON THE PANEL.

# Case Scheduling/Rescheduling Advice

Last Revised 09/28/2001 at 11:13

Page 1 of 1

Printed on 10/09/2001 at 13:37

To: ☐ Commissioner Deason ☒ Deputy Executive Director/Tech ☐ Safety & Electric Reliability Director  
☒ Commissioner Jaber ☒ Appeals Director ☒ Records & Reporting Director  
☒ Commissioner Baez ☒ Legal Director ☒ PAI Director  
☒ Commissioner Palecki ☐ Economic Regulation Director ☐ Regulatory Oversight Director  
☒ Executive Director ☒ Competitive Services Director ☒ Court Reporter  
☒ Public Information Officer ☒ Consumer Affairs Director ☒ Staff Contact - David Dowds

From: Office of Chairman E. Leon Jacobs

Docket Number: 001305-TP

Docket Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

## 1. Schedule Information

Event	Former Date	New Date	Location	Time
Hearing		09/26/2001	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing		09/27/2001	Tallahassee, Room 148	9:30 AM - 5:00 PM
Hearing	09/28/2001	Cancelled	Tallahassee, Room 148	9:30 AM - 5:00 PM

## 2. Hearing/Prehearing Assignment Information

### Former Assignments

#### Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		

### Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
			X	X	X		

#### Prehearing Officer

Commissioners					
JC	DS	JB	BZ	PL	ADM

Commissioners					
JC	DS	JB	BZ	PL	ADM
				X	

Reason for Revision: A. New Assignment 1. Unavailability 2. Good Cause 3. Recused 4. Disqualified 5. See Remarks

Remarks: Hearing concluded on Sept. 27th.

# Case Assignment and Scheduling Record

## Section 1 - Bureau of Records and Hearing Office Completes

Docket No. 001305-TP Date Docketed: 09/01/2000 Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.  
 Company: BellSouth Telecommunications, Inc.  
Supra Telecommunications and Information Systems.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_

Expiration: \_\_\_\_\_

Referred to:  
 ("()") indicates OPR)

APP CAF CCA (CMP) ECR GCL LEG PAI RGO SER  
 \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

## Section 2 - OPR Completes and returns to CCA in 10 workdays.

## Time Schedule

Program/Module A20(b)

### Staff Assignments

OPR Staff S Simmons, M Barrett, J Brown,  
T Brown, L King, T Schultz,  
L Turner

Staff Counsel W Knight

OCRs ( )

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

7

### Due Dates

Previous Current

1. Staff Recommendation	01/10/2002	02/07/2002
2. Agenda	01/22/2002	02/19/2002
3. Standard Order	02/11/2002	03/11/2002
4. Close Docket or Revise CASR	03/11/2002	08/01/2002
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Recommended assignments for hearing  
 and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 01/09/2002

Initials: OPR

Staff Counsel \_\_\_\_\_

## Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		
	X		X	X			

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman;  
 the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

Approved: L. / sm

Date: Pending 1/16/02



# Case Assignment and Scheduling Record

## Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 001305-TP Date Docketed: 09/01/2000 Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.  
 Company: BellSouth Telecommunications, Inc.  
Supra Telecommunications and Information Systems.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_  
 ("()") indicates OPR) \_\_\_\_\_

## Section 2 - OPR Completes and returns to CCA in 10 workdays.

### Time Schedule

Program/Module A20(b)

#### Staff Assignments

OPR Staff S Simmons, M Barrett, J Brown,  
T Brown, L King, T Schultz,  
L Turner

Staff Counsel W Knight

OCRs ( ) \_\_\_\_\_

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Recommended assignments for hearing  
 and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 02/25/2002

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770  
 Current CASR revision level**

8

#### Due Dates

Previous Current

1. Staff Recommendation	NONE	02/25/2002
2. Agenda (Deferred from 02/19/02)	NONE	03/05/2002
3. Standard Order	03/11/2002	03/25/2002
4. Close Docket or Revise CASR	03/11/2002	08/01/2002
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## Section 3 - Chairman Completes

Assignments are as follows:

#### - Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		
	X		X	X			

#### - Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman;  
 the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is  
 assigned the full Commission decides the case.

Approved: 5/1/02

Date: 02/25/2002

# Case Assignment and Scheduling Record

## Section 1 - Bureau of Records and Hearing Services Completes

Docket No. 001305-TP Date Docketed: 09/01/2000 Title: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.  
 Company: BellSouth Telecommunications, Inc.  
 Supra Telecommunications and Information Systems.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_  
 Referred to: \_\_\_\_\_  
 ("()") indicates OPR

AUS CAF CCA (CMP) ECR EXT GCL MMS PIF  
 \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

## Section 2 - OPR Completes and returns to CCA in 10 workdays.

## Time Schedule

Program/Module A20(b)

### Staff Assignments

OPR Staff S Simmons, M Barnett, J Brown,  
T Brown, L King, T Schultz,  
L Turner

Staff Counsel W Knight

OCRs ( )

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Recommended assignments for hearing and/or deciding this case:

Full Commission \_\_\_\_\_ Commission Panel X  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with CCA: 07/26/2002

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**  
 Current CASR revision level

9

### Due Dates

Previous Current

1. Staff Recommendation on Agreement & Motions	NONE	07/25/2002
2. Agenda - Agreement & Motions	NONE	08/06/2002
3. Standard Order - Supra's Motion for Stay of Orders	SAME	08/12/2002
4. Standard Order-Agreement & Motions	NONE	08/16/2002
5. Close Docket or Revise CASR	08/01/2002	08/16/2002
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## Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JB	DS	BZ	PL	BD		
	X		X	X			

- Prehearing Officer

Commissioners					ADM
JB	DS	BZ	PL	BD	
			X		

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.  
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: \_\_\_\_\_

Date: 07/26/2002

STATE OF FLORIDA

Commissioners:  
J. TERRY DEASON, CHAIRMAN  
E. LEON JACOBS, JR.  
LILA A. JABER  
BRAULIO L. BAEZ



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770

## Public Service Commission

September 6, 2000

J. Phillip Carver, Esquire  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301-1556

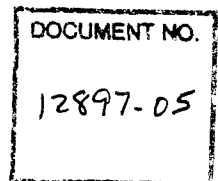
Re: Docket No. 00130<sup>5</sup>~~4~~-TP

Dear Mr. Carver:

This will acknowledge receipt of a petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc., which was filed in this office on September 1, 2000 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Division of Records and Reporting  
Florida Public Service Commission



**RAR Official Filing:**

**1/17/01\*\*\*\*\* 2:22 PM\*\*\*\*\*Marguerite Lockard \*\*\*\*\*1**

**Marguerite Lockard**

---

**From:** Andrea Cowart  
**Sent:** Wednesday, January 17, 2001 2:22 PM  
**To:** RAR - Orders-Notices  
**Cc:** Della Fordham  
**Subject:** Issue I.D. Memo

The following has been moved to GCORDERS and is ready to be issued.

001305 - 001305id.wk

\* This memorandum will be hand-delivered to you.

4f

**RAR Official Filing:**

**3/27/01 \*\*\*\*\*2:02 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

**From:** Dorothy Menasco  
**Sent:** Tuesday, March 27, 2001 1:58 PM  
**To:** RAR - Orders-Notices  
**Cc:** Della Fordham  
**Subject:** Docket No. 001305-TP

**Sensitivity:** Private

**The Order Authorizing Qualified Representative in the above-referenced docket has been transferred to GCOrders for issuance. Since it has been signed by a Commissioner, a hard copy will be hand-delivered today.**

**File name: 001305a.alc**

**Atty: Wayne/Alice**

5

3f

\*\*\*\*\* -JOURNAL- \*\*\*\*\* DATE APR-13-2001 \*\*\*\*\* TIME 10:24 \*\*\* P.02

NO.	COMM.	PAGES	FILE	DURATION	X/R	IDENTIFICATION	DATE	TIME	DIAGNOSTIC
00	420	000	325	00:00:42	RCV		APR-05	16:46	0000C000000000
01	OK	001/001	326	00:01:22	XMT	612024247645	APR-05	17:12	6107A2000A040
02	OK	001	327	00:00:39	RCV	8504256343	APR-06	09:02	0507C00009030
03	OK	001	328	00:00:33	RCV	8502225606	APR-06	09:07	0507C0000A070
04	OK	004/004	329	00:00:28	XMT	RECORDS CENTER	APR-06	09:42	C107A200BBCC0
05	OK	013	330	00:04:07	XMT	613054764282	APR-06	09:45	6107A2000A030
06	OK	001	331	00:00:16	RCV	8504253415	APR-06	12:09	0507C0000BCB0
07	OK	002	332	00:00:41	RCV	850 222 9768	APR-06	12:32	0507C0000A070
08	OK	001/001	333	00:00:17	XMT	94881388	APR-06	14:34	C107A2008BCC0
09	OK	002	334	00:00:29	RCV	202 434 1690	APR-06	15:55	0507C0000BCB0
10	OK	002	335	00:00:42	XMT	612024247645	APR-06	16:15	6107A2000A070
11	OK	001/001	336	00:00:12	XMT	RECORDS CENTER	APR-06	16:42	C107A200BBCC0
12	OK	001	337	00:00:15	RCV	4076488382	APR-09	11:02	0507C0000BC90
13	OK	001	338	00:00:13	RCV	850 681 6654	APR-09	11:42	0507C0000BCD0
14	420	000	339	00:00:42	RCV		APR-09	13:16	0000C000000000
15	OK	001	340	00:00:15	RCV	4076488382	APR-09	13:18	0507C0000BC90
16	OK	003	341	00:01:16	XMT	MCWHIRTER LAW	APR-09	14:27	0107A2000A070
17	OK	003/003	342	00:00:56	XMT	98783471	APR-09	14:29	6107A2000A030
18	OK	002	343	00:00:23	XMT	94881388	APR-09	15:11	C107A2008BCC0
19	OK	004	344	00:01:09	XMT	613142125401	APR-09	15:22	0107A2000A070
20	OK	001/001	345	00:00:11	XMT	RECORDS CENTER	APR-09	15:34	C107A200BBCC0
21	OK	001	346	00:00:15	RCV		APR-09	16:16	0407C0000ACD0
22	OK	003	347	00:01:26	RCV	954 969 3911	APR-09	17:56	050FC0000A070
23	OK	002	348	00:00:53	RCV	954 969 3911	APR-09	18:08	050FC0000A070
24	OK	001	349	00:00:33	RCV	850 4100129	APR-10	13:28	0507C00008030
25	OK	002	350	00:00:49	RCV		APR-10	13:29	0507C0000A030
26	OK	002	351	00:00:18	XMT	94881388	APR-10	13:42	C107A2008BCC0
27	OK	001/001	352	00:00:13	XMT	94881388	APR-10	13:46	C107A2008BCC0
28	OK	002	353	00:00:18	RCV	12125714058	APR-10	16:06	0507C0000ACB0
29	OK	002	354	00:00:48	RCV		APR-11	16:08	050FC00001070
30	OK	002	355	00:00:37	XMT	94136913	APR-11	16:09	0107A20001070
31	OK	001/001	356	00:00:14	XMT	94881388	APR-12	08:43	C107A2008BCC0
32	OK	002	357	00:00:20	XMT	94881388	APR-12	08:47	C107A2008BCC0
33	OK	002	358	00:00:46	RCV	813 221 8811	APR-12	09:55	0507C0000A070
34	OK	003	359	00:00:59	RCV		APR-12	11:03	050FC00001070
35	OK	001	360	00:00:27	RCV	8508783471	APR-12	11:06	0507C0000A030
36	OK	001	361	00:00:33	RCV	8502225606	APR-12	11:22	0507C0000A070
37	OK	001	362	00:00:45	RCV	850 222 9768	APR-12	11:26	0507C0000A070
38	OK	001	363	00:00:21	RCV		APR-12	11:43	C407C00009A070
39	OK	001	364	00:00:27	RCV	9046816516	APR-12	12:53	0507C0000A070
40	OK	001	365	00:00:31	RCV	850 681 9676	APR-12	12:58	0507C0000A070
41	OK	003	366	00:01:16	RCV	8509420103	APR-12	13:27	0507C0000A070
42	OK	001	367	00:00:31	RCV	8502225606	APR-12	14:53	0507C0000A070
43	OK	001	368	00:00:30	RCV	617 951 0528	APR-12	16:35	0507C0000A070
44	OK	003	369	00:00:58	XMT	616179510528	APR-12	17:14	7107A2000A070
45	OK	001/001	370	00:00:13	XMT	94881388	APR-13	09:40	C107A2008BCC0
46	OK	003	372	00:01:01	XMT	613054431078 ✓	APR-13	09:48	6107A2000A070
47	OK	003	373	00:00:56	XMT	613055774491 ✓	APR-13	09:50	8107A2000A070
48	634	000/003	371	00:00:00	XMT	94020522	APR-13	09:51	00000000000000
49	OK	003	374	00:00:26	XMT	BELLSOUTH ✓	APR-13	09:54	8107A2000BDD0

-FPSC RAR (850-413-6770) -

**RAR Official Filing:**

**5/23/01\*\*\*\*\*1:38 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

---

**From:** Andrea Cowart  
**Sent:** Wednesday, May 23, 2001 1:30 PM  
**To:** RAR - Orders-Notices  
**Cc:** Della Fordham  
**Subject:** Order

FOE 1180

10

**The following order has been moved to GCORDERS and is ready to be issued.**

**001305 - 001305or.wdk**

S

4f

**RAK Official Filing:**

**6/28/01\*\*\*\*\*1:11 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

**From:** Andrea Cowart  
**Sent:** Thursday, June 28, 2001 12:38 PM  
**To:** RAR - Orders-Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 6/28/01 12:37:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** 001305ep.wdk  
**Order Type:** Signed / Hand Deliver

Order Establishing Procedure

1401-PCD

10

RECEIVED-FPSC  
01 JUN 28 PM 12:17  
REGULATORY AND  
REPORTING

3f

S



**Filings@psc.state.fl.us**

---

**To:** Fatool, Vicki [Vicki.Fatool@BellSouth.COM]  
**Subject:** Docket Number 001305-TP

This will confirm receipt of

Notice of Intent to Request Confidential Classification for BellSouth confidential information that Supra filed in its "Status and Complaint Regarding BellSouth's Bad Faith Negotiations Tactics".

Your filing was received on July 6, 2001.

It has been stamped with identifying Document No. 08279-01.

Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission

**Filings@psc.state.fl.us**

---

**From:** Filings@psc.state.fl.us  
**Sent:** Thursday, July 12, 2001 9:31 AM  
**To:** 'Fatool, Vicki'  
**Subject:** Docket Number 001305-TP

This will confirm receipt of

Notice of Correction to Response to Supra's Complaint and Motion to Dismiss

Your filing was received on July 11, 2001.

It has been stamped with identifying Document No. 08486-01.

Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission

**CCA Official Filing:**

**7/13/01\*\*\*\*\*12:10 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

**From:** Andrea Cowart  
**Sent:** Friday, July 13, 2001 12:10 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 7/13/01 12:09:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** 001305o3.wpd  
**Order Type:** Signed / Hand Deliver

Supplemental Order Establishing Procedure

**Filings@psc.state.fl.us**

---

**From:** Filings@psc.state.fl.us  
**Sent:** Wednesday, July 18, 2001 1:18 PM  
**To:** 'Fatool, Vicki'  
**Subject:** Docket Number 001305-TP

This will confirm receipt of

Opposition to Supra Telecommunications and Information System, Inc.'s Motion to Stay

Your filing was received on July 18, 2001.

It has been stamped with identifying Document No. 08738-01.

Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission

**CCA Official Filing:**

**7/20/01\*\*\*\*\*11:06 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

001305-TP

Kay Flynn

---

**From:** Kay Flynn  
**Sent:** Friday, July 20, 2001 11:07 AM  
**To:** Laura King  
**Cc:** Wayne Knight; Beth Keating; Katrina Tew; Blanca Bayo  
**Subject:** RE: Docket 001305-TP

Thanks, Laura.

Blanca: fyi.

-----Original Message-----

**From:** Laura King  
**Sent:** Friday, July 20, 2001 10:47 AM  
**To:** Katrina Tew  
**Cc:** Wayne Knight; Kay Flynn  
**Subject:** Docket 001305-TP

Good morning Katrina. I left you a voice mail on this but since I have to leave at 11 today and I'm in a class on Monday & Tuesday, I thought it would be best to send an e-mail.

Just wanted to let your office know that the "Status and Complaint Regarding Bellsouth's Bad Faith Negotiation Tactics" filed on June 18 by Supra had attached to it a document (Exhibit B) that contains proprietary information. Supra did NOT file a notice of intent to request conf. classification when they filed the document so it was handled like any other public document. On July 6 Bellsouth filed its Notice of Intent to Request Conf. Classification of Exhibit B, then on July 19 Supra filed a Notice of Intent . . . needless to say both notices were filed too late. The document was scanned in and has been out there since it was filed on June 18. I spoke to Beth Keating and basically since the "cat is out of the bag" there is really nothing we can do at this point.

As I said I just wanted to make your office aware in case something further comes of this. If you have any questions, please let me know. I'll be back in the office Wednesday morning (7 am).

Thanks and have a good weekend.

Kay Flynn

---

To: Beth Keating  
Cc: Noreen Davis; Wayne Knight; Katrina Tew; Laura King; Blanca Bayo; Marguerite Lockard  
Subject: RE: 001305-TP

Thanks, Beth.

We will leave the documents "as is" (are) pending a ruling.

Kay

-----Original Message-----

From: Beth Keating  
Sent: Friday, July 20, 2001 3:16 PM  
To: Kay Flynn  
Cc: Noreen Davis; Wayne Knight; Katrina Tew  
Subject: RE: 001305-TP

O.k. Well, we can certainly draft an Order for Commissioner Palecki when Wayne returns, but I do not believe that the information should be pulled back pending the ruling. It's already "out there" and should stay that way.

-----Original Message-----

From: Kay Flynn  
Sent: Friday, July 20, 2001 11:32 AM  
To: Beth Keating  
Subject: RE: 001305-TP

Beth, Supra filed a request for confidentiality. (They responded to Bell's NOI and at the same time requested confidentiality themselves.)

-----Original Message-----

From: Beth Keating  
Sent: Friday, July 20, 2001 11:29 AM  
To: Kay Flynn  
Cc: Katrina Tew; Noreen Davis  
Subject: RE: 001305-TP

Well, generally, no ruling is made on notices of intent. Even though Supra filed a response and its own notice of intent, since the information is now public, I'm not sure that any ruling is necessary. Noreen, any thoughts or does this sound o.k. to you?

-----Original Message-----

From: Kay Flynn  
Sent: Friday, July 20, 2001 11:22 AM  
To: Beth Keating  
Subject: RE: 001305-TP

Bell filed a notice of intent on 7/6, and SUPRA filed a "response and objection to BellSouth's notice of intent and request for confidentiality" yesterday. (Supra responded and objected to Bell's NOI, and also filed its own request for confidentiality.)

-----Original Message-----

From: Beth Keating  
Sent: Friday, July 20, 2001 11:10 AM  
To: Kay Flynn  
Subject: RE: 001305-TP

**CCA Official Filing:**

**7/23/01\*\*\*\*\*7:25 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*2**

Didn't they only file a Notice of Intent?

-----Original Message-----

From: Kay Flynn  
Sent: Friday, July 20, 2001 10:36 AM  
To: Beth Keating  
Cc: Wayne Knight; Laura King  
Subject: RE: 001305-TP

Will Legal go ahead and prepare a ruling on Supra's request?

-----Original Message-----

From: Beth Keating  
Sent: Friday, July 20, 2001 10:22 AM  
To: Kay Flynn  
Cc: Wayne Knight; Laura King  
Subject: RE: 001305-TP

Looks like it. As best as we can tell, this has been public for some time.

-----Original Message-----

From: Kay Flynn  
Sent: Friday, July 20, 2001 9:57 AM  
To: Beth Keating  
Cc: Laura King; Wayne Knight  
Subject: FW: 001305-TP

Beth, I haven't heard from Wayne. Could you respond to the question below?

Kay

-----Original Message-----

From: Kay Flynn  
Sent: Friday, July 20, 2001 9:47 AM  
To: Laura King; Wayne Knight  
Subject: 001305-TP

Good morning.....

We received yesterday from Supra a request for confidential classification in this docket. Is Supra asking for confidentiality of something already on file in the public record?

Kay

**BellSouth Telecommunications, Inc.**

**Regulatory Relations**

150 South Monroe Street

Suite 400

Tallahassee, FL 32301

nancy.sims@bellsouth.com

**Nancy H. Sims**

Director

850 222 1201

Fax 850 222 8640

Ms. Noreen Davis  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Subject: Party of Record/Certificate of Service

Dear Ms. Davis,

This letter is to provide BellSouth's Party of Record/Certificate of Service information to the personnel in your division. With the changes in personnel handling legal document filings and notices for the Florida Public Service Commission, and with the numerous locations of BellSouth, there is sometimes confusion as to which BellSouth address should be used when serving documents or sending notices. BellSouth's local Tallahassee office is the "official service" location for docketed and undocketed matters. This address is:

Nancy B. White, Esquire  
BellSouth Telecommunications, Inc.  
c/o Ms. Nancy H. Sims  
150 So. Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

The attorney name may be different depending upon the case involved, but the Tallahassee address should always be used. If this address is not used, then it is difficult to determine the proper response timeframe.

I would appreciate your help in providing this information to your staff as we have recently had filings and notices sent directly to Miami and to Atlanta. If you have any questions, please let me know.

Thank you.

Yours truly,

  
Nancy H. Sims

Copy to: Nancy White  
Blanca Bayo  
Walter D'Haeseleer

960786, 981834, 990455, 990457,  
990456, 000028, 000475, 000436  
000649, 000690, 000731, 000733,  
000761, 000828, 001087  
001105, 001797, 001810  
010027, 010097, 010098, 010302, 010309, 010341,  
010565, 010701, 010782, 010801,  
010983, 010983, 010973, 010962

July 25, 2001

COMMISSION  
CLERK

JUL 25 PM 4:39

RECEIVED-TPSC



STATE OF FLORIDA

COMMISSIONERS:  
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DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 7/27/01

TO: J. Mesa  
FROM: K. Williams, Division of the Commission Clerk and  
Administrative Services  
RE: **Acknowledgment of Receipt of Confidential Filing**

09193-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning Exhibit  
B to Supra's "Statutes and Complaint", and  
filed on behalf of Bell South. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

Public Service Commission

ACKNOWLEDGMENT

DATE: 7/30/01

TO:

B. Chalken

FROM:

K. Williams

, Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

09249-01

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP

or (if filed in an undocketed matter) concerning Test &

Exhs of Ramos, Nelson & Bentley

, and

filed on behalf of Supra

. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR-19 (7/01)

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STATE OF FLORIDA

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DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 7/30/01

TO:

B. Thacker

FROM:

B. Williams

, Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

**09252-01**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TF

or (if filed in an undocketed matter) concerning

Test &

Exhs of Ramos, Nelson & Bentley

, and

filed on behalf of

Supra

. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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STATE OF FLORIDA

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MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 7/30/01

TO:

B. Chacko

FROM:

B. Williams

, Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

09255-01

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP

or (if filed in an undocketed matter) concerning

Test &

Exhs of Ramos, Nelson & Bentley

, and

filed on behalf of

Supra

. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 8-15-01

TO: Brian Chaiken

FROM: Ruth McGill, Division of the Commission Clerk and  
Administrative Services

RE: Acknowledgment of Receipt of Confidential Filing

09995-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

\_\_\_\_\_ or (if filed in an undocketed matter) concerning ~~Testimony~~

+ Exhibit 2-7 re Zejnslovic, and  
filed on behalf of Supra Telecom. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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STATE OF FLORIDA

COMMISSIONERS:  
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J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 8-15-01

TO:

Brian Charkey

FROM:

Ruth McBill, Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

09997-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305 or (if filed in an undocketed matter) concerning Portions  
of testimony & Exhibits for Ramos, and  
filed on behalf of Supra Telecom. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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STATE OF FLORIDA

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BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 8/15/01

TO: B. Chacko  
FROM: L. Williams, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

10010-01

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning Rebuttal  
testimony of David Nelson, and  
filed on behalf of Supra. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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STATE OF FLORIDA

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MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 8-22-01

**TO:** Brian Chaiken, General Counsel, Supra Telecom  
**FROM:** Ruth L. McGill, Division of the Commission Clerk and  
Administrative Services  
**RE:** **Acknowledgment of Receipt of Confidential Filing**

**This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.**  
001305-TP **or (if filed in an undocketed matter) concerning** Confidentiality  
being claimed with respect to portions of the Prehearing Statement and, **and**  
entire Attachment A  
**filed on behalf of** Supra Telecom. **The**  
**document will be maintained in locked storage.**

**Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.**

PSC/RAR 19 (7/01)



**CCA Official Filing:**

**8/27/01\*\*\*\*\*3:07 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

---

**From:** Andrea Cowart  
**Sent:** Monday, August 27, 2001 3:04 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

2 pgs

**Date and Time:** 8/27/01 3:04:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** 001305not.wpd  
**Notice Type:** Prehearing/Hearing

CLS ✓

6410

(10704-01)

CCA Official Filing:

9/10/01\*\*\*\*\* 12:14 PM\*\*\*\*\*Linda Williams\*\*\*\*\*1

Linda Williams

1820-PCO

From: Andrea Cowart  
Sent: Monday, September 10, 2001 12:12 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

Date and Time: 9/10/01 12:11:00 PM  
Docket Number: 001305-TP  
Filename / Path: 001305co.wpd  
Order Type: Signed / Hand Deliver

RECEIVED-FPSC  
SEP 10 PM 1:10  
COMMISSION  
CLERK

ORDER ON SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.'S MOTION TO  
COMPEL, REQUEST TO OVERRULE BELLSOUTH'S OBJECTIONS, AND FOR A CONTINUANCE

corrected version

3/0

**CCA Official Filing:**

**9/13/01\*\*\*\*\*3:49 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

1846-PCO

COMMISSION  
CLERK

01 SEP 13 PM 3:56

RECEIVED FPSC

**From:** Carolyn Craig  
**Sent:** Thursday, September 13, 2001 3:49 PM  
**To:** CCA - Orders / Notices  
**Cc:** Della Fordham  
**Subject:** Order / Notice Submitted

7

**Date and Time:** 9/13/01 3:48:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** 001305or5.wpd

Order Modifying Procedure and On Supra Telecommunications and Information Systems, Inc.'s Motion to Compel More Responsive Answers To Supra's First Set of Interrogatories

3/0



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** September 13, 2001  
**TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services  
**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services  
**RE:** DOCKET NO. 001305-TP, PREHEARING HELD 9-10-01

---

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

DOCUMENT NO. 11351, 9-12-01

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP, ECR

Acknowledged BY:

  
\_\_\_\_\_

JF/pc

PSC/RAR 28 (Rev1/00)

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

FPSC, CLK - CORRESPONDENCE

✓ Administrative Parties Consumer

DATE: September 19, 2001

TO: Dr. Bane, Deputy Executive Director/Technical

FROM: Walter D'Haeseleer, Director, CMP *WDH*

RE: Request to Copy Confidential Information - DN 001305-TP - Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

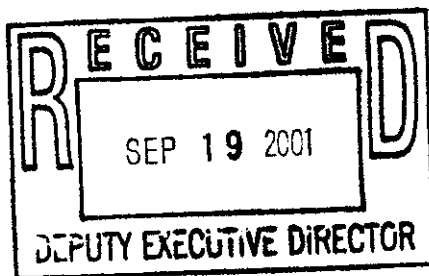
DOCUMENT NO. 12897-05

DISTRIBUTION: \_\_\_\_\_

This is a request to make two copies of a confidential document (OAR-3) contained in confidential document number 09249-01. Staff believes that this document will be discussed at length during the proceeding; therefore, staff would like to have copies available for the Commissioners to review. If there are any questions, please call Laura King at 3-6588.

*OK*  
*MBR*  
*9/19/01*

cc: Kay Flynn



STATE OF FLORIDA

COMMISSIONERS:  
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J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 9/19/01

TO: CHAIRMAN / SUPRA

FROM: M. SANDERS, Division of the Commission Clerk and  
Administrative Services

RE: Acknowledgment of Receipt of Confidential Filing

11706-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning

Attach A - References for Confidential Material, and  
filed on behalf of SUPRA. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 9/21/01

TO: T. Twomey  
FROM: L. Williams, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

11886-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning LF Repo.  
ex JK-2 of Jerry Kephart, and  
filed on behalf of Bell South. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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**CCA Official Filing:**

**9/25/01\*\*\*\*\*2:13 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

1926-PTH

**From:** Andrea Cowart  
**Sent:** Tuesday, September 25, 2001 2:14 PM  
**To:** CCA - Orders / Notices; Della Fordham; LaSandra Givens  
**Subject:** Order / Notice Submitted

77

**Date and Time:** 9/25/01 2:13:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** 001305po1.wdk  
**Order Type:** Signed / Hand Deliver

RECEIVED-FPSC  
01 SEP 25 PM 2:20  
COMMISSION  
CLERK

PREHEARING ORDER

2 given to BS & Supra  
in the afternoon.  
RWN



CCA Official Filing:

9/26/01\*\*\*\*\*11:50 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

1944-PCD

5 p.p.

From: Andrea Cowart  
Sent: Wednesday, September 26, 2001 11:50 AM  
To: CCA - Orders / Notices; LaSandra Givens; Della Fordham  
Subject: Order / Notice Submitted

COMMISSION  
CLERK

SEP 26 AM 11:59

RECEIVED-FPSC

Date and Time: 9/26/01 11:49:00 AM  
Docket Number: 001305-TP  
Filename / Path: 001305ms.wpd  
Order Type: Signed / Hand Deliver

(Fordham  
+  
Nancy Sims.)

gave one g to Supra -  
+ to Bell South.

STATE OF FLORIDA

Commissioners:  
E. LEON JACOBS, JR., CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF THE COMMISSION CLERK  
AND ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

September 27, 2001

Thomas D. Hall, Clerk  
Supreme Court of Florida  
Supreme Court Building  
Tallahassee, Florida 32301

**Re: Supra Telecommunications & Information System, Inc. vs. Lila A. Jaber, et al.  
(Docket No. 001305-TP)**

Dear Mr. Hall:

Enclosed is a certified copy of a Notice of Appeal of A Nonfinal Order, filed in this office on September 26, 2001, on behalf of Supra Telecommunications & Information System, Inc. Also enclosed, as an exhibit to the notice is a copy of Order No. PSC-01-1944-PCO-TP.

It is our understanding that the index is due to be served on the parties to this proceeding on or before November 16, 2001.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

Enclosure

cc: David Smith, Esquire  
Adenet Medacier, Esquire  
Michael P. Goggin, Esquire  
T. Michael Twomey, Esquire

ORIGINAL

IN THE STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

RECEIVED-FPSC  
SEP 26 PM 4:59

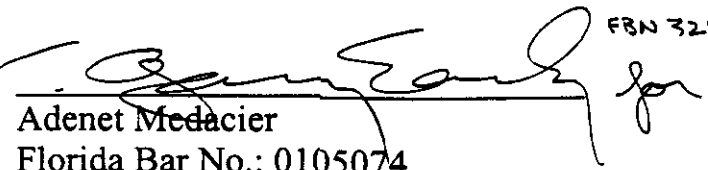
COMMISSION  
CLERK

In re: Petition for Arbitration of the  
Interconnection Agreement Between  
BellSouth Communications, Inc. and  
Supra Telecommunications &  
Information System, Inc., Pursuant  
to Section 252(b) of the  
Telecommunication Act of 1996

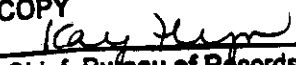
NOTICE OF APPEAL OF  
A NONFINAL ORDER  
PSC Docket No.: 001305-TP

NOTICE IS GIVEN that Supra Telecommunications & Information System, Inc.,  
Appellant, appeals to the Florida Supreme Court, the order of the Florida Public  
Service Commission rendered on September 26, 2001. A conformed copy of the  
Order is attached hereto. The nature of the order is a non-final order denying a  
motion to stay the Final Arbitration Hearing based on the failure of BellSouth  
Telecommunications, Inc. to comply with discovery orders of the Public Service  
Commission and the failure to negotiate in good faith as required by Section  
252(c)(1) of the Telecommunications Act of 1996.

APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
LEG \_\_\_\_\_  
OPC \_\_\_\_\_  
PAI \_\_\_\_\_  
RGO \_\_\_\_\_  
SEC I \_\_\_\_\_  
SER \_\_\_\_\_  
OTH Atarguente

  
Adenet Medacier  
Florida Bar No.: 0105074  
Attorney for Supra Telecommunications  
& Information System  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, Florida 33131-3005  
Telephone: (305) 476-4240

FBN 325147

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

DOCUMENT NUMBER-DATE

12181 SEP 26 01

FPSC-COMMISSION CLERK

## CERTIFICATE OF SERVICE

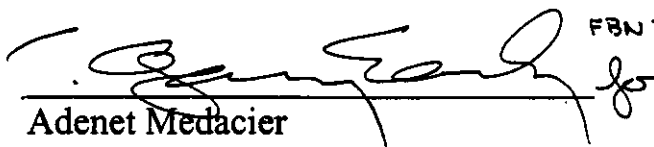
I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Federal Express this 26<sup>th</sup> day of September, 2001 to the following:

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

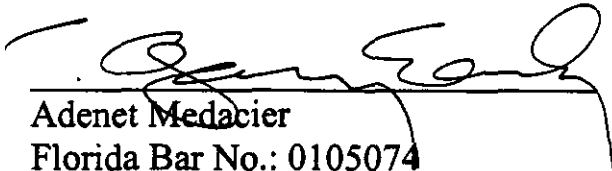
Nancy B. White, Esq.  
Museum Tower  
150 West Flagler Street  
Suite 1910  
Miami, Florida 33130

T. Michael Twomey, Esq.  
Suite 4300, BellSouth Center  
675 West Peachtree Street, N.E.  
Atlanta, GA 30375  
(404) 335-0710

 FBN 325147  
Adenet Medacier  
Florida Bar No.: 0105074  
Attorney for Supra Telecommunications  
& Information System  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, Florida 33131-3005  
Telephone: (305) 476-4240

# CERTIFICATION OF FONT

I HEREBY CERTIFY that the foregoing was prepared using Times New Roman  
font at 14 pitch.

 FBN 325147  
for  
Adenet Medacier  
Florida Bar No.: 0105074  
Attorney for Supra Telecommunications  
& Information System  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, Florida 33131-3005  
Telephone: (305) 476-4240

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth  
Telecommunications, Inc. for  
arbitration of certain issues in  
interconnection agreement with  
Supra Telecommunications and  
Information Systems, Inc.

DOCKET NO. 001305-TP  
ORDER NO. PSC-01-1944-PCO-TP  
ISSUED: September 26, 2001

ORDER ON SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.'S  
MOTION TO STAY BELL SOUTH'S REQUEST FOR ARBITRATION OF  
INTERCONNECTION AGREEMENT PENDING COMPLIANCE WITH FPSC ORDERS FOR  
DISCOVERY

On September 1, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of certain issues in an interconnection agreement with Supra Telecommunications and Information Systems, Inc. (Supra). On October 18, 2000, Supra filed its response, and this matter was set for hearing. Order No. PSC-01-1401-PCO-TP, issued June 28, 2001, and Order No. PSC-01-1475-PCO-TP, issued July 13, 2001, established the procedures and controlling dates for this docket.

On June 28, 2001, Order No. PSC-01-1401-PCO-TP set forth the procedures to be followed in this docket. On July 13, 2001, Order No. PSC-01-1475-PCO-TP identified the issues to be addressed in this docket. On August 10, 2001, Supra served its First Set of Interrogatories upon BellSouth. In response, on August 20, 2001, BellSouth filed its Objections to Supra's First Set of Interrogatories. On August 23, 2001, Supra filed a Motion to Compel and Overrule Objections to Supra's First Set of Interrogatories. On August 30, 2001, BellSouth filed an Opposition to Supra's Motion to Compel regarding Supra's First Set of Interrogatories, as well as its responses to Supra's First Set of Interrogatories. Thereafter, on September 6, 2001, Supra filed its Motion to Compel More Responsive Answers to Supra's First Set of Interrogatories.

By Order No. PSC-01-1820-PCO-TP, issued September 10, 2001, the prehearing officer ruled on the August 23, 2001, Motion to Compel, wherein the prehearing officer directed BellSouth to produce certain documents to Supra by September 17, 2001. If the

A TRUE COPY

ATTEST

*Harvey S. Day*  
DIRECTOR, DIVISION OF  
COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES

DOCUMENT NUMBER-DATE

12124 SEP 26 01

FPSC-COMMISSION CLERK

documents provided by BellSouth in response to the order created a need for Supra to take additional depositions of BellSouth personnel, then BellSouth was directed to make such persons available for deposition by Supra on September 19<sup>th</sup>, 20<sup>th</sup>, and/or 21<sup>st</sup>, 2001.

Thereafter, by Order No. PSC-01-1846-PCO-TP, issued September 13, 2001, the prehearing officer ruled on Supra's September 6, 2001, Motion to Compel More Responsive Answers. In that Order, BellSouth was directed to provide additional responses and information to Supra by Tuesday, September 18, 2001. If the information received from BellSouth facilitated the need for additional discovery by Supra, questions were to be posed to BellSouth in the previously scheduled depositions, or the depositions which were to be scheduled pursuant to Order No. PSC-01-1820-PCO-TP. In light of these rulings, the prehearing officer also extended the deadline for the completion of discovery until Monday, September 24, 2001.

On September 24, 2001, Supra filed a Motion to Stay BellSouth's Request for Arbitration of Interconnection Agreement Pending Compliance with FPSC Orders for Discovery. While styled as a request for a "stay," Supra actually appears to request a continuance of this proceeding. Therefore, the request has been treated as such.

In its Motion, Supra contends that, in response to Order No. PSC-01-1820-PCO-TP, BellSouth produced two boxes of voluminous documents to Supra on the evening of September 17, 2001. The following evening, in response to Order No. PSC-01-1846-PCO-TP, BellSouth provided additional documents, as well as answers to Supra's First Set of interrogatories. Supra maintains that at the time this discovery was provided, it was in the process of deposing BellSouth's witnesses. The company contends that, as a result, it was unable to review the material prior to the depositions and thus, was unable to depose the BellSouth witnesses regarding the newly provided information. Supra further argues that BellSouth failed to provide certain documents that it was directed to provide, including any USOCs for UNE combinations, the LON User Guide, and training manuals. In addition, Supra argues that much of the information provided appears either non-responsive or inconsistent with previously provided information. For these

reasons, Supra argues that the proceeding should be continued until BellSouth fully complies with the Orders on the Motions to Compel and until Supra has had the opportunity to depose BellSouth employees regarding the information provided in response to the prehearing officer's Orders.

On September 26, 2001, BellSouth filed its Opposition to Supra's Motion to Stay. Therein, BellSouth argues that Supra had the opportunity to depose BellSouth's witnesses regarding the information provided as outlined in the prehearing officer's Orders on Supra's Motions to Compel. BellSouth emphasizes that Supra did not seek additional depositions of BellSouth's witnesses as allowed by the prehearing officer. Furthermore, BellSouth argues that it has provided information in accordance with the prehearing officer's decisions to the extent that there is such information in existence. As for the items that Supra claims BellSouth did not provide at all, BellSouth notes that there are no training manuals responsive to Supra's Request for Production of Documents No. 7. At the beginning of the hearing on the morning of September 26, 2001, counsel for BellSouth noted that it had confirmed that BellSouth had not provided information responsive to Request for Production of Documents No. 12, but upon discovering this error, it was in the process of obtaining the proper documentation, which would be provided to Supra by the end of the morning. In addition, BellSouth notes that Supra failed to contact counsel for BellSouth regarding these perceived inadequacies in BellSouth's responses, and that it believes that Supra's Motion for Stay is simply a delay tactic.

I have thoroughly reviewed the pleadings, the prehearing officer's Orders on Supra's Motions to Compel, and the discovery underlying Supra's request for continuance of this hearing. I emphasize that the prehearing officer's Orders clearly delineated the discovery to be produced, as well as the deadlines by which the information was to be produced. The prehearing officer's Orders also extended the time for discovery and directed BellSouth to make its witnesses available for additional depositions if Supra determined that such depositions were necessary. Supra did not seek reconsideration of either Order on its Motions to Compel, nor did it notice any of BellSouth's witnesses for additional depositions regarding the information provided on September 17 and 18, 2001. While I acknowledge Supra's concerns regarding its

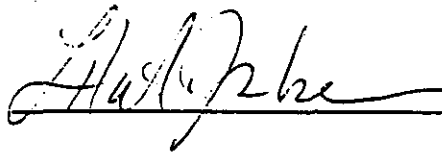


opportunity to review the information provided on September 17 and 18, 2001, I also note that the discovery at issue was served on BellSouth only slightly more than a month prior to this hearing. I also note that many of the concerns raised by Supra appear to be issues that can be addressed on cross-examination of BellSouth's witnesses during the hearing. To that end, I intend to allow Supra some flexibility in its cross-examination of BellSouth's witnesses to the extent that it has relevant questions that follow-up and/or clarify the information provided by BellSouth. Supra has not, however, identified a basis for delaying the hearing in this proceeding. As such, Supra's Motion to Stay is hereby denied.

It is, therefore

ORDERED by Commissioner Lila A. Jaber, as Presiding Officer, that Supra Telecommunications and Information Systems, Inc.'s Motion to Stay BellSouth's Request for Arbitration of Interconnection Agreement Pending Compliance with FPSC Orders for Discovery is denied.

By ORDER of Commissioner Lila A. Jaber, as Presiding Officer, this 26th Day of September, 2001.



LILA A. JABER  
Commissioner and Presiding Officer

( S E A L )

BK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

# MEMORANDUM

October 1, 2001

RECEIVED-FPS  
01 OCT -1 PM 3: 30  
COMMISSION  
CLERK

TO: SAMANTHA CIBULA, DIVISION OF APPEALS

FROM: DAVID E. SMITH, DIRECTOR OF APPEALS *DES/WS*

RE: SUPRA TELECOMMUNICATIONS & INFORMATION  
SYSTEM, INC. v. JABER, ET AL., (DOCKET NO. 001305-  
TP); FLORIDA SUPREME COURT CASE  
NO. SC01-2059

---

The above appeal has been assigned to you. The Notice of Administrative Appeal was filed on September 26, 2001. The case schedule is as follows:

<u>Date</u>	<u>Item</u>
From day of filing:	
<u>11/01/01</u>	Draft of Index of Record from CCA to Appeals attorney.
<u>11/15/01</u>	Index of Record served on parties.
<u>11/25/01</u>	Copy of Record to Appeals.
<u>12/05/01</u>	Appellant's Initial Brief Due.
<u>12/20/01</u>	Draft Commission Answer Brief Due.
<u>12/25/01</u>	Commission's Answer Brief Due.
<u>01/14/02</u>	Appellant's Reply Brief Due.

cc: ~~Kay Hynn~~  
Mary Diskrud  
Wanda Terrell

**Filings@psc.state.fl.us**

---

**From:** Fatool, Vicki [Vicki.Fatool@BellSouth.COM]  
**Sent:** Tuesday, October 02, 2001 12:12 PM  
**To:** 'filings@psc.state.fl.us'  
**Subject:** Filing in Docket No. 001305-TP

**Importance:** High



9E0E8000.PDF

The attached document is from:

Vickie Fatool  
for T. Michael Twomey  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301  
vicki.fatool@bellsouth.com

Docket No. 001305-TP: In re: Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

Number of Pages: 6 including letter to Ms. Bayo, Certificate of Service and attachments.

Description: Bayo Letter including Errata Sheets for Clyde L. Greene and Jerry Kephart.

A paper copy will be filed with the Division of the Commission Clerk and Administrative Services today.

By filing electronically, BellSouth accepts that the official copy is the version printed by the Public Service Commission's Division for the Commission Clerk and Administrative Services and filed in the official docket file.

<<9E0E8000.PDF>>

**Filings@psc.state.fl.us**

---

**From:** Filings@psc.state.fl.us  
**Sent:** Tuesday, October 02, 2001 3:29 PM  
**To:** 'Fatool, Vicki'  
**Cc:** Wayne Knight  
**Subject:** Docket Number 001305-TP

This will confirm receipt of Bayo Letter including Errata Sheets for Clyde L. Greene and Jerry Kephart. [CCA Note: Errata sheets forwarded to LEG.]

Your filing was received on October 2, 2001.

It has been stamped with identifying Document No. 12440-01.

Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission

STATE OF FLORIDA

COMMISSIONERS:  
E. LEON JACOBS, JR., CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 10/4/01

TO: CHAIVEN / SUPRA

FROM: M. SANDERS, Division of the Commission Clerk and  
Administrative Services

RE: **Acknowledgment of Receipt of Confidential Filing**

12648-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning \_\_\_\_\_

L.F. Exh No 28, and

filed on behalf of SUPRA. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** October 5, 2001  
**TO:** Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services  
**FROM:** Jane Fautot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services  
**RE:** DOCKET NO. 001305-TP, HEARING HELD 9-26 and 27-01.

---

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

DOCUMENT NO. VOLUME 1, 12591, 10-4-01; VOLUME 2, 12592, 10-4-01;  
VOLUME 3, 12593, 10-4-01; VOLUME 4, 12594, 10-4-01;  
VOLUME 5, 12595, 10-4-01; VOLUME 6, 12596, 10-4-01;  
VOLUME 7, 12597, 10-4-01; VOLUME 8, 12598, 10-4-01

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP, ECR

Acknowledged BY:

A handwritten signature in cursive script, appearing to be "JF/pc", written over a horizontal line.

JF/pc

PSC/RAR 28 (Rev1/00)

STATE OF FLORIDA

COMMISSIONERS:  
E. LEON JACOBS, JR., CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 10-8-01

TO: T. Michael Twomey  
FROM: Ruth McGill, Division of the Commission Clerk and  
Administrative Services  
RE: **Acknowledgment of Receipt of Confidential Filing**

12814-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning \_\_\_\_\_

\_\_\_\_\_, and  
filed on behalf of Bell South. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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STATE OF FLORIDA

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BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 10/12/01

TO: J. Meza  
FROM: R. Williams, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

13013-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-7P or (if filed in an undocketed matter) concerning LF  
Depo. Eph. JK-2 for Terry Kephart, and  
filed on behalf of Bell South. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 10-17-01

TO: T. Michael Twomey  
FROM: Ruth L. McBill, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

13210-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning \_\_\_\_\_

\_\_\_\_\_, and  
filed on behalf of Dee L. South. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

**Filings@psc.state.fl.us**

---

**From:** Fatool, Vicki [Vicki.Fatool@BellSouth.COM]  
**Sent:** Tuesday, October 23, 2001 3:16 PM  
**To:** 'filings@psc.state.fl.us'  
**Subject:** Filing in Docket No. 001305-TP

**Importance:** High



5BBFD000.PDF

The attached document is from:

Vickie Fatool  
for T. Michael Twomey  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301  
vicki.fatool@bellSouth.com

Docket No. 001305-TP - In re: Petition for Arbitration of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Supra Telecommunications & Information Systems, Inc., Pursuant to Section 252(b) of the Telecommunications Act of 1996.

Number of Pages: 3 including letter to Ms. Bayo, Certificate of Service and Late-Filed Hearing Exhibit

Description: Late-Filed Hearing Exhibit No. 28

A paper copy will be filed with the Division of the Commission Clerk and Administrative Services today.

By filing electronically, BellSouth accepts that the official copy is the version printed by the Public Service Commission's Division for the Commission Clerk and Administrative Services and filed in the official docket file.

<<5BBFD000.PDF>>

**Filings@psc.state.fl.us**

---

**From:** Filings@psc.state.fl.us  
**Sent:** Tuesday, October 23, 2001 4:30 PM  
**To:** 'Fatool, Vicki'  
**Cc:** Wayne Knight  
**Subject:** Docket Number 001305-TP

This will confirm receipt of Late-filed hearing exhibit No. 28.

Your filing was received on October 23, 2001.

It has been stamped with identifying Document No. 13422-01.

Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission

**Filings@psc.state.fl.us**

---

**From:** Fatool, Vicki [Vicki.Fatool@BellSouth.COM]  
**Sent:** Friday, October 26, 2001 3:58 PM  
**To:** 'filings@psc.state.fl.us'  
**Subject:** Filing in Docket No. 001305-TP

**Importance:** High



9B7C8000.PDF

The attached document is from:

Vickie Fatool  
for T. Michael Twomey  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301  
vicki.fatool@bellsouth.com

Docket No. 001305-TP - In re: Petition for Arbitration of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Supra Telecommunications & Information System, Inc., Pursuant to Section 252(b) of the Telecommunications Act of 1996

Number of Pages: 42 including letter to Ms. Bayo, Certificate of Service and pleading

Pleading entitled: Post-Hearing Brief of BellSouth Telecommunications, Inc.

A paper copy will be filed with the Division of the Commission Clerk and Administrative Services today.

By filing electronically, BellSouth accepts that the official copy is the version printed by the Public Service Commission's Division for the Commission Clerk and Administrative Services and filed in the official docket file

<<9B7C8000.PDF>>



STATE OF FLORIDA

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J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 10-26-01

TO: Brian Chariken  
FROM: Ruth McBill, Division of the Commission Clerk and  
Administrative Services  
RE: **Acknowledgment of Receipt of Confidential Filing**

1360-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning \_\_\_\_\_

\_\_\_\_\_, and  
filed on behalf of Supra Telecom. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 10/29/01

TO: T. Twomey  
FROM: L. Williams, Division of the Commission Clerk and  
Administrative Services  
RE: **Acknowledgment of Receipt of Confidential Filing**

13681-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

DD/305-TP or (if filed in an undocketed matter) concerning Late-filed  
Hearing Exhibits 8, 13, 15, 17 and 36, and  
filed on behalf of BellSouth. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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**Filings@psc.state.fl.us**

---

**From:** Filings@psc.state.fl.us  
**Sent:** Monday, October 29, 2001 10:38 AM  
**To:** 'Fatool, Vicki'  
**Cc:** Wayne Knight  
**Subject:** Docket Number 001305-TP

This will confirm receipt of Post-Hearing Brief.

Your filing was received on October 26, 2001.

It has been stamped with identifying Document No. 13604-01.

Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission



**Filings@psc.state.fl.us**

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**From:** Filings@psc.state.fl.us  
**Sent:** Wednesday, October 31, 2001 7:33 AM  
**To:** 'Fatool, Vicki'  
**Cc:** Wayne Knight  
**Subject:** Docket Number 001305-TP

This will confirm receipt of Letter dated 10/30/01 requesting stated summary of its position for Issue B be included as part of post hearing brief, filed 10/26/01.

Your filing was received on October 31, 2001.

It has been stamped with identifying Document No. 13707-01.

Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission

**Filings@psc.state.fl.us**

---

**From:** Fatool, Vicki [Vicki.Fatool@BellSouth.COM]  
**Sent:** Tuesday, October 30, 2001 2:48 PM  
**To:** 'filings@psc.state.fl.us'  
**Subject:** Filing in Docket No. 001305-TP

**Importance:** High



EFCEA000.PDF

The attached document is from:

Vickie Fatool  
for James Meza III  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301  
vicki.fatool@bellsouth.com

Docket No. 001305-TP: In re: Petition for Arbitration of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Supra Telecommunications & Information Systems, Inc., Pursuant to Section 252(b) of the Telecommunications Act of 1996.

Number of Pages: 2 including letter to Ms. Bayo and Certificate of Service

Description: Letter to Bayo Re: BellSouth's Post Hearing Brief (Issue B)

A paper copy will be filed with the Division of the Commission Clerk and Administrative Services today.

By filing electronically, BellSouth accepts that the official copy is the version printed by the Public Service Commission's Division for the Commission Clerk and Administrative Services and filed in the official docket file.

<<EFCEA000.PDF>>

070305

NO.	COMM.	PAGES	FILE	DURATION	X/R	IDENTIFICATION	DATE	TIME	DIAGNOSTIC
93	OK	001/001	058	00:00:13	XMT	4881388	JAN-28	12:26	C107A2008BCC0
94	OK	001	059	00:00:30	RCV	407 740 7742	JAN-28	12:44	0507C0000A070
95	OK	009	060	00:06:17	RCV		JAN-28	14:05	0500C00001030
96	420	000	061	00:00:42	RCV		JAN-28	14:49	0000C00000000
97	OK	001/001	062	00:00:13	XMT	4881388	JAN-28	15:11	C107A2008BCC0
98	OK	001	063	00:00:22	RCV	212 761 9493	JAN-28	16:27	0507C0000A070
99	OK	010	064	00:02:33	XMT	612127619492	JAN-28	16:48	6107A2000A070
00	OK	005	065	00:00:46	RCV		JAN-28	18:18	0407C0000BCB0
01	OK	002	066	00:00:20	RCV		JAN-29	09:56	0407C0000BCA0
02	OK	001/001	067	00:00:14	XMT	4881388	JAN-29	11:38	C107A2008BCC0
03	OK	001	068	00:00:16	RCV	2022958478	JAN-29	11:51	0507C0000BCC0
04	OK	007	069	00:02:13	XMT	9226296	JAN-29	14:36	F107A2000A070
05	OK	007	070	00:02:16	XMT	4146860	JAN-29	14:39	0107A2000A070
06	OK	007	071	00:03:03	XMT	9218510	JAN-29	14:42	4107A2000A030
07	OK	015	072	00:03:08	RCV	GRAY ROBINSON	JAN-29	16:21	C407C0000A070
08	OK	001/001	073	00:00:13	XMT	4881388	JAN-30	08:22	C107A2008BCC0
09	OK	001	074	00:00:38	RCV	GRAY HARRIS	JAN-30	09:37	C507C0000BCB0
10	OK	002	075	00:00:50	RCV		JAN-30	10:28	050FC0000A030
11	OK	002	076	00:00:45	RCV		JAN-30	10:39	050FC0000A070
12	OK	001	077	00:00:30	RCV	904 222 7952	JAN-30	12:29	0502C00001070
13	420	000	078	00:00:42	RCV		JAN-30	12:33	0000C00000000
14	420	000	079	00:00:42	RCV		JAN-30	12:36	0000C00000000
15	OK	002	080	00:00:54	RCV		JAN-30	12:42	0507C0000A070
16	OK	002	081	00:00:49	XMT	613124411010	JAN-30	15:37	0107A2000A070
17	420	000	082	00:00:42	RCV		JAN-30	15:55	0000C00000000
18	OK	001	083	00:00:26	RCV	305 381 6790	JAN-30	15:57	0507C0000A070
19	OK	001/001	084	00:00:27	XMT	4136097	JAN-30	16:14	0107A20001070
20	OK	002	085	00:00:55	RCV	7172365739	JAN-31	10:18	050FC0000A070
21	OK	001/001	086	00:00:17	XMT	4881388	JAN-31	10:19	C107A2008BCC0
22	OK	003	088	00:00:44	RCV	3527546878	JAN-31	10:40	0507C0000BC90
23	BUSY	000/002	087	00:00:00	XMT	4137118	JAN-31	10:42	0000000000000
24	STOP	000	089	00:00:00	XMT	4887118	JAN-31	10:50	0000000000000
25	OK	002	090	00:00:19	XMT	4881388	JAN-31	10:53	C107A2008BCC0
26	OK	002	091	00:01:14	RCV	615 376 6405	JAN-31	11:56	0500C00000030
27	OK	001/001	092	00:00:38	XMT	4136097	JAN-31	12:08	0107A20001070
28	OK	003	093	00:00:56	RCV		JAN-31	12:32	050FC00001070
29	OK	005	094	00:02:28	XMT	4138667	JAN-31	12:40	4107A2000A030
30	STOP	000/004	095	00:00:00	XMT	3795332	JAN-31	16:29	0000000000000
31	OK	004	096	00:02:20	XMT	613053795332	JAN-31	16:30	6107A2000A070
32	OK	004	097	00:02:21	XMT	613053795332	JAN-31	16:33	6107A2000A070
33	634	000/002	098	00:00:00	XMT	619043173437	JAN-31	17:00	0000000000000
34	420	000	099	00:00:42	RCV		JAN-31	18:04	0000C00000000
35	OK	001	100	00:00:39	RCV	9046456003	JAN-31	18:05	0507C00001070
36	OK	002	101	00:01:02	RCV	9046456003	JAN-31	18:07	0507C00001070
37	OK	002	102	00:01:02	RCV	9046456003	JAN-31	18:09	0507C00001070
38	420	000	103	00:00:42	RCV		FEB-01	09:00	0000C00000000
39	OK	001	104	00:00:30	RCV	8502225606	FEB-01	15:40	0507C0000A070
40	OK	006	105	00:00:56	XMT	613054431078	FEB-01	17:01	6107A2000BDB0
41	OK	006	106	00:00:45	XMT	2228640	FEB-01	17:03	8107A2000BDD0
42	OK	006	107	00:02:16	XMT	4020522	FEB-01	17:04	6107A2000A030

Order PSC-02-0159-PCO-7p

-FPSC RAR (850-413-6770) -

STATE OF FLORIDA

COMMISSIONERS:  
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DIVISION OF COMMISSION CLERK AND  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGMENT**

DATE: 11/14/01

TO:

B. Charkare

FROM:

R. Williams

, Division of the Commission Clerk and  
Administrative Services

RE:

**Acknowledgment of Receipt of Confidential Filing**

14453-01

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP

or (if filed in an undocketed matter) concerning

for leave to file Supp. Certificate

filed on behalf of

Supra

, and

The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6744.

PSC/RAR 19 (7/01)

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Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

---

**DATE:** December 6, 2001  
**TO:** Blanca Bayó, Director, Commission Clerk and Administrative Services  
**FROM:** Jane Faurot, Chief, Office of Hearing Reporter Services  
**RE:** DOCKET NO. 001305-TP, HEARING HELD 9-26 - 9-28-01

---

Attached for filing are Exhibit Nos. 1 through 38, representing a complete filing of the exhibits admitted into the record during the proceedings held in the above docket on 9-26 through 9-28-01.

Acknowledged BY:

mas

JF/pc

**CCA Official Filing:**

**12/14/01\*\*\*\*\*3:40 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

2457-PCO

**From:** Andrea Cowart  
**Sent:** Friday, December 14, 2001 3:40 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 12/14/01 3:40:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** 1305msa.wpd  
**Order Type:** Signed / Hand Deliver

RECEIVED-PPSC  
01 DEC 14 PM 3:43  
COMMISSION  
CLERK

ORDER GRANTING MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY AND STRIKING  
PORTIONS OF MOTION

3/0-

**CCA Official Filing:**

**2/1/02\*\*\*\*\*4:32 PM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

Kay Flynn

---

**From:** Andrea Cowart  
**Sent:** Friday, February 01, 2002 3:08 PM  
**To:** Kay Flynn; Matilda Sanders  
**Cc:** Wayne Knight  
**Subject:** FYI

Wanye is working on an order to be signed by a Commissioner, and issued today.

Docket No. 001305.

Thanks!

Andrea N. Cowart, Deputy Clerk  
State of Florida Public Service Commission  
acowart@psc.state.fl.us  
(850) 413-6214 Phone  
(850) 293-6214 Suncom  
(850) 413-6215 Facsimile

**CCA Official Filing:**

**2/1/02\*\*\*\*\* 4:30 PM\*\*\*\*\*Linda Williams\*\*\*\*\*1**

**Linda Williams**

02-0159-PCO

**From:** Andrea Cowart  
**Sent:** Friday, February 01, 2002 4:29 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 2/1/02 4:29:00 PM  
**Docket Number:** 001305  
**Filename / Path:** 1305sup.wdk  
**Order Type:** Signed / Hand Deliver

COMMISSION  
CLERK

02 FEB - 1 PM 4:52

RECEIVED-FPSC

3f



**CCA Official Filing:**

**2/1/02\*\*\*\*\* 4:56 PM\*\*\*\*\*Linda Williams\*\*\*\*\*1**

**Linda Williams**

---

**From:** LaSandra Givens  
**Sent:** Friday, February 01, 2002 4:52 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 2/1/02 4:50:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** 1305sup.wdk  
**Order Type:** Signed / Hand Deliver

ORDER GRANTING MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY AND STRIKING PORTIONS OF MOTION

CCA Official Filing:

2/11/03\*\*\*\*\*10:12 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

0202-CFO

From: Jackie Schindler  
Sent: Tuesday, February 11, 2003 8:44 AM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

6

Date and Time: 2/11/03 8:42:00 AM  
Docket Number: 001305-TP  
Filename / Path: 001305conf.wdk  
Order Type: Hand Deliver Attachments

RECEIVED-PRO  
03 FEB 11 AM 10:14  
COMMISS  
CLERK

An Order on Requests for Confidential Classification for Document No. 08110-02 and Cross-Referenced Document No. 07174-02 has been moved to GC Orders for issuance. There is a two page attachment but it is not on line. I've added the header to those pages but did not insert an order number. The Order will come to you on our morning run.

Thanks.

js

attach's not online

3 mailed

CCA Official Filing:

2/14/03\*\*\*\*\* 12:37 PM\*\*\*\*\*Marguerite Lockard \*\*\*\*\*1

Marguerite Lockard

PSC-03-0202A-CFO-TP

From: Jackie Schindler  
Sent: Friday, February 14, 2003 11:25 AM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

2 pgs

Date and Time: 2/14/03 11:24:00 AM  
Docket Number: 001305-tp  
Filename / Path: 001305am.wpd

an amendatory order has been moved to gc orders for issuance today

thanks

js

b/o

**CCA Official Filing:**

**2/15/02\*\*\*\*\*2:16 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

02-0202-PCO

**From:** Andrea Cowart  
**Sent:** Friday, February 15, 2002 2:17 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

3

**Date and Time:** 2/15/02 2:16:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** 1305def.wdk  
**Order Type:** Signed / Hand Deliver

ORDER ON MOTION FOR ADDITIONAL BRIEFING

COMMISSION  
CLERK

02 FEB 15 PM 2:23

RECEIVED-PPSC

3/0

CCA Official Filing:

2/21/02\*\*\*\*\* 3:51 PM\*\*\*\*\*Linda Williams\*\*\*\*\*1

Linda Williams

001305-TP

From: Beth Keating  
Sent: Thursday, February 21, 2002 3:51 PM  
To: Linda Williams  
Subject: RE: 001097

Right. Thanks!! :-)

-----Original Message-----

From: Linda Williams  
Sent: Thursday, February 21, 2002 3:49 PM  
To: Beth Keating  
Subject: RE: 001097

No I don't think so. It should only be in 001305 right?

-----Original Message-----

From: Beth Keating  
Sent: Thursday, February 21, 2002 3:33 PM  
To: Linda Williams  
Cc: Patty Christensen  
Subject: 001097

The more I think about it, the more I'm wondering if Document No. 01853-02 shouldn't be taken out of Docket No. 001097. We are filing a recommendation addressing it in 001305, and that is the only Docket the order will be issued in. If it is left in 001097, it will just continue to look like an unresolved motion.

Would it be too much trouble to go ahead and remove it?

**CCA Official Filing:**

**3/7/02\*\*\*\*\*10:50 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

02-0293-CFO

**From:** Andrea Cowart  
**Sent:** Thursday, March 07, 2002 10:24 AM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 3/7/02 10:23:00 AM  
**Docket Number:** 001305-TP  
**Filename / Path:** 1305conf1.wdk  
**Order Type:** Signed / Hand Deliver

8

COMMISSION  
CLERK

MAR - 7 AM 10:57

RECEIVED-FPSC

ORDER GRANTING, IN PART, AND DENYING, IN PART, JOINT REQUEST FOR SPECIFIED  
CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 11706-01 (CROSS-REFERENCED  
DOCUMENTS NOS. 09249-01, 09997-01, 09252-01, AND 09995-01)

3/0

CCA Official Filing:

3/26/02\*\*\*\*\*3:06 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

02-0413-FOF

From: Andrea Cowart  
Sent: Tuesday, March 26, 2002 3:07 PM  
To: CCA - Orders / Notices  
Subject: Order

161 page

001305 - 001305final1.wdk  
FINAL ORDER ON ARBITRATION

Andrea N. Cowart, Deputy Clerk  
State of Florida Public Service Commission  
acowart@psc.state.fl.us  
(850) 413-6214 Phone  
(850) 293-6214 Suncom  
(850) 413-6215 Facsimile

3 - Sent to mailroom  
3/26/02.

CCA Official Filing:

3/28/02\*\*\*\*\*1:28 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

62-6413A-FOF-JP

From: Andrea Cowart  
Sent: Thursday, March 28, 2002 1:26 PM  
To: CCA - Orders / Notices  
Subject: Order

2

**Amendatory Order**

**001305 - 001305amd.wdk**

**Andrea N. Cowart, Deputy Clerk**  
**State of Florida Public Service Commission**  
**acowart@psc.state.fl.us**  
**(850) 413-6214 Phone**  
**(850) 293-6214 Suncom**  
**(850) 413-6215 Facsimile**

3/0



STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 4-2-02

TO: James Meza, III, Esq.  
FROM: M. Rockand, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

03731-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning Letter to Comm Palecki w/exh's filed on 4/1/02 and  
filed on behalf of BellSouth. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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CCA Official Filing:

4/4/02\*\*\*\*\*3:06 PM\*\*\*\*\*Kay Flynn\*\*\*\*\*1

001305-7P

Kay Flynn

---

**From:** Blanca Bayo  
**Sent:** Thursday, April 04, 2002 3:04 PM  
**To:** Kay Flynn  
**Subject:** RE: Dn 03690-02 in Docket 001305-TP

Thanks Kay.

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Thursday, April 04, 2002 2:56 PM  
**To:** Blanca Bayo  
**Cc:** Beth Keating; Laura King  
**Subject:** Dn 03690-02 in Docket 001305-TP

FYI, I have deleted the PDF version of this document from our network, meaning it has also been removed from our Web site. I called Nancy Sims to let her know we had done this, but reiterated that the official version of the document is still in the docket file, and copies are most likely elsewhere in the Commission.

Please let me know if any questions.

Kay

M E M O R A N D U M

April 4, 2002

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (B. KEATING) *BK*

RE: DOCKET NO. 001305-TP - PETITION BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR ARBITRATION OF CERTAIN ISSUES IN INTERCONNECTION AGREEMENT WITH SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.

---

Attached is an ORDER DENYING MOTION FOR EXTENSION OF TIME MEMORANDUM with attachments, to be issued in the above-referenced docket. (Number of pages in memorandum - 4)

DATE MEMORANDUM SENT ELECTRONICALLY TO CCA 4/4/02.

BK/anc  
Attachment  
I:001305ex.wpd

**CCA Official Filing:**

**4/4/02\*\*\*\*\*4:00 PM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

Kay Flynn

PSC-02-0464-PC0

**From:** Andrea Cowart  
**Sent:** Thursday, April 04, 2002 3:59 PM  
**To:** CCA - Orders / Notices  
**Subject:** ORDER

RECEIVED PSC  
02 APR - 4 PM 4:04  
COMMISSION  
CLERK

ORDER DENYING MOTION FOR EXTENSION OF TIME

001305 - 001305ex.wpd

signed/hand-delivered

Andrea N. Cowart, Deputy Clerk  
State of Florida Public Service Commission  
acowart@psc.state.fl.us  
(850) 413-6214 Phone  
(850) 293-6214 Suncom  
(850) 413-6215 Facsimile

3/0 -

## Ruth Nattles

---

**From:** Carolyn Craig  
**Sent:** Wednesday, April 10, 2002 5:00 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 4/10/02 4:59:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** 001305mfrecon.wdk  
**Order Type:** Signed / Hand Deliver

Order Denying Motion for Reconsideration - MUST BE ISSUED TODAY PER COMMISSIONER PALECKI

3/0 faxed.  
Late 3/10/02  
afternoon



STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 4-10-02

TO:

Brian Charlen

FROM:

Ruth McBride

Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

04004-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

DD1305-TP or (if filed in an undocketed matter) concerning Conf. 801

portions of the Motion for Reconsideration and  
a clarification  
filed on behalf of Supra Telecom. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

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State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

FPSC, CLK - CORRESPONDENCE

Administrative Parties Consumer

DATE: April 9, 2002

TO: Mary Andrews Bane, Executive Director

FROM: Kay Flynn, Chief of Records and Hearing Services, Division of the Commission Clerk & Administrative Services

RE: Confidential Document No. 09995-01 in Docket No. 001305-TP

DOCUMENT NO. 12897-05

DISTRIBUTION:

Permission is requested to make one copy of confidential Document No. 09995-01, described as:

Supra (Chaiken) - (CONFIDENTIAL) Exhibits AZ-2 through AZ-7 to rebuttal testimony of Adan Zejnilovic.

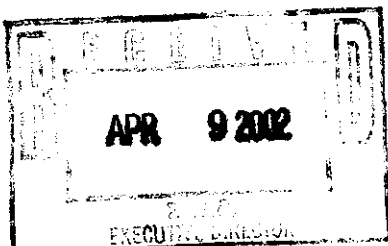
Supra Telecommunications faxed a request to us this morning for a copy of this document, which the company filed with us on August 15, 2001. Supra is now unable to locate its copy, and thus has asked us for a copy from our files.

Attachment (copy of Supra's request)

cc: Blanca S. Bayó  
Wayne Knight  
Sally Simmons  
Laura King  
docket file

OK  
MAB

RECEIVED FPSC  
APR 11 AM 10:14  
COMMISSION  
CLERK



\$2.65  
①

1311 Executive Center Dr. Tallahassee, FL 32311  
PHONE 850-402-0510 FAX 850-402-0522

**Supra Telecom**

# Fax

To: Records From: Shasta  
Fax: 413-6772 Pages: 1  
Phone: 413-7118 Date: 4/9/02  
Re: Docket Request CC: \_\_\_\_\_  
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

I would like to obtain a  
copy of the following:

Docket # 1305-TP 09995-01  
AZ - 2 through 7

If you have any questions,  
please call me at 402-0510.

Thanks  
Shasta

(2)



**CCA Official Filing:**

**4/10/02\*\*\*\*\* 8:06 AM\*\*\*\*\*Marguerite Lockard \*\*\*\*\*1**

**Marguerite Lockard**

---

**From:** Mary Bane  
**Sent:** Tuesday, April 09, 2002 1:44 PM  
**To:** Kay Flynn  
**Cc:** Blanca Bayo; Susie Folsom; Laura King; Marguerite Lockard; Hong Wang; Sally Simmons; Wayne Knight  
**Subject:** RE: confidential DN 09995-01 in Docket 001305-TP

O.K.

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Tuesday, April 09, 2002 12:27 PM  
**To:** Mary Bane  
**Cc:** Blanca Bayo; Susie Folsom; Laura King; Marguerite Lockard; Hong Wang; Sally Simmons; Wayne Knight  
**Subject:** confidential DN 09995-01 in Docket 001305-TP

Mary, this document was filed on 8/15/01 by Supra Telecommunications. It's described as:

Supra (Chaiken) - (CONFIDENTIAL) Exhibits AZ-2 through AZ-7 to rebuttal testimony of Adan Zejnilovic.

We received a phone call and faxed request this morning from Supra for a copy of the document. I talked with Shasta in Supra's office and she told me their only copy was sent to their Miami office, and that office wasn't able to locate it, thus their need to get a copy of it from us.

I will prepare a formal request in a memo for your permission to make the copy, but wanted to give you this heads-up first.

Kay

P.S. Laura, please return the document to Marguerite. Thanks.

STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 4-17-02

TO:

T. Michael Twomey

FROM:

Ruth McCall

Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

04291-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP

or (if filed in an undocketed matter) concerning conf. class.

of info contained in B.S.'s opposition to Supra's, and  
Motion for Reconsideration & Clarification  
filed on behalf of Roll South. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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MICHAEL A. PALECKI  
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STATE OF FLORIDA



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DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

## Public Service Commission

### ACKNOWLEDGMENT

DATE: 4-23-02

TO:

James Meza, III

FROM:

Ruth McBillo, Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

04493-02

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning Conf. Class.

for Supra Tel. & Info Systems Inc.'s letter to, and  
Comm. Palecki filed on April 1st, 2002  
filed on behalf of Bell South. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

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MICHAEL A. PALECKI  
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DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 5/01/02

TO: James Mena, III

FROM: Ruth McCall

, Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

04781-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning B.S.'s Notice  
of Intent to Request Specified Conf. Class. for portions  
of B.S.'s Opposition to Supra Motion, and  
filed on behalf of Bel O South. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

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J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
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BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 5/2/02

TO:

TWOKEY / BELL SOUTH

FROM:

M. SANDERS  
Administrative Services

, Division of the Commission Clerk and

RE:

Acknowledgment of Receipt of Confidential Filing

04796-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305 TP

or (if filed in an undocketed matter) concerning

MOTION TO STRIKE + REPLY TO BS OPPOSITION TO SUPRA'S, and  
MOTION TO DISQUALIFY + RECUSE  
filed on behalf of BELL SOUTH. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

FPSC, CLK - CORRESPONDENCE

Administrative Parties Consumer

DOCUMENT NO. 12897-05

DATE: May 2, 2002

TO: Mary Andrews Bane, Executive Director

FROM: Kay Flynn, Chief of Records and Hearing Services, Division of the Commission Clerk  
Administrative Services

RE: Docket No. 001305-TP - Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Information and Telecommunications Systems, Inc.

Permission is requested to make one copy of confidential Document No. 14453-01, described as:

Supra (Chaiken) - (CONFIDENTIAL) Portions of motion for leave to file supplemental authority.

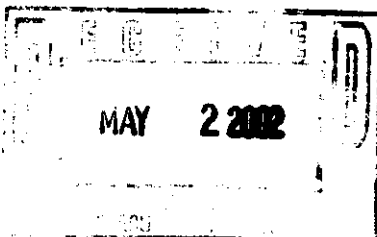
This document was filed with Records on November 14, 2001, by Supra, and Supra is now requesting one copy of it for their files.

I have attached a copy of Supra's request. Please let me know if you have any questions concerning this matter.

Attachment

cc: Blanca S. Bayó  
James Ward  
Wayne Knight  
Sally Simmons

CLK  
MAY 2 2002  
5/2/02



1311 Executive Center Dr. Tallahassee, FL 32311  
PHONE 850-402-0510 FAX 850-402-0522

**Supra Telecom**

RECEIVED - FPSC  
MAY - 2 PM 1:32  
COMMISSION  
CLERK

# Fax

To: Ruth Nettles From: Ann Sheffer  
Fax: 413-7118 Pages: 1  
Phone: \_\_\_\_\_ Date: 5/2/02  
Re: 001305-TP CC: \_\_\_\_\_

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Please copy our confidential  
Document No 14453-01  
in 001305-TP Your assistance  
is appreciated.

Thanks,  
Ann

## Susie Folsom

---

**From:** Kay Flynn  
**Sent:** Thursday, May 02, 2002 1:44 PM  
**To:** Mary Bane  
**Cc:** Blanca Bayo; Susie Folsom; Marguerite Lockard  
**Subject:** request to make a copy of a confidential document - Docket No. 001305-TP

We have received from Ann Shelfer at Supra a request for a copy of their confidential filing, Document No. 14453-01, filed November 14, 2001, in the above-referenced docket. I will send a formal request for permission to make the copy, but wanted to give you a heads-up that it is on the way.

Kay



CCA Official Filing:

5/7/02\*\*\*\*\*4:44 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

02-0637-PCO

From: LaSandra Givens  
Sent: Tuesday, May 07, 2002 4:44 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

Date and Time: 5/7/02 4:42:00 PM  
Docket Number: 001305-TP  
Filename / Path: 001305SUPEXTIME.WDK  
Order Type: Signed / Hand Deliver

RECEIVED-TPSC  
02 MAY -7 PM 4:54  
COMMISSION  
CLERK

ORDER GRANTING, IN PART AND DENYING, IN PART, MOTION OFR EXTENSION OF TIME

SIGNED BY A COMMISSIONER/HARD COPY HAND DELIVERED

faxed 310.

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 5-8-02

TO: James Mesa, III

FROM: Ruth McGill

Division of the Commission Clerk and  
Administrative Services

RE: Acknowledgment of Receipt of Confidential Filing

05000-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning Request for  
specified conf. class. for SB's application to Supra's and  
motion for reconsideration and clarification  
filed on behalf of Bee O South. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

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BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 5/09/02

TO: James Meza, III  
FROM: Ruth McBillo, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

05057-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning Notice of  
Intent to Request Specified (any. for) Portions of BS's, and  
opposition to Specified matter to Struck Reply  
filed on behalf of Bell South. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

CCA Official Filing:

5/14/02\*\*\*\*\*3:08 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

0663 -CFD

From: Andrea Cowart  
Sent: Tuesday, May 14, 2002 3:06 PM  
To: CCA - Orders / Notices  
Subject: Order

**ORDER DENYING REQUEST FOR CONFIDENTIAL CLASSIFICATION OF DOCUMENT NO. 04493-02 (CROSS-REFERENCED DOCUMENTS NOS. 03731-02 AND 03690-02)**

001305 - bstsupconf.wpd

signed/hand-delivered

attach not online

RECEIVED - FPSC  
02 MAY 14 PM 3:49  
COMMISSION  
CLERK

**Andrea N. Cowart, Deputy Clerk**  
**State of Florida Public Service Commission**  
**acowart@psc.state.fl.us**  
**(850) 413-6214 Phone**  
**(850) 293-6214 Suncom**  
**(850) 413-6215 Facsimile**

LOCAL FAX

2228640  
305 443 9514  
4020522



STATE OF FLORIDA

COMMISSIONERS:  
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J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



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ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 05/15/02

TO: Nancy B. White  
FROM: Ruth McGill, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

05245-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP (Supra) or (if filed in an undocketed matter) concerning BS's Notice of  
intent to Request Specified Confidential Classification for portions  
of BellSouth's Motion for Reconsideration in the above captioned docket, and

filed on behalf of BellSouth Telecommunications, Inc.. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

Ruth Nettles

PSC-03-0202B-CFO-TF

**From:** Jackie Schindler  
**Sent:** Tuesday, May 20, 2003 1:54 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 5/20/2003 1:54:00 PM  
**Docket Number:** 001305-tp  
**Filename / Path:** 001305am1.wpd

an amendatory order has been moved to gc orders for issuance today - thanks

js

3/0

STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

# Public Service Commission

## ACKNOWLEDGMENT

DATE: 5/22/02

TO: BellSouth  
FROM: Ruth Hefke, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

05479-02

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305 or (if filed in an undocketed matter) concerning portion of  
B.S.T.'s opposition to Supreme Court's decision, and  
filed on behalf of BellSouth. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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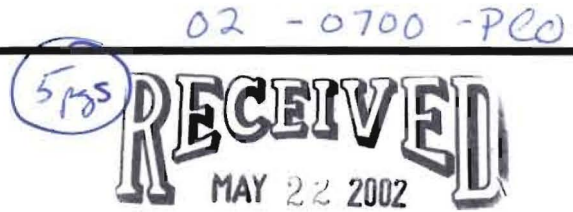
Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

CCA Official Filing:

5/22/02\*\*\*\*\*2:57 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

From: Andrea Cowart  
Sent: Wednesday, May 22, 2002 2:55 PM  
To: CCA - Orders / Notices  
Subject: Orders



001305:

FPSC-COMMISSION CLERK

**ORDER ON MOTION FOR STAY AND NOTIFICATION OF EXERCISE OF RIGHTS UNDER  
RULE 25-22.006(10) - (stayconfidentiality.bk)**

**ORDER ON MOTION TO STRIKE  
(suprastrikeagreement.bk)**

**ORDER GRANTING, IN PART, AND DENYING, IN PART, REQUEST CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NO. 05000-02 (CROSS-REFERENCED DOCUMENT NO.  
04291-02)  
(bstsupconf2.wpd)**

all signed/hand-delivered

**Andrea N. Cowart, Deputy Clerk  
State of Florida Public Service Commission  
acowart@psc.state.fl.us  
(850) 413-6214 Phone  
(850) 293-6214 Suncom  
(850) 413-6215 Facsimile**

3f



CCA Official Filing:

5/22/02\*\*\*\*\*2:57 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

From: Andrea Cowart  
Sent: Wednesday, May 22, 2002 2:55 PM  
To: CCA - Orders / Notices  
Subject: Orders



001305:

FPSC-COMMISSION CLERK

**ORDER ON MOTION FOR STAY AND NOTIFICATION OF EXERCISE OF RIGHTS UNDER  
RULE 25-22.006(10) - (stayconfidentiality.bk)**

**ORDER ON MOTION TO STRIKE  
(suprastrikeagreement.bk)**

**ORDER GRANTING, IN PART, AND DENYING, IN PART, REQUEST CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NO. 05000-02 (CROSS-REFERENCED DOCUMENT NO.  
04291-02)  
(bstsupconf2.wpd)**

all signed/hand-delivered

**Andrea N. Cowart, Deputy Clerk  
State of Florida Public Service Commission  
acowart@psc.state.fl.us  
(850) 413-6214 Phone  
(850) 293-6214 Suncom  
(850) 413-6215 Facsimile**

3f

CCA Official Filing:

5/22/02\*\*\*\*\*2:57 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

From: Andrea Cowart  
Sent: Wednesday, May 22, 2002 2:55 PM  
To: CCA - Orders / Notices  
Subject: Orders

4 pgs

0762-CFO  
**RECEIVED**  
MAY 22 2002  
FPSC-COMMISSION CLERK

001305:

**ORDER ON MOTION FOR STAY AND NOTIFICATION OF EXERCISE OF RIGHTS UNDER  
RULE 25-22.006(10) - (stayconfidentiality.bk)**

**ORDER ON MOTION TO STRIKE  
(suprastrikeagreement.bk)**

**ORDER GRANTING, IN PART, AND DENYING, IN PART, REQUEST CONFIDENTIAL  
CLASSIFICATION OF DOCUMENT NO. 05000-02 (CROSS-REFERENCED DOCUMENT NO.  
04291-02)  
(bstsupconf2.wpd)**

all signed/hand-delivered

**Andrea N. Cowart, Deputy Clerk  
State of Florida Public Service Commission  
acowart@psc.state.fl.us  
(850) 413-6214 Phone  
(850) 293-6214 Suncom  
(850) 413-6215 Facsimile**

3f

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 5/23/02

TO:

James Mesa, III

FROM:

Luth McCall

Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

055 36 -02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

0013 05-TP or (if filed in an undocketed matter) concerning Conf. Ass.

for portions of Supra's Motion to Settle & Reple and  
to BS's opposition to Supra's Motion to disqualify & Recuse  
filed on behalf of BellSouth Telecommunications The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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STATE OF FLORIDA

COMMISSIONERS:

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BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



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ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 5/30/02

TO: MEZA / BELL SOUTH

FROM: M. SANDERS, Division of the Commission Clerk and  
Administrative Services

RE: Acknowledgment of Receipt of Confidential Filing

05733-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning FILED 5/1

B PORTIONS OF BS OPPOSITION TO SUPRA'S MOTION, and

filed on behalf of BELL SOUTH. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 6-5-02

TO:

Bellsouth - James Merz III, Esq.

FROM:

Marguerite Lockard, Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

05907-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning \_\_\_\_\_

Portions of Motion for Reconsideration of Order, and  
filed on behalf of BellSouth PSC-02-0637-PCO-TP. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

**CCA Official Filing:**

**6/7/02\*\*\*\*\*3:57 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

0772 - PCD

**From:** Wanda Terrell  
**Sent:** Friday, June 07, 2002 3:58 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

8 pg

**Date and Time:** 6/7/02 3:53:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** i:\PALECKIRECUSAL.WPD  
**Order Type:** Signed / Hand Deliver

ORDER OF COMMISSIONER MICHAEL A. PALECKI DECLINING RECUSAL FROM DOCKET NO. 001305-TP and ready to be issued.

No. of pages: 8

3/0

RECEIVED FPSC  
02 JUN - 7 PM 4:37  
COMMISSION  
CLERK

**CCA Official Filing:**

**6/7/02\*\*\*\*\*4:25 PM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

Kay Flynn

0773-PCD

**From:** Wanda Terrell  
**Sent:** Friday, June 07, 2002 4:25 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

9 pg

RECEIVED-FPSG  
02 JUN - 7 PM 4:38  
COMMISSION  
CLERK

**Date and Time:** 6/7/02 4:22:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** i:\JABERRECUSAL.WPD

ORDER OF CHAIRMAN LILA A. JABER DECLINING RECUSAL FROM DOCKET NO. 001305-TP is signed and ready to be issued.

No. of pages: 9

3/6

**CCA Official Filing:**

**6/11/02\*\*\*\*\*3:18 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

---

0797 -PCO

**From:** Mary Diskerud  
**Sent:** Tuesday, June 11, 2002 3:20 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

11

**Date and Time:** 6/11/02 3:18:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** staffrecusal.rcb

copied to gcorders



**CCA Official Filing:**

**6/11/02\*\*\*\*\*3:18 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

---

6798-PCO

**From:** Mary Diskerud  
**Sent:** Tuesday, June 11, 2002 3:20 PM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

7

**Date and Time:** 6/11/02 3:18:00 PM  
**Docket Number:** 001305-TP  
**Filename / Path:** commnrecusal.rcb

copied to gcorders

**CCA Official Filing:**

**6/12/02\*\*\*\*\*10:03 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

Kay Flynn

PSC-02-0797-PCO-TP

**From:** Mary Diskerud  
**Sent:** Wednesday, June 12, 2002 10:04 AM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 6/12/02 10:03:00 AM  
**Docket Number:** 001305-TP  
**Filename / Path:** staffrecusal.rcb

copied to gcorders

(corrected)

3/0

**CCA Official Filing:**

**6/12/02\*\*\*\*\*10:02 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

Kay Flynn

*PSC-02-0798-PCO-TF*

**From:** Mary Diskerud  
**Sent:** Wednesday, June 12, 2002 10:04 AM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 6/12/02 10:02:00 AM  
**Docket Number:** 001305-TP  
**Filename / Path:** commnrecusal.rcb

copied to gorders

*(corrected)*

*3/0*

**CCA Official Filing:**

**6/12/02\*\*\*\*\*10:13 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

Kay Flynn

PSC-02-0799-PCO-TP

**From:** Mary Diskerud  
**Sent:** Wednesday, June 12, 2002 10:05 AM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

**Date and Time:** 6/12/02 10:03:00 AM  
**Docket Number:** 001305-TP  
**Filename / Path:** strike&reply.rcb

copied to gcorders

3/0-

CCA Official Filing:

6/14/02\*\*\*\*\*9:04 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

0807-PCO

From: Mary Diskerud  
Sent: Friday, June 14, 2002 9:06 AM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

3

Date and Time: 6/14/02 9:04:00 AM  
Docket Number: 001305-TP  
Filename / Path: denysupra.rcb

copied to gcorders

B/H

**CCA Official Filing:**

**6/14/02\*\*\*\*\*9:07 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

0808 - PCD

**From:** Mary Diskerud  
**Sent:** Friday, June 14, 2002 9:07 AM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

4

**Date and Time:** 6/14/02 9:05:00 AM  
**Docket Number:** 001305-TP  
**Filename / Path:** suprajudicial.rcb

copied to gcorders

3/0

CCA Official Filing:

6/19/02\*\*\*\*\*2:06 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

0844-CFO

From: Andrea Cowart  
Sent: Wednesday, June 19, 2002 2:08 PM  
To: CCA - Orders / Notices  
Cc: Wayne Knight  
Subject: Orders

16

**Confidentiality Orders**

attach's not online

001305 - 1305conford1.wdk - PSC-02-0844-CFO-TP  
1305conford2.wpd - PSC-02-0845-CFO-TP

**Andrea N. Cowart, Deputy Clerk**  
**State of Florida Public Service Commission**  
**acowart@psc.state.fl.us**  
**(850) 413-6214 Phone**  
**(850) 293-6214 Suncom**  
**(850) 413-6215 Facsimile**

6-19-02  
3 mailed T.Q

CCA Official Filing:

6/19/02\*\*\*\*\*2:06 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

0845 - CFO

From: Andrea Cowart  
Sent: Wednesday, June 19, 2002 2:08 PM  
To: CCA - Orders / Notices  
Cc: Wayne Knight  
Subject: Orders

11

Confidentiality Orders

attach is not online

001305 - 1305conford1.wdk - PSC-02-0844-CFO-TP

1305conford2.wpd - PSC-02-0845-CFO-TP

Andrea N. Cowart, Deputy Clerk  
State of Florida Public Service Commission  
acowart@psc.state.fl.us  
(850) 413-6214 Phone  
(850) 293-6214 Suncom  
(850) 413-6215 Facsimile

6-19-02  
3 mailed  
T. G.



CCA Official Filing:

7/1/02\*\*\*\*\*8:21 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

---

0878-FOF

From: Andrea Cowart  
Sent: Friday, June 28, 2002 4:25 PM  
To: CCA - Orders / Notices  
Cc: Beth Keating; Wayne Knight  
Subject: Order

78 pages

001305 - 1305reconord1.wpd

Order On Motions

Andrea N. Cowart, Deputy Clerk  
State of Florida Public Service Commission  
acowart@psc.state.fl.us  
(850) 413-6214 Phone  
(850) 293-6214 Suncom  
(850) 413-6215 Facsimile

3/0

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



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ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: July 9, 2002

TO: Brian Chaiken, General Counsel  
FROM: Ruth McGill, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

06983-02

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning Supra's Notice of  
Intent to Request Confidential Classification of Exhibit B and to portions  
of its Motion to Stay, and

filed on behalf of Supra Telecom. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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STATE OF FLORIDA

COMMISSIONERS:  
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J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



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ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

# Public Service Commission

## ACKNOWLEDGMENT

DATE: 7-15-02

TO: James Mesa, III  
FROM: Ruth McCall, Division of the Commission Clerk and  
Administrative Services  
RE: Acknowledgment of Receipt of Confidential Filing

07247-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

or (if filed in an undocketed matter) concerning BS's Notice of Intent  
to request specific & confidential testimony of  
their opposition to supra Tel. Motion to stay, and  
2 Commission orders  
filed on behalf of BellSouth Tel., Inc. The  
document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

CCA Official Filing:

7/30/02\*\*\*\*\*1:44 PM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

1033 - FOF

From: Jackie Schindler  
Sent: Tuesday, July 30, 2002 1:01 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

13

Date and Time: 7/30/02 12:58:00 PM  
Docket Number: 001305-TP  
Filename / Path: 001305orderstay.wpd

2:17 P.M.  
R. J. S.

The following Order has been moved to GC Orders for issuance:

Order Denying Motion for Stay

3/0

STATE OF FLORIDA

001305-TP

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

## Public Service Commission

July 30, 2002

Thomas D. Hall, Clerk  
Supreme Court of Florida  
Supreme Court Building  
Tallahassee, Florida 32301

**Re: Supra Telecommunications and Information Systems, Inc. vs. Florida Public Service Commission (Docket No. 001305-TP)**

Dear Mr. Hall:

Enclosed is a certified copy of a Notice of Appeal filed on behalf of Supra Telecommunications and Information Systems, Inc. on July 30, 2002. Copies of the orders on appeal are also attached.

It is our understanding the index of record is due to be served on the parties on or before September 18, 2002.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

Enclosure

cc: Jack J. Aiello, Esq.  
Nancy White, Esq.  
David Smith, Esq.

## MEMORANDUM

July 31, 2002

RECEIVED FPSC  
02 JUL 31 PM 1:40  
COMMISSION  
CLERK

TO: ✓ KAY FLYNN/CCA  
SANDY MOSES/CCA  
MARY DISKERUD/GCL-APP  
WANDA TERRELL/GCL-APP

FROM: DAVID E. SMITH, ATTORNEY SUPERVISOR, GENERAL  
COUNSEL/APPEALS, RULES & MEDIATION DES/WD

RE: SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS,  
INC. v. BELLSOUTH TELECOMMUNICATIONS, INC., DOCKET NO.,  
001305-TP; FLA. SUP.CT. CASE NO. SC02-1697.

Please note that the above appeal has been assigned to Richard Bellak in GCL-Appeals. The Notice of Administrative Appeal was filed on July 30, 2002. The case schedule is as follows:

<u>Date</u>	<u>Item</u>
From day of filing:	
<u>09/04/02</u>	Draft of Index of Record from CCA to Appeals Attorney.
<u>09/18/02</u>	Index of Record served on Parties.
<u>09/27/02</u>	Copy of Record to Appeals.
<u>10/08/02</u>	Appellant's Initial Brief Due.
<u>10/23/02</u>	Draft Commission Answer Brief Due.
<u>10/28/02</u>	Commission's Answer Brief Due.
<u>11/18/02</u>	Appellant's Reply Brief Due.

Gainesville  
BellSouth  
US Dist. Ct. #  
4:02-CV-325



STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



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ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

ACKNOWLEDGMENT

DATE: 8-02-02

TO:

James Mesa, III

FROM:

Guth McBill

Division of the Commission Clerk and  
Administrative Services

RE:

Acknowledgment of Receipt of Confidential Filing

08110-02

This will acknowledge receipt of a CONFIDENTIAL DOCUMENT filed in Docket No.

001305-TP or (if filed in an undocketed matter) concerning Opposition  
To Supra's Motion to Stay, and  
filed on behalf of BellSouth Tel.. The

document will be maintained in locked storage.

Any questions regarding this matter should be directed to Kay Flynn at (850) 413-6770.

PSC/CCA019-C (Rev 01/02)

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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

CCA Official Filing:

8/9/02\*\*\*\*\*10:02 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

1096 - FOF

From: Jackie Schindler  
Sent: Friday, August 09, 2002 10:02 AM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

32

Date and Time: 8/9/02 10:01:00 AM  
Docket Number: 001305-TP  
Filename / Path: 001305or.bk

An ORDER RESOLVING PROCEDURAL MOTIONS AND ADDRESSING IFLED INTERCONNECTION AGREEMENT has been moved to GC Orders for issuance today.

Thanks!

js

3mailed



CCA Official Filing:

8/22/02\*\*\*\*\*9:19 AM\*\*\*\*\*Matilda Sanders\*\*\*\*\*1

Matilda Sanders

1140 - FF

From: Jackie Schindler  
Sent: Thursday, August 22, 2002 9:14 AM  
To: CCA - Orders / Notices; Beth Keating  
Subject: Order / Notice Submitted

3

Date and Time: 8/22/02 9:13:00 AM  
Docket Number: 001305-TP  
Filename / Path: 001305agreement.wpd

An ORDER APPROVING FINAL ARBITRATED INTERCONNECTION AGREEMENT AND ADOPTION AGREEMENT has been moved to GC Orders for issuance today.

Thanks!

js

3/0

dkpik

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

September 18, 2002

Jack J. Aiello, Esquire  
Gunster, Yoakley & Stewart, P.A.  
777 South Flagler Drive, Suite 500E  
West Palm Beach, Florida 33401

**Re: Supra Telecommunications and Information Systems, Inc. vs.  
Florida Public Service Commission (Docket No. 001305-TP)**

Dear Mr. Aiello:

Enclosed is an index to the above-referenced docket on appeal. Please look the index over and let me know if you have any questions concerning the contents of the record.

Please note pages 20, 21, and 22 of the index contain a list of the **confidential documents** that will be filed with the Supreme Court. **It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.**

It is our understanding that the record is due to be filed with the Court on or before November 15, 2002.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

KF:mhl

cc: Nancy White, Esquire  
Richard Bellak, Esquire

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vs.

Florida Public Service Commission

FPSC Docket No. 001305-TP

Supreme Court Case No. SC02-1697

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## **HEARING TRANSCRIPTS AND EXHIBITS**

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Hearing Exhibits 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 18, 19, 23, 24, 25, 26, 27, 29,  
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## **DOCUMENTS SUBMITTED IN SEALED ENVELOPE MARKED "CONFIDENTIAL"**

Exhibit B to Supra's "status and complaint regarding BellSouth's bad faith  
negotiations tactics", on behalf of BellSouth, filed July 27, 2001

Direct testimony of Olukayode A. Ramos with Exhibit Nos. OAR-3 through  
OAR-7, and OAR-47, on behalf of Supra, filed July 30, 2001 and September 19, 2001

Direct testimony of David Nilson with Exhibit Nos. DN-2 through DN-4,  
on behalf of Supra, filed July 30, 2001 and September 19, 2001

Direct testimony of Carol Bentley with Exhibit Nos. CB-1 and CB-2,  
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Rebuttal testimony Exhibit Nos. AZ-2 through AZ-7 of Adan Zejnilovic,  
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Rebuttal testimony of Olukayode A. Ramos with Exhibit Nos. OAR-51, OAR-54,  
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on behalf of Supra, filed August 15, 2001 and September 19, 2001

Rebuttal testimony of David A. Nilson, on behalf of Supra, filed  
August 15, 2001 and September 19, 2001

Prehearing statement with attachment A, on behalf of Supra, filed August 22, 2001

Late-filed deposition exhibit JK-2 of Jerry Kephart, on behalf of BellSouth,  
filed September 21, 2001 and October 21, 2001

Local Order Number Tracking User Guide (LON) in response to Supra's first  
request for production of documents, No. 12, on behalf of BellSouth, filed  
September 26, 2001 and October 17, 2001

Late-filed hearing exhibit No. 28, on behalf of Supra, filed October 4, 2001  
and on behalf of BellSouth, filed October 23, 2001

Late-filed hearing exhibit Nos. 8, 15, and 17, on behalf of BellSouth,  
filed October 8, 2001 and October 29, 2001

Post-hearing brief, on behalf of Supra, filed October 26, 2001

Portions of Supra's motion for leave to file supplemental authority,  
filed November 14, 2001

Letter dated April 1, 2001 [sic] to Commissioner Palecki from Brian Chaiken with  
attached notice of service of attached letter to Commissioner Palecki with exhibits,  
on behalf of Supra, filed April 1, 2002, April 2, 2002, and April 23, 2002

Motion for reconsideration and clarification, on behalf of Supra,  
filed April 10, 2002

BellSouth's opposition to Supra's motion for reconsideration and clarification,  
filed April 17, 2002 and May 8, 2002

Motion to strike and reply to BellSouth's opposition to Supra's motion to  
disqualify and recuse, on behalf of Supra, filed May 1, 2002

BellSouth's opposition to Supra's motion for extension of time,  
filed May 1, 2002 and May 22, 2002

Supra's motion to strike and reply to BellSouth's opposition to Supra's motion  
to disqualify and recuse, on behalf of BellSouth, filed May 2, 2002 and May 23, 2002

BellSouth's opposition to Supra's motion to strike and reply to BellSouth's opposition  
to Supra's motion to disqualify and recuse, filed May 9, 2002 and May 30, 2002

BellSouth's motion for reconsideration of Order PSC-02-0637-PCO-TP and  
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Supra's motion to stay Commission Order Nos. PSC-02-0413-FOF-TP and  
PSC-02-0878-FOF-TP pending appeal pursuant to Rule 25-22.061, Florida  
Administrative Code, filed July 8, 2002



BellSouth's opposition to Supra's motion to stay Commission  
Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP,  
filed July 12, 2002 and August 2, 2002

**HEARING EXHIBIT DOCUMENTS SUBMITTED IN SEALED ENVELOPE MARKED  
"HEARING EXHIBITS - CONFIDENTIAL"**

Hearing Exhibit Nos. 8, 15, 16, 17, 21, 22, 28, 30, 33, 35

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER., CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

September 26, 2002

Thomas D. Hall, Clerk  
Supreme Court of Florida  
Supreme Court Building  
Tallahassee, Florida 32301

**Re: Supra Telecommunications and Information Systems, Inc. vs. Florida Public Service Commission, et al. (Court Case No. SC02-1697; Docket No. 001305-TP)**

Dear Mr. Hall:

Enclosed is a certified copy of a Supplement to Notice of Appeal, filed in this office on behalf of Supra Telecommunications and Information Systems, Inc., filed September 20, 2002. A copy of Order Nos. PSC-02-1096-FOF-TP and PSC-02-1140-FOF-TP are attached to the supplement as exhibits.

It is our understanding that the record is due to be served on the court on or before November 15, 2002.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

KF:mhl  
Enclosure

cc: Brian Chaiken, Esquire  
Jack J. Aiello, Esquire  
Nancy White, Esquire  
Richard Bellak, Esquire



1311 Executive Center Drive, Suite 200  
Tallahassee, FL 32301-5027

Telephone: (850) 402-0510  
Fax: (850) 402-0522  
www.supratelecom.com

September 20, 2002

Mrs. Blanca Bayo  
Director  
Division of Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 323099-0850

Dear Mrs. Bayo:

**RE: DOCKET NO. 001305-TP  
SUPRA'S SUPPLEMENT TO NOTICE OF APPEAL**

Enclosed is the original and seven (7) copies of Supra Telecommunications and Information Systems, Inc.'s (Supra Telecom) Supplement to Notice of Appeal in the captioned docket.

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

Sincerely,

*Brian Chaiken / N. H. B.*

Brian Chaiken  
General Counsel

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

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September 20, 2002

Mrs. Blanca Bayo  
Director  
Division of Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 323099-0850

Dear Mrs. Bayo:

**RE: DOCKET NO. 001305-TP  
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Sincerely,

*Brian Chaiken / N. H. B.*

Brian Chaiken  
General Counsel

DOCUMENT NUMBER-DATE

10133 SEP 20 02

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

**Docket No. 001305-TP**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served via Hand Delivery or by U.S. Mail on this 20th day of September, 2002, to the following

Wayne Knight, Esq.  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
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Tallahassee, FL 32399-0850

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James Meza III, Esq.  
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SUPRA TELECOMMUNICATIONS  
& INFORMATION SYSTEMS, INC.  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, Florida 33133  
Telephone: (305) 476-4248  
Facsimile: (305) 443-9516

By: Brian Chaiken / N. H. B.  
BRIAN CHAIKEN, ESQ.

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

Petition for Arbitration of the )  
Interconnection Agreement between Bell- )  
South Telecommunications, Inc. and )  
Supra Telecommunications & Information )  
Systems, Inc. pursuant to Section 252(b) )  
of the Telecommunications Act of 1996 )  
\_\_\_\_\_ )

Docket No. 00-1305-TP

Dated: September 20, 2002

**SUPPLEMENT TO NOTICE OF APPEAL**

NOTICE is hereby given that the Respondent, SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS, INC. ("Supra Telecom"), hereby files this Supplement To Notice of Appeal and states as follows:

1. On July 30, 2002, Supra Telecom filed a Notice of Appeal (Document No. 02-07957) stating that it was appealing to the Florida Supreme Court, the March 26, 2002 Final Order on Arbitration (PSC-02-0413-FOF-TP) together with the March 28, 2002 Amendatory Order (PSC-02-0413A-FOF-TP), as rendered by the Order on Procedural Motions and Motions for Reconsideration entered by the Florida Public Service Commission on July 1, 2002 (PSC-02-0878-FOF-TP). The nature of the appeal was of a final order of the Florida Public Service Commission relating to telephone service and rates. Conformed Copies of the orders appealed from were attached to the Notice of Appeal. Supra Telecom hereby incorporates by reference herein, the Notice of Appeal filed on July 30, 2002.

2. On August 9, 2002, the Florida Public Service Commission entered an Order Resolving Procedural Motions And Addressing Filed Interconnection Agreement (PSC-02-1096-FOF-TP). Thereafter, on August 22, 2002, the Florida Public Service Commission entered an Order Approving Final Arbitrated Interconnection Agreement And Adoption Agreement (PSC-02-1140-

FOF-TP). Conformed copies of the August 9, 2002 Order and the August 22, 2002 Order, are attached hereto. In addition to supplementing the Notice of Appeal, the two orders trigger certain review rights before a United States District Court under 47 U.S.C. § 252.

3. Supra Telecom hereby gives notice that it reserves the right to an independent adjudication before a United States District Court, as provided for by the holdings of England v. Louisiana State Board of Medical Examiners, 375 U.S. 411 (1964), and its progeny, of all federal questions raised in this appeal. Supra Telecom also gives notice that it reserves the right to file an original action before a United States District Court challenging: (a) the August 22 Order (PSC-02-1140-FOF-TP); (b) the August 9, 2002 Order (PSC-02-1140-FOF-TP); (c) the March 26, 2002 Final Order on Arbitration (PSC-02-0413-FOF-TP) together with the March 28, 2002 Amendatory Order (PSC-02-0413A-FOF-TP), as rendered by the Order on Procedural Motions and Motions for Reconsideration entered on July 1, 2002 (PSC-02-0878-FOF-TP); and (d) all other final and non-final orders previously entered the Florida Public Service Commission in this docket.

4. Supra Telecom further gives notice of service and filing of an Amended Complaint in Supra Telecommunications & Information Systems, Inc. v. BellSouth Telecommunications, Inc., et al., (Case No. 4:02CV272 RH/WCS) in the United States District Court for the Northern District of Florida, which incorporates the above referenced challenges identified in paragraph 3 (above). Supra Telecom informs the Florida Public Service Commission of the existence of its Amended Complaint, in order to permit the Florida Public Service Commission, to the extent it ultimately retains jurisdiction over this matter, to resolve Supra Telecom's state law claims in light of the pending federal claims as required in Government & Civic Employees Organization Committee v.

Windsor, 353 U.S. 365 (1957).

**CERTIFICATE OF SERVICE**

I HEREBY Certify that a true and correct copy of the foregoing has been furnished by U.S. Mail and Electronic Mail upon NANCY WHITE, ESQ. (BellSouth), 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301 and RICHARD BELLAK, ESQ. and WAYNE KNIGHT, ESQ. (FPSC), 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, this 20th day of September, 2002.

BRIAN CHAIKEN, ESQ.  
MARK E. BUECHELE, ESQ.  
Supra Telecommunications &  
Information Systems, Inc.  
2620 S.W. 27th Avenue  
Miami, FL 33133  
Tel: (305) 476-4200  
Fax: (305) 443-1078

By: Mark E. Buecheli / M.H.B.  
MARK E. BUECHELE  
Fla. Bar No. 906700



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth  
Telecommunications, Inc. for  
arbitration of certain issues in  
interconnection agreement with  
Supra Telecommunications and  
Information Systems, Inc.

DOCKET NO. 001305-TP  
ORDER NO. PSC-02-1096-FOF-TP  
ISSUED: August 9, 2002

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

ORDER RESOLVING PROCEDURAL MOTIONS AND  
ADDRESSING FILED INTERCONNECTION AGREEMENT

BY THE COMMISSION:

I. CASE BACKGROUND

On September 1, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed a petition for arbitration of certain issues in a new interconnection agreement with Supra Telecommunications and Information Systems, Inc. (Supra). BellSouth's petition raised fifteen disputed issues. Supra filed its response, and this matter was set for hearing. In its response Supra raised an additional fifty-one issues. In an attempt to identify and clarify the issues in this docket, issue identification meetings were held on January 8, 2001, and January 23, 2001. At the conclusion of the January 23 meeting, the parties were asked by our staff to prepare a list with the final wording of the issues as they understood them. BellSouth submitted such a list, but Supra did not, choosing instead to file on January 29, 2001, a motion to dismiss the arbitration proceedings. On February 6, 2001, BellSouth filed its response. In Order No. PSC-01-1180-FOF-TI, issued May 23, 2001, we denied Supra's motion to dismiss, but on our own motion ordered the parties to comply with the terms of their prior agreement by holding an inter-company Review Board meeting. Such a meeting was

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to be held within 14 days of the issuance of our order, and a report on the outcome of the meeting was to be filed with us within 10 days after completion of the meeting. The parties were placed on notice that the meeting was to comply with Section 252(b)(5) of the Telecommunications Act of 1996 (Act).

Pursuant to our Order, the parties held meetings on May 29, 2001, June 4, 2001, and June 6, 2001. The parties then filed post-meeting reports. Thereafter, several of the original issues were withdrawn by the parties. An additional twenty issues were withdrawn or resolved by the parties either during mediation or the hearing, or in subsequent meetings. Although some additional issues were settled, thirty-seven disputed issues remained.

We conducted an administrative hearing in this matter on September 26-27, 2001. On February 8, 2002, our staff filed its post-hearing recommendation for our consideration at the February 19, 2002, Agenda Conference. Prior to the Agenda Conference, the item was deferred.

On February 13, 2002, Supra filed a Motion asking that the item not be considered until additional legal briefing could be had addressing the impact of the decision of the United States Court of Appeals, Eleventh Circuit (hereinafter "11<sup>th</sup> Circuit"), Cir. Order Nos. 00-12809 and 00-12810, the consolidated appeals of BellSouth Telecommunications, Inc. v. MCIMetro Access Transmission Services, Inc., D.C. Docket No. 99-00248-CV-JOF-1 and BellSouth Telecommunications, Inc. v. WorldCom Technologies, Inc. And E.spire Communications, Inc., D.C. Docket No. 99-00249-CV-JOF-1, respectively. In the alternative, Supra requested oral argument on the impact of that decision on Issue 1 of our staff's recommendation. By Order No. PSC-02-0202-PCO-TP, issued February 15, 2002, the request for additional briefing was granted. Parties were directed to file their supplemental briefs by February 19, 2002. In rendering our final decision, we noted that we had considered the additional briefing.

Also on February 18, 2002, Supra filed a Motion for Rehearing, Motion for Appointment of a Special Master, Motion for Indefinite Deferral, and Motion for Oral Argument. BellSouth filed its response on February 21, 2002.

ORDER NO. PSC-02-1096-FOF-TP  
DOCKET NO. 001305-TP  
PAGE 3

On February 21, 2002, Supra filed a Renewed Motion for Indefinite Stay of Docket No. 001305-TP, and an Alternative Renewed Motion for Oral Argument. On February 22, 2002, BellSouth filed its Response in opposition.

On February 27, 2002, Supra filed a Motion for Oral Arguments on Procedural Question Raised by Commission staff and Wrongful Denial of Due Process. BellSouth filed its Response in opposition on March 1, 2002.

By Order No. PSC-02-0413-FOF-TP (Final Order), issued March 26, 2002, we resolved the substantive issues presented for our consideration, as well as several procedural motions filed by Supra on February 18, 21, and 27. A few minor scrivener's errors were corrected by Order No. PSC-02-0413A-FOF-TP, issued March 28, 2002. Pursuant to the Notice of Further Proceedings set forth in Order No. PSC-02-0413-FOF-TP and Rule 25-22.060, Florida Administrative Code, any motion for reconsideration of the Final Order was due on April 10, 2002.

On April 1, 2002, Supra filed a Motion to Extend the Due Date for Filing Motion for Reconsideration of Final Order. By Order No. PSC-02-0464-PCO-TP, issued April 4, 2002, the Motion was denied. On April 8, 2002, Supra filed a Motion for Reconsideration of Commission Order No. PSC-02-0464-PCO-TP. By Order No. PSC-02-0496-PCO-TP, issued April 10, 2002, the Motion for Reconsideration was denied.

On that same day, April 10, Supra filed a Motion for Reconsideration of Denial of its Motion for Rehearing of Order No. PSC-02-0413-FOF-TP. Supra also filed a separate Motion for Reconsideration and Clarification of Order No. PSC-02-0413-FOF-TP, portions of which were identified as confidential. On April 17, 2002, BellSouth filed responses in opposition to both Motions.

Also on April 17, 2002, Supra filed a Motion to Disqualify and Recuse Commission staff and Commission Panel from All Further Consideration of This Docket and To Refer Docket to DOAH for all Further Proceedings. On April 24, 2002, BellSouth filed its response. This motion has been separately addressed.

ORDER NO. PSC-02-1096-FOF-TP  
DOCKET NO. 001305-TP  
PAGE 4

Also on April 24, 2002, Supra filed a Motion to Extend Due Date for Filing Executed Interconnection Agreement and a Motion to Strike and Reply to BellSouth's Opposition to Supra's Motion for Reconsideration for New Hearing. On May 1, 2002, BellSouth filed its responses. The extension was granted, in part, and denied, in part, by Order No. PSC-02-0637-PCO-TP, issued May 8, 2002. Thereafter, on May 15, 2002, BellSouth asked for reconsideration of that Order. Supra filed its response in opposition on May 22, 2002.

On April 24, 2002, Supra also filed a Motion to Strike and Reply to BellSouth's Opposition to Supra's Motion for Reconsideration for New Hearing. BellSouth filed its response in opposition on May 1, 2002.

On May 7, 2002, Supra filed a Motion for Leave to File Reply to BellSouth's Opposition to Motion to Strike, or in the Alternative, to Strike New Issues Raised in BellSouth's Opposition. On May 16, 2002, BellSouth filed its response in Opposition.

On May 13, 2002, BellSouth filed its Request for Leave to File Supplemental Authority.

On May 24, 2002, BellSouth filed a Motion for Reconsideration of Order No. PSC-02-0663-CFO-TP, wherein the Prehearing Officer denied confidential treatment of certain information contained in an April 1, 2002, letter to Commissioner Palecki.

On May 29, 2002, Supra filed a Motion for Reconsideration of Order No. PSC-02-0700-PCO-TP.

By Order No. PSC-02-0878-FOF-TP, issued July 1, 2002, we rendered our decisions on the identified procedural Motions and Motions for Reconsideration. Therein, we required the parties to file their final interconnection agreement complying with our decision by July 15, 2002.

On June 17, 2002, Supra filed a Motion to Strike BellSouth's letter of October 30, 2001, to Blanca Bayo; Strike BellSouth's post-hearing position/summary with respect to Issue B; and to Alter/Amend Final Order pursuant to F.R.C.P. 1.540(B). On June 28, 2002, BellSouth filed its response in opposition.

On July 8, 2002, Supra filed a Motion to Stay, which has been separately addressed by the Commission by Order No. PSC-02-1033-FOF-TP, issued July 30, 2002.

On July 15, 2002, Supra filed a Notice of Compliance with Order No. PSC-02-0878-FOF-TP, Notice of BellSouth's Refusal to Continue Negotiations Over Follow-Up Agreement, and Motion to Compel BellSouth to Continue Good Faith Negotiations on Follow-Up Agreement. On July 18, 2002, BellSouth filed its Response in Opposition.

Also on July 15, 2002, BellSouth filed an interconnection agreement, along with an Emergency Motion for Expedited Commission Action. On July 22, 2002, Supra filed its Response in Opposition.

Also on July 22, 2002, Supra filed a Motion to Strike the proposed interconnection agreement submitted by BellSouth on July 15, 2002. On July 30, 2002, BellSouth filed its Response in Opposition.

Set forth herein is our determination on the Motions to Strike and Amend Final Order, Motion to Compel negotiations, Motion for Expedited Commission Action, and the filed interconnection agreement.

## II.

### JURISDICTION

This Commission has jurisdiction in this matter pursuant to Section 252 of the Act to arbitrate interconnection agreements, as well as Sections 364.161 and 364.162, Florida Statutes. Section 252 states that a State Commission shall resolve each issue set forth in the petition and response, if any, by imposing the appropriate conditions as required. Further, while Section 252(e) of the Act reserves the state's authority to impose additional conditions and terms in an arbitration consistent with the Act and its interpretation by the FCC and the courts, we utilize discretion in the exercise of such authority. In addition, Section 120.80(13)(d), Florida Statutes, authorizes this Commission to employ procedures necessary to implement the Act.

We retain jurisdiction pursuant to Section 252 (e) of the Telecommunications Act of 1996 for purposes of approving a final arbitrated interconnection agreement. See also GTE Florida v. Johnson, 964 F. Supp. 333 (N.D. Fla. 1997) (stating, "this court has jurisdiction only 'to determine whether the agreement or statement meets the requirements of' the Act."); citing GTE South, Inc. v. Breathitt, 963 F. Supp. 610, 1997 WL 202470 (E.D. Ky. 1997); GTE South, Inc. v. Morrison, 957 F. Supp. 800, 1997 WL 82527 (E.D. Va. 1997); GTE Northwest, Inc. v. Nelson, 969 F. Supp. 654 (W.D. Wash. 1997); GTE Northwest, Inc. v. Hamilton, Civil Action No. 97-6021 (D. Ore. March 28, 1997); GTE Southwest, Inc. v. Wood, Civil Action No. 97-3 (S.D. Tex. March 13, 1997) (stating "the Court is persuaded that § 252(e)(6) does not extend the scope of review to determinations prior to the stage of approval or rejection of the agreement or statement.")

III. MOTION TO STRIKE BELLSOUTH'S LETTER OF OCTOBER 30, 2001, TO BLANCA BAYO; STRIKE BELLSOUTH'S POST-HEARING POSITION/SUMMARY WITH RESPECT TO ISSUE B; AND TO ALTER/AMEND FINAL ORDER PURSUANT TO F.R.C.P. 1.540(B)

A. ARGUMENTS

SUPRA

Supra notes that our Order No. PSC-01-1401-PCO-TP (Order Establishing Procedure) sets forth the procedures to be followed by the parties in this docket. Supra draws particular attention to the pertinent requirements on page 8 of the Order, that "each party shall file a post-hearing statement of issues and positions" and that "if a party fails to file a post hearing statement in conformance with Rule 28-106.215, Florida Administrative Code, the party shall have waived all issues and may be dismissed from the proceeding." Supra observes that on September 25, 2001, we entered Order No PSC-01-1926-PHO -TP, which included a new issue, noted as Issue B, that asked: "Which agreement template shall be used as the base agreement into which the Commission's decision on the disputed issues will be incorporated." Supra contends that while BellSouth briefly discussed Issue B in its post-hearing brief, it failed to provide a summary of the issue as required by the Order Establishing Procedure.

Supra states that in reviewing documents received as a result of a public records request made to this Commission, it believes that certain e-mails indicate that in October of 2001, Wayne Knight, the lead staff attorney in this docket, initiated a communication with Mike Twomey of BellSouth, for the purpose of informing Mr. Twomey that BellSouth had failed to include a position for Issue B in its post-hearing brief. Supra maintains that Mr. Twomey subsequently submitted a letter to Ms. Bayo as a result of this communication, with a position statement for Issue B. The letter, says Supra, was not a motion or a request for relief, nor did it cite any law or other authority in support of such filing. Supra contends that in our Final Order in this docket, Order No. PSC-02-0413-FOF-TP, issued March 26, 2002, we adopted BellSouth's late-filed position summary with respect to Issue B.

Supra asserts that the letter should be stricken from the record because it believes: (a) the filing was not authorized and procedurally improper; (b) it is the product of a communication initiated by a Commission staff employee; and (c) the filing violates the Commission's Order Establishing Procedure.

Additionally, maintains Supra, BellSouth's position on Issue B should be stricken and deemed waived pursuant to the Order Establishing Procedure. Supra cites past Commission Orders and looks to Docket No. 000731-TP to buttress its argument. Supra maintains that in that case, AT&T's failure to file a post-hearing statement addressing an issue led to a waiver of its position on that issue. Likewise, contends Supra, the failure to timely file a post-hearing statement regarding three issues in Docket No. 000649-TP, or to request leave to file such, led to the exclusion of those positions from our consideration in rendering a decision. Supra believes that a letter attempting to supplement the record, filed after the post-hearing briefs, is procedurally improper and should not be allowed.

Supra also points to several cases for the proposition that papers filed, which are not authorized or violate rules of procedure, are subject to be stricken. See Hicks v. Hicks, 715 So.2d 304, 305 (Fla 5<sup>th</sup> DCA 1998) (where the Court held that a motion filed by an attorney which violated Rule 2.060, Fla.R.Jud.Admin., was voidable and subject to being stricken. Supra argues that BellSouth's October 30, 2001, letter was likewise procedurally

improper, and not authorized by either the rules or the Order Establishing Procedure. As such, claims Supra, the letter should be stricken and BellSouth's position on Issue B waived in accordance with the Order Establishing Procedure and Supra's cited precedence.

Supra also asks us to change the Final Order to reflect Supra's position on Issue B. Supra believes Florida Rule of Civil Procedure, 1.540(b) supports this request, where it reads in pertinent part:

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party of a party's legal representative from a final judgment, decree, order, or proceeding for the following reasons: ... (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial or rehearing; (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party . . . The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 1 year after the judgment, decree, order, or proceeding, was entered or taken. . . .

Supra believes that in accordance with prior decisions, this rule is to be liberally construed to allow a party to be relieved of an order which in part, was procured through misconduct discovered after entry of the order. See Lacore v. Giralda Bake Shop, Inc., 407 So.2d 275, 276 (Fla. 3d DCA 1981); In re: Adoption of a Minor Child, 593 So.2d 1209 (Fla. 1991) Here, Supra maintains that the communication between BellSouth and Wayne Knight assisted BellSouth in the litigation of this docket after it had missed a substantive deadline, and was done without the knowledge of Supra. This, says Supra, can only be characterized as misconduct. Supra also believes that BellSouth engaged in misconduct by participating in the communication regarding a substantive deadline, not adequately disclosing the events leading to its October 30, 2001, letter, and in late filing an amendment to its post-hearing brief.



Supra contends that had Mr. Knight not communicated BellSouth's failure to comply with a substantive deadline, it would have prevailed on the issue. As it believes Mr. Knight's communication goes to the merits of the issue, Supra maintains that the Commission's ruling on Issue B should be reversed, and changed to reflect Supra's position on the issue.

BELLSOUTH

BellSouth believes that this motion, along with the seventeen (17) others filed by Supra to date, have been filed for the purpose of delaying operating under a new interconnection agreement. BellSouth characterizes its October 30, 2001, letter to Blanco Bayo, as being meant to correct an unintentional scrivener's error in its post hearing brief as well as the portion of BellSouth's brief relating to Issue B.

BellSouth first contends that Supra waived any objection to the October 30, 2001, letter, and contends that equity dictates that Supra's motion be denied. BellSouth states that Supra received both its post-hearing brief and the October letter, yet waited until after the Commission staff issued a recommendation, after we issued a Final Order, and after we ruled on Supra's post-hearing motions, including a motion for reconsideration of Issue B, before now claiming that the letter was procedurally improper. BellSouth believes that in waiting seven months after BellSouth corrected its scrivener's error, and after this Commission resolved all of Supra's post-hearing motions, Supra has waived any objection to the letter or to BellSouth's post hearing brief. BellSouth characterizes Supra's motion as an untimely request for us to reconsider and reverse ourselves on Issue B.

BellSouth also contends that it would be inequitable to grant Supra's requested relief at this point in time, as it believes the proceedings are complete and BellSouth would be left without an opportunity to cure any purported procedural defect. BellSouth believes that if there was an error, it could have been cured if had Supra raised its objection in a timely manner.

BellSouth's second argument is that it did not violate the procedural order or otherwise waive its right to assert a position on Issue B. BellSouth maintains that it submitted a post-hearing

statement on all issues in the arbitration, including Issue B; that it submitted summaries for all other issues; and the October 31, 2001, letter corrected its scrivener's error.

According to BellSouth, the procedural order, Order No. PSC-01-1401-PCO-TP, provides that a party is required to file a post-hearing statement of issues and positions pursuant to Rule 28-106.215, and that the failure to file this post-hearing statement results in a waiver of all issues and potential dismissal from the proceeding. The Rule, asserts BellSouth, makes no mention of summary position statements. BellSouth maintains that it filed a post hearing statement, and thus complied with the procedural order. BellSouth also claims that Supra's reference to Issue L of the BellSouth/AT&T arbitration actually supports its argument. There, says BellSouth, it was found to have waived its position on issue L because it failed to "present any evidence on the issue at hearing or in its brief." In the instant docket, BellSouth maintains that it has done both. BellSouth also distinguishes Order No. PSC-01-0824-FOF-TP, as cited by Supra, noting that while our decision there was predicated on its failure to address three issues in its post-hearing brief, its failure to file a summary position statement was not at issue.

As a tertiary matter, BellSouth maintains that its October 30, 2001, letter was procedurally proper. Along with its assertion that Supra waived its right to BellSouth's correction of what it deemed an oversight, BellSouth states that parties routinely submit letters to this Commission to correct scrivener's errors or other errors that do not affect the substance of an argument. BellSouth notes that recently Florida Cable Telecommunications Association, Inc. and Time Warner Telecom of Florida, L.P. inadvertently omitted their summary position statements in their original post-hearing briefs due to a scrivener's error, and on June 18, 2002, they filed a letter with us to include a corrected post-hearing brief that specifically included their summary position statements. BellSouth also notes that Supra, in this docket on May 8, 2002, filed a letter instead of a motion to correct errors in one of its previous filings. BellSouth asserts that its letter of October 30, 2001, similar to the letters of FCCA and Time Warner, and of Supra, did not affect or modify any of the substantive arguments that BellSouth made in its post-hearing brief, but simply summarized the

arguments set forth in its brief. As such, says BellSouth, the letter was proper and should not be stricken.

BellSouth also believes that the letter actually complies with Rule 28-106.204(1), to the extent that it seeks affirmative relief and is in writing. Citing Mendoza v Board of County Commissioners/Dade County, 221 So. 2d 797, 798 (Fla. 3<sup>rd</sup> DCA 1969) for the notion that "courts should look to the substance of a motion and not to the title alone," BellSouth asserts that its letter is similar to those filed by Supra in this docket seeking affirmative relief. Thus, according to BellSouth, Rule 28-106.204's requirement that responses to motions must be submitted within seven days serves to time-bar Supra's instant motion.

BellSouth further contends that Supra's request for a modified order pursuant to Rule 1.540(b) should be denied. BellSouth contends that Supra does not meet the standard to obtain relief for newly discovered evidence because it does not believe that Supra's evidence would change the result in a new trial, and it believes Supra's motion is untimely. Further, BellSouth asserts that Supra does not meet the standard to obtain relief for misconduct because no misconduct occurred, and we have previously determined that no misconduct occurred. BellSouth also asserts that the conduct for which Supra now complains did not prevent Supra from presenting its case.

BellSouth also argues that Supra's request cannot be granted under Rule 1.540(b), and that its Motion under this rule is barred by the doctrine of *res judicata*, because final judgment in this matter has already been rendered.

#### B. DECISION

The crux of Supra's contention is that BellSouth was improperly allowed to modify its post-hearing statement, and that had BellSouth not been allowed to do so, BellSouth's position on Issue B would have been waived in accordance with the Order Establishing Procedure, Order No. PSC-01-1401-PCO-TP. We note that similar language is contained in the Prehearing Order in this Case, Order No. PSC-01-1926-PHO-TP. As such, Supra believes that its argument on this issue would have carried the day on Issue B; thus,

the Final Order should be modified to so reflect a decision in Supra's favor.

Supra, however, misinterprets the provisions of the Order Establishing Procedure as they relate to the filing of post-hearing statements. Specifically, the Order in this case states, in pertinent part:

Each party shall file a post-hearing statement of issues and positions. ***A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement.*** If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. ***If a party fails to file a post-hearing statement in [conformance with the rule]<sup>1</sup>, that party shall have waived all issues and may be dismissed from the proceeding.*** (Emphasis added)

Order No. PSC-01-1401-PCO-TP at pg. 8. See also Order No. PSC-01-1926-PHO-TP at p. 8. The Order does clearly state that a summary of a party's position is required. However, the Order does not indicate that failure to include the **summary** results in waiver of a party's position; rather, the Order reflects that failure to file a **post-hearing statement** results in waiver. BellSouth did, in fact, timely file a post-hearing statement addressing all issues, including Issue B. The company simply neglected to include a summary of its post hearing statement for Issue B. Thus, based on the provisions of the Order Establishing Procedure, as well as the superceding Prehearing Order, BellSouth did not waive its position on Issue B. While this Commission has determined that parties have waived their positions on specific issues by failing to file a post-hearing statement on an issue, we are unaware of any instance where we have determined that a party waived its position on all issues because it failed to file a post-hearing statement on one issue. Furthermore and directly to the issue at hand, we have not

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<sup>1</sup>Bracketed portion is omitted in subsequent Prehearing Order, because the reference to conformance with "the rule" pertains to former Rule 25-22.056, F.A.C., which was repealed.

deemed a party to have waived their position on an issue through inadvertent omission of the summary.

As for our staff's decision to contact BellSouth to identify the omission of the summary, we believe that our staff acted properly in identifying an error, that can only be characterized as administrative, to the responsible party, because the oversight did not have any dispositive impact on the issue or the case. One-on-one contact between our staff and a party to discuss a non-substantive matter, such as the omission of the summary of BellSouth's position, is not prohibited by Rule 25-22.033, Florida Administrative Code or our own Administrative Procedures Manual 13.10.<sup>2</sup>

Furthermore, we note that, historically, the requirement for a summary has generally been included in the post-hearing procedural requirements largely for the administrative ease of our staff in developing the format of its post-hearing recommendations. The summary does not address the specifics of the parties' arguments, which are more fully set forth in the post-hearing statement itself and analyzed by our staff in its recommendation. Thus, the inclusion or omission of the summary would not impair the ability of this Commission to consider the parties' arguments, nor would it be prejudicial to either party in the case. It merely impacts the manner in which the parties' position is summarized for purposes of the preferred format for post-hearing recommendations. In other words, it is inconsequential to the disposition of the matter at issue.

Based on the foregoing, Supra's Motion to Strike BellSouth's letter of October 30, 2001, to Blanca Bayo; Strike BellSouth's post-hearing position/summary with respect to Issue B; and to Alter/Amend Final Order pursuant to F.R.C.P. 1.540(B) is hereby denied.

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<sup>2</sup>It is noted that this situation is not unlike our staff's inquiry as to Supra's omission of its prehearing statement position on Issue 45, which resulted in Supra submitting its supplemental prehearing statement, without specifically requesting leave to do so, on September 7, 2001. Prehearing statements in the case were originally due August 22, 2001.

IV. MOTION TO COMPEL BELLSOUTH TO CONTINUE GOOD FAITH NEGOTIATIONS  
OF A FOLLOW-UP AGREEMENT

A. ARGUMENTS

SUPRA

After laying out its summary of the procedural and factual background of this docket, Supra maintains that on June 12, 2002, the day after our decision on Supra's Motion for Reconsideration, Supra sought to commence good faith negotiations with BellSouth regarding a follow-on agreement. Supra also maintains that it received for the first time on June 13, 2002, an e-mail version of BellSouth's latest proposed interconnection agreement, and later on June 18, 2002, a second amended version. Supra asserts that beginning on June 17, 2002, and continuing through July 15, 2002, the parties met via telephone on numerous occasions in order to negotiate and resolve final language to be used in the agreement. Supra claims that there have been disputes over previously agreed upon issues because concepts were agreed to without reference to particular language changes in any template agreement.

Supra believes that the time period for the parties to file a final agreement was simply inadequate. It also asserts that BellSouth has not always been cooperative in negotiating final language in good faith, and that BellSouth's actions in refusing to negotiate in good faith do not comply with the Telecommunications Act of 1996, nor the spirit and intent of this Commission's Order No. PSC-02-0878-FOF-TP. Supra states that it would be impossible to draft a follow-on agreement by July 15, 2002, which accurately incorporates the parties' prior agreements, together with our substantive rulings. Further, says Supra, BellSouth refuses to continue negotiations without a directive from us to do so. Therefore, Supra requests an Order compelling BellSouth to return to the bargaining table and provide the parties a reasonable amount of time thereafter to complete negotiations.

BELLSOUTH

BellSouth maintains that the agreement sent to Supra on June 13, 2002, incorporated the changes required by our decision on the motions for reconsideration. BellSouth also notes at least three

other versions of the agreement that it had sent to Supra. BellSouth also claims that the parties' meetings of June 17 and 24, 2002, were devoid of substance, as on one occasion, Supra was not prepared, and in the other instance, Supra's counsel was not available. BellSouth also demonstrates through Exhibit L that it believes only about one third of the ordered issues were discussed. It also claims that Supra spent time disputing and discussing issues which the parties represented to this Commission as either being resolved or withdrawn. BellSouth notes that Supra at no time proposed language changes to any of the templates provided by BellSouth. Furthermore, although Supra claims it could not come up with an agreement which complied with the settled issues and the Commission's rulings, BellSouth believes its July 15, 2002, filing does just that.

BellSouth contends that it is Supra who is unwilling or unable to negotiate in good faith by being unprepared for negotiations or revisiting settled issues, and notes that Supra did not seek reconsideration of the Order's fourteen day filing requirement, choosing instead to ignore our order. BellSouth asks, therefore, that we deny Supra's request for relief.

B. DECISION

The record of this case reflects that BellSouth originally sent Supra a proposed interconnection agreement in September of 2000, nearly two years ago. In March of 2002, after the Agenda in which we originally decided the disputed issues, BellSouth apparently sent Supra an electronic copy of the proposed interconnection agreement. Thereafter on April 25, 2002, BellSouth filed a version with this Commission purporting to comply with our decision in PSC-02-0413-FOF-TP. On June 13, 2002, after our Agenda deciding the issues on reconsideration, BellSouth again apparently sent Supra a version of the agreement incorporating our changes, with an amended version submitted to Supra on June 18, 2002. Also on June 18, 2002, BellSouth apparently provided to Supra a list of each arbitrated issue and how it was resolved. Supra has had ample opportunity to become familiar with BellSouth's agreement template and to ascertain what parts of the agreement would require modification, both to comply with the parties agreed upon and unarbitrated issues, as well as those issues decided by this Commission.

As early as May 8, 2002, and pursuant to Order No. PSC-02-0637-PCO-TP, Supra was aware that it would have fourteen days after we ruled on Supra's Motion for Reconsideration of our decision on the merits of the case to execute an interconnection agreement. In seeking additional time to file the agreement, Supra stated that it did not want to have to negotiate language for the follow-on agreement twice. This desire not to negotiate language at that time did not relieve Supra of the obligation to familiarize itself with the language of the agreement, prepare alternative language, and generally become conversant on the issues given the time period afforded the parties. The parties' awareness of the time constraints also meant that the obligation was on both parties to provide the time and resources necessary to complete the task as ordered by this Commission. Neither party is a virgin to the negotiation and arbitration process, and both are well aware of the back and forth dialogue that ensues in situations such as this, as well as the occasional need to review positions and issues with other persons in their respective organizations.

Supra provided neither the time nor resources necessary to complete the negotiation process and file an agreement on July 15, 2002, as ordered by this Commission. By way of example, a review of the parties' e-mails reveals that on June 18, 2002, Greg Follensbee of BellSouth noted that because of the time constraints, he and Parkey Jordan, also of BellSouth, would clear their calendars all of the following week in an attempt to finish reviewing the proposed agreement. The parties had not discussed substantive issues in their June 17, 2002, meeting. The meeting of June 24, 2002, was cancelled due to an emergency that required the attention of Supra's outside counsel. No meeting was held on the following day. Supra suggested meeting on the following Wednesday, a day it knew, or should have known, it was deposing BellSouth's negotiator Greg Follensbee in another arbitration. Then, Supra indicated that its own negotiator, David Nilson, would be unavailable Friday, leaving outside counsel only able to discuss a few issues.

Save a discussion on June 28, 2002, indicating that in paragraph 16 of the General Terms and Conditions, the word "shall" should be changed back to "may," we find no example of Supra proposing language for inclusion in this agreement. It is clear that no alternative language was filed by Supra on the required



date, July 15, 2002. If Supra continued to disagree with BellSouth's interpretations of issues and inclusive language, Supra could have formulated its own language and submitted that to this Commission in an attempt to comply with our Order. This was certainly possible, as demonstrated by BellSouth's filing.

Finally, we were very clear that the signed agreement must be filed by July 15, 2002. There was no contemplation of further extensions for the parties to negotiate. We were explicit that we found it imperative that a new agreement be timely filed.

Therefore, upon consideration of the foregoing, Supra's Motion to Compel BellSouth to Continue Good Faith Negotiations of a Follow-Up Agreement is denied.

V. MOTION FOR EXPEDITED COMMISSION ACTION

A. ARGUMENTS

BELLSOUTH

BellSouth asserts that after two years, it is now time for a final resolution of this case. BellSouth emphasizes that this matter has been to hearing, this Commission has resolved the issues, addressed reconsideration, as well as numerous procedural motions, and we are now presented with an interconnection agreement that complies with our decisions in the case. BellSouth contends that in keeping with its actions throughout this case, Supra has refused to reasonably participate in negotiations to prepare the final arbitrated agreement, in spite of numerous scheduled negotiation meetings, and has consequently refused to sign the version of the agreement prepared and submitted by BellSouth.

BellSouth notes that as of the morning of July 15, 2002, the date upon which the final signed agreement was due, Supra had only identified four arbitrated issues, Issues 1, 10, 11 A & B, and Issue 49, upon which it could not agree to final language with BellSouth. While discussions between the parties resulted in some modifications, disagreement still remains on these issues. BellSouth indicates that while Issue 19 is also at issue, Supra had stated that it simply needed more time to review BellSouth's proposed language to address this issue, but did not yet have any

specific objection to the language. As of July 15, 2002, BellSouth asserts that Supra had not even mentioned 24 of the issues addressed through our arbitration.

BellSouth acknowledges Supra's contentions that engaging in the negotiation of a new interconnection agreement is a daunting, arduous task, but emphasizes that Supra has not used the considerable time available since our final arbitration decision to engage in the discussions necessary to develop the final agreement. BellSouth contends that this Commission established a very clear deadline for the filing of the parties' interconnection agreement; Supra has "made little effort to review an agreement that BellSouth worked hard to prepare" and has not been prepared to participate in scheduled negotiation meetings. Motion at p. 9.

BellSouth claims that a new interconnection agreement must be approved expeditiously to prevent further harm to BellSouth. The company contends that Supra receives wholesale services from BellSouth for over 300,000 customers. According to BellSouth, Supra receives payment from its customers for the services rendered to them, but does not pay BellSouth for the wholesale services BellSouth has provided to Supra. BellSouth contends that this has an adverse effect on competition in the state, because Supra is able to obtain an advantage over other competitive local exchange carriers (CLECs) that do timely pay their bills. Due to this advantage, BellSouth believes that Supra is able to devote more resources to advertising than would a similarly-situated CLEC that pays its bills.

BellSouth notes that under the Reservation of Rights Clause in the new agreement, Section 25.1, execution of and operation under the new agreement does not waive either parties' rights to pursue appellate relief. Thus, BellSouth emphasizes that either party will be able to continue to seek relief through the appellate courts, and Supra will not be harmed because its appellate rights will not be affected.

For the foregoing reasons, BellSouth requests the following specific relief:

1. A decision by this Commission on its Emergency Motion for Expedited Commission Action at the first available Agenda Conference;

2. Supra should be required by us to take one of the following actions within seven (7) days of the Agenda Conference decision:

A. Sign the new agreement filed by BellSouth on July 15, 2002; or

B. Pursuant to 252(i) of the Act, opt into an existing agreement entered into by BellSouth and approved by the Commission, subject to the requirements of 47 C.F.R. § 51.809.

3. We should order that, if Supra does not take one of the actions identified above within 7 days of the Agenda Conference decision, the existing agreement between BellSouth and Supra is immediately deemed terminated and declared null and void. (Motion at p. 14.)

BellSouth also offers an alternative request for relief:

1. We should order the parties to immediately begin operating under the agreement filed by BellSouth on July 15, 2002, as of the date of the Agenda Conference at which BellSouth's motion is decided; or

2. We should order that BellSouth is relieved of the duty to provide services to Supra as of the date of the Agenda Conference.

In addition, BellSouth asks us to sanction Supra for bad faith, award BellSouth attorneys' fees, and provide any other relief we find appropriate.

BellSouth notes that there is precedent for the action it requests. In an Order from the California Public Utilities Commission, Decision No. 01-06-073, 2001 Cal. PUC LEXIS 600, issued June 28, 2001, wherein the parties were directed to either sign PAC

Bell's proposed agreement, terminate the existing agreement, or Supra was to opt into an existing agreement. The parties chose to terminate the agreement.

SUPRA

Supra contends that it has devoted hundreds of man-hours to reviewing BellSouth's proposed agreement, reviewing the parties' prior agreements, reviewing our orders, documenting problems with the proposed agreement, and attempting to negotiate with BellSouth. Supra contends that BellSouth's request to expedite approval of the unilaterally filed agreement is a "gaming tactic" designed to have this Commission force an unacceptable agreement upon Supra.

Supra further contends that BellSouth's request for expedited treatment is made in bad faith, because BellSouth has not even attempted to negotiate acceptable language with Supra and has failed to properly reflect the areas on which the parties did agree prior to arbitration. Supra contends that this motion is designed to avoid due process in an effort to quickly escape the parties' current agreement. Supra maintains that the July 15, 2002, version of the agreement is "riddled with mistakes, inaccuracies and other language. . . ." For these reasons, Supra asks that the Motion for Expedited Commission Action be denied.

B. DECISION

This Docket was opened on September 1, 2000. The Final Order on Arbitration was issued in this Docket on March 26, 2002. The Order on the parties' various procedural motions and motions for reconsideration, Order No. PSC-02-0878-FOF-TP, was issued July 1, 2002. Therein, we clearly stated:

As noted by Supra, we have the authority to show cause a party which fails to sign an arbitrated interconnection agreement in the event there is no good cause for failing to execute the agreement. We now place the parties on notice that if the parties or a party refuses to submit a jointly executed agreement as required by Order No. PSC-02-0637-PCO-TP and Order No. 02-0143-FOF-TP within fourteen (14) days of the issuance of a final order on Supra's Motion for Reconsideration, we may impose a

\$25,000 per day penalty for each day the agreement has not been submitted thereafter in accordance with Section 364.285, Florida Statutes.

Order at p. 65. The parties have had ample time in which to reach an agreement on a final interconnection agreement. Based on the time that has passed, the exhibits attached to BellSouth's pleading, and the numerous procedural motions filed in this case by Supra, it appears to us that Supra has devoted insufficient resources to the negotiation of a final agreement -- perhaps intentionally.

While we clearly have the authority to sanction or fine Supra for its failure to sign an agreement, or even to submit its own version of an agreement, by July 15, 2002, in this circumstance, the best remedy is simply to impose BellSouth's primary request for relief, which is that Supra either sign the agreement proposed by BellSouth, opt into another existing, approved agreement, or the existing agreement will be considered terminated, null, and void. We shall, however, extend of the time requested by BellSouth from seven to 10 days, which seems more reasonable. Additional time will allow for some additional discussion between the parties, sufficient time to get the required signatures and have the agreement filed, or for Supra to make a determination as to which other existing agreement it may wish to adopt.

We emphasize that the agreement the parties continue to operate under was approved by this Commission. Section 2.3 of that Agreement states that should the parties petition the Commission for arbitration of unresolved issues, the parties would encourage the Commission to resolve the disputed issues prior to the expiration of the current agreement. If that did not occur, the parties agreed to continue to operate under the terms of the "current" terminated agreement until the subsequent agreement became effective. The agreement clearly contemplated that the current agreement would eventually terminate. But for the Supra's apparent failure to devote sufficient resources to negotiating a new agreement reflecting our arbitration decisions, there might very well be a subsequent, executed agreement for us to approve. The "current" agreement also clearly contemplates that both parties would endeavor to resolve any outstanding issues in order to develop a subsequent agreement. That has not occurred in this

case; therefore, we shall require that the "current" agreement be terminated, including the provisions of Section 2.3, which require that the parties continue to operate under the terms of the current agreement pending approval of a new agreement. As noted by BellSouth, the California Commission has taken similar action in a similar situation under the same federal Telecommunications Act.

Based on the foregoing, we hereby require the parties to file a signed version of the interconnection agreement within 10 days of our decision at the August 6, 2002, Agenda Conference. If the parties file a signed agreement, our staff may review and administratively approve the final agreement if it complies with our Order and the Telecommunications Act. If the parties do not file a signed agreement within 10 days of our Agenda Conference, the existing agreement under which the parties' have continued to operate shall be deemed terminated, and declared null and void after the close of business on August 16, 2002. Supra may, however, adopt another existing, approved interconnection agreement with BellSouth, if it so chooses.

VI. MOTION TO STRIKE JULY 15, 2002, AGREEMENT FILED BY BELL SOUTH

A. ARGUMENTS

SUPRA

Supra argues that the agreement filed by BellSouth on July 15, 2002, does not fully incorporate the parties' voluntary agreements on issues not decided by this Commission. Supra contends that because the agreement does not incorporate the parties' voluntary agreements, we cannot "shove the nonconforming agreement down Supra's throat." Supra maintains that although we directed the parties to file a jointly executed interconnection agreement, we did not order Supra to sign an agreement that does not reflect the parties' voluntary agreements. Supra therefore asks that we strike the filing by BellSouth as a filing interposed for purposes of delay, harassment, or frivolous increase in expense, in violation of Section 120.569(2)(e), Florida Statutes, Rule 2.060(c), Florida Rules of Judicial Administration, and Rules 1.140 and 1.150, Florida Rules of Civil Procedure.

BELLSOUTH

BellSouth contends that Supra has never proposed language for inclusion in any of the versions of the agreement that it has sent to Supra. BellSouth also argues that it has included the language that the parties agreed upon for the issues resolved between themselves, as well as the language required by our Orders. BellSouth further contends that Supra has erroneously identified several issues for which no negotiated resolution was reached and has referred to a three-step approval process that was never discussed by the parties. BellSouth also identifies what it believes to be a number of other inaccuracies in Supra's assertions regarding the negotiations between the parties. Finally, BellSouth asserts that contrary to Supra's arguments, BellSouth's July 15, 2002, filing is appropriate, because it was contemplated, and in fact required, by Order No. PSC-02-0878-FOF-TP. For these reasons, BellSouth asks that Supra's Motion be denied.

B. DECISION

Upon consideration, we do not find that BellSouth's July 15, 2002, filing violates the standards of Section 120.569(2)(e), Florida Statutes, nor Rule 2.060, Florida Rules of Judicial Administration, although we note that Rule 2.060 is not directly applicable to administrative proceedings. The July 15, 2002, filing by BellSouth does not appear to be filed for purposes of delay, but instead in an effort to comply with our decisions in this Docket. As for Rule 1.140, Florida Rules of Civil Procedure, we also find the July 15, 2002, filing complies with this rule in that the pleading does not appear to be "redundant, immaterial, impertinent, or scandalous." Rather, it is a filing apparently aimed at complying with our Orders Nos. PSC-02-0637-PCO-TP and PSC-02-0878-FOF-TP. The mere fact that the agreement filed was not executed by both parties does not render the filing "redundant, immaterial, impertinent, or scandalous." Likewise, we find the pleading does not violate Rule 1.150, Florida Rules of Civil Procedure, because it is not a "sham" pleading.

Furthermore, the parties were directed to file an agreement complying with our decisions on the issues addressed at arbitration. It is the burden of the parties to properly reflect any agreements between the parties that were not presented for

arbitration to this Commission. Alleged failure by BellSouth to properly reflect such voluntary agreements is not a matter reviewed by state commissions pursuant to Section 252(e)(2)(b) of the Act, nor does it constitute a "sham" or "frivolous" filing intended for delay. The Act requires the parties to present for arbitration those things that cannot be negotiated and to resolve, through good faith negotiations, those things that do not need to be arbitrated. We need only determine whether what is filed complies with the Act and with our arbitration decision. 47 U.S.C. § 252(e)(2)(b). Thereafter, it is incumbent upon the parties to develop an agreement that properly reflects our decisions, the state of the law, and the parties' negotiated provisions. We agree with Supra that we cannot require either party to sign an agreement that the parties do not believe properly reflects other agreements between the parties. However, as more fully set forth in the previous issue, we can deem the previous agreement terminated -- leaving the parties with the options of: 1) timely filing a signed version of the negotiated agreement; 2) Supra adopting an approved agreement; or 3) otherwise terminating their relationship.

Based on the foregoing, the Motion to Strike July 15, 2002, Agreement Filed by BellSouth is denied.

VII. INTERCONNECTION AGREEMENT COMPLIANCE

A. CONSIDERATION

With regard to State commission approval or rejection of an interconnection agreement, Section 252(e) of the Telecommunications Act states, in pertinent part:

(1) APPROVAL REQUIRED - Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

(2) GROUNDS FOR REJECTION - The State commission may only reject-

(B) an agreement (or any portion thereof) adopted by arbitration . . . if it finds that the agreement does not



meet the requirements of section 251, including the regulations prescribed by the Commission pursuant to section 251, or the standards set forth in subsection (d) [pricing standards] of this section.

Section 252(e)(3) states:

Notwithstanding paragraph (2), but subject to section 253, nothing in this section shall prohibit a State commission from establishing or enforcing other requirements of State law in its review of an agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements.

By Order No. PSC-02-0413-FOF-TP, issued March 26, 2002 (Final Order on Arbitration) and Order No. PSC-02-0878-FOF-TP, issued July 1, 2002 (Reconsideration Order), we resolved the thirty-seven substantive issues presented for arbitration by BellSouth and Supra<sup>3</sup>. The parties were required to submit a signed agreement that complied with our decisions within 14 days of issuance of the Order on Reconsideration, by July 15, 2002.

On July 15, 2002, BellSouth filed an unsigned Interconnection Agreement. We have reviewed the document specifically to determine compliance with our Orders in this proceeding relating to the thirty-seven arbitrated issues addressed at hearing. In view of the fact that the agreement was not signed, we also reviewed the entire document to determine compliance with other applicable Florida Public Service Commission and Federal Communications Commission decisions and orders.

Upon review and consideration, we find that the Interconnection Agreement filed on July 15, 2002, complies with our Orders in this docket, Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP. It appears to incorporate our decisions regarding the issues arbitrated at hearing. In fact, in some cases the language contained in the Agreement almost mirrors the language in our

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<sup>3</sup>The orders also addressed several procedural motions.

Orders. For example, with regard to one particular issue, we ordered<sup>4</sup>:

. . . the final arbitrated agreement submitted to us for approval shall not reflect a reduced rate for a loop when the loop utilizes DAML equipment.

PSC-02-0413-FOF-TP at p. 53. The Interconnection Agreement states:

Loop rates specified in this Agreement shall not be reduced when the loop is provided to Supra using Digitally Added Main Line (DAML) equipment . . . .

Attachment 2, Section 3.2. We also ordered:

The agreement shall reflect that when changes are to be made to an existing Supra loop that may adversely affect the end user, BellSouth should provide Supra with prior notification.

PSC-02-0413-FOF-TP at p. 53. The Interconnection Agreement states:

. . . in the event BellSouth wishes to add DAML equipment to an existing Supra UNE loop that may adversely affect the end user, BellSouth shall provide Supra Telecom with prior notification and must obtain Supra Telecom's authorization.

Attachment 2, Section 3.2.

While we find the Agreement complies with our Orders in this proceeding, we have identified two sections which do not comply with other applicable orders or decisions. The specific language in question is underlined below.

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<sup>4</sup>The example does not represent the Commission decision on Issue E in its entirety.

First, Attachment 1, Section 3.7 of the Interconnection Agreement, which addresses resale provisions, states:

Current telephone numbers may normally be retained by end user. However, telephone numbers are the property of BellSouth and are assigned to the service furnished. Supra Telecom has no property right to the telephone number or any other call number designation associated with services furnished by BellSouth, and no right to the continuance of service through any particular central office. BellSouth reserves the right to change such numbers, or the central office designation associated with such numbers, or both, solely in accordance with BellSouth's practices and procedures and on a non-discriminatory basis.

The underlined text is incorrect and conflicts with current law.

Section 3(a)(2)(46) of the Act defines number portability as the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another. While we are aware that BellSouth is the code holder for the telephone numbers at issue, the telephone numbers are BellSouth's property. The Industry Numbering Committee<sup>5</sup> Central Office Code (NXX) Assignment Guidelines (INC Code Guidelines) define a code holder as:

An assignee of a full NXX code which was allocated by the CO Code Administrator. While the Code Holder is participating in thousand-block number pooling, the Codes Holder becomes a LERG Assignee at the Block Donation Date.

Central Office Code (NXX) Assignment Guidelines, July 21, 2002, INC 95-0407-008. Furthermore the INC Code Guidelines state:

The NANP resources are considered a public resource and are not owned by the assignees. Consequently, the

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<sup>5</sup>Staff notes that BellSouth is a member of the Industry Numbering Committee.

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resources cannot be sold, brokered, bartered, or leased by the assignee for a fee or other consideration. Transfer of code(s) due to merger/acquisition is permitted. (emphasis added)

Central Office Code (NXX) Assignment Guidelines, July 21, 2002, INC 95-0407-008 at p. 6.

Lastly, and most importantly, 47 C.F.R. §52.23(a), confirms that:

all local exchange carriers (LECs) must provide number portability in compliance with the following performance criteria:

(6) Does not result in a carrier having a proprietary interest;

BellSouth is clearly an assignee of codes, and as such, the sentence identified in Attachment 1, Section 3.7 of the Interconnection Agreement, which asserts telephone numbers are the property of BellSouth is contrary to current law and shall be deleted.

Second, Attachment 4, Section 6.4, which addresses collocation provisions, states, in pertinent part:

Construction and Provisioning Interval. . . . BellSouth will use best efforts to complete construction for collocation arrangements under ordinary conditions as soon as possible and within a maximum of 100 calendar days from receipt of a complete and accurate Bona Fide Firm Order.

The 100 calendar days provisioning interval for collocation arrangements conflicts with the interval established by this Commission in Order PSC-99-1744-PAA-TP issued in Docket No. 981834-TP. Specifically, that order states:

Upon firm order by an applicant carrier, the ILEC shall provision physical collocation within 90 days or virtual collocations within 60 days.

Order at p. 17. As such, we find that BellSouth must modify the language in Attachment 4, Section 6.4 to reflect this Commission's decision that 90 calendar days is the appropriate provisioning interval for physical collocation.

B. DECISION

Upon consideration, the July 15, 2002, Interconnection Agreement complies with our Orders in this docket. However, the language contained in Attachment 1, Section 3.7, and Attachment 4, Section 6.4 shall be modified as noted in the body of this Order to comply with other applicable orders and laws.

VIII.

CONCLUSION

This Docket shall remain open pending administrative approval, on an expedited basis, of a signed interconnection agreement or notice of adoption filed by close of business on August 16, 2002. Upon administrative approval of an agreement, or if no signed agreement or notice of adoption is filed by close of business on August 16, 2002, we direct our staff to administratively close this Docket after the time for filing an appeal has run.

We will not entertain any motions for reconsideration of our decisions set forth herein. By this Order, we address several motions that appear to be thinly-veiled motions for reconsideration for which our rules do not provide for further reconsideration. See Rule 25-22.060, Florida Administrative Code. Furthermore, this proceeding has been conducted pursuant to the Telecommunications Act of 1996, which does not contemplate further review by the state commission of its own decisions in proceedings conducted pursuant to the Act. While Chapter 120, Florida Statutes, and Commission rules do provide for reconsideration of final orders, Section 120.80(13), Florida Statutes, also allows us to adopt processes and procedures necessary to implement the Act. In this particular instance, we find that proper, timely implementation of this case consistent with the Act necessitates that the opportunity for

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reconsideration of our decisions on the issues addressed in this Order shall not be provided.

We have conducted these proceedings pursuant to the directives and criteria of Sections 251 and 252 of the Act. We believe that our decisions are consistent with the terms of the Section 251, the provisions of FCC rules, applicable court orders and Chapter 364, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Supra Telecommunications and Information Systems, Inc.'s Motion to Strike BellSouth's Letter of October 30, 2001, to Blanca Bayo; Strike BellSouth's Post-hearing Position/Summary with Respect to Issue B; and to Alter/amend Final Order Pursuant to F.R.C.P. 1.540(b) is denied. It is further

ORDERED that Supra Telecommunications and Information Systems, Inc.'s Motion to Compel BellSouth Telecommunications, Inc. to Continue Good Faith Negotiations of a Follow-Up Agreement is denied. It is further

ORDERED that BellSouth Telecommunications, Inc.'s Motion for Expedited Commission Action is granted, in part, and denied, in part, as set forth in the body of this Order. It is further

ORDERED that Supra Telecommunications and Information Systems, Inc.'s Motion to Strike July 15, 2002, Agreement filed by BellSouth Telecommunications, Inc. is hereby denied. It is further

ORDERED that the July 15, 2002, Interconnection Agreement submitted by BellSouth Telecommunications, Inc. is deemed compliant with the Commission Orders in this Docket. It is further

ORDERED that BellSouth Telecommunications, Inc. shall amend the language contained in Attachment 1, Section 3.7, and Attachment 4, Section 6.4 of its July 15, 2002, Interconnection Agreement as noted in the body of this Order to comply with other applicable orders and laws. It is further

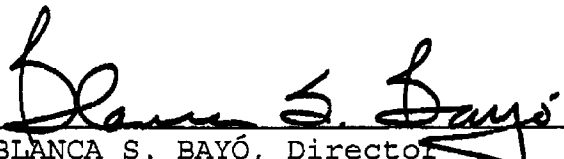
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ORDERED that this Docket shall remain open pending administrative approval, on an expedited basis, of a signed interconnection agreement or notice of adoption filed by close of business on August 16, 2002. It is further

ORDERED that if an interconnection agreement signed by both parties is not filed by close of business on August 16, 2002, and we are not otherwise notified of Supra Telecommunications and Information Systems, Inc.'s adoption of another approved interconnection agreement with BellSouth Telecommunications, Inc., the current interconnection agreement under which the parties have continued to operate shall be deemed terminated and no longer effective between Supra Telecommunications and Information Systems, Inc. and BellSouth Telecommunications, Inc. It is further

ORDERED that upon administrative approval of an agreement, or if no signed agreement or notice of adoption is filed by close of business on August 16, 2002, this Docket shall be closed administratively after the time for filing an appeal has run.

By ORDER of the Florida Public Service Commission this 9th Day of August, 2002.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

BK/WDK

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure. Judicial review in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6) may be available as allowed by law.



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth  
Telecommunications, Inc. for  
arbitration of certain issues in  
interconnection agreement with  
Supra Telecommunications and  
Information Systems, Inc.

DOCKET NO. 001305-TP  
ORDER NO. PSC-02-1140-FOF-TP  
ISSUED: August 22, 2002

ORDER APPROVING FINAL ARBITRATED INTERCONNECTION AGREEMENT  
AND ADOPTION AGREEMENT

BY THE COMMISSION:

On August 16, 2002, Supra Telecommunications and Information Systems, Inc. (Supra) filed its arbitrated Interconnection Agreement with BellSouth Telecommunications, Inc. in accordance with Order No. PSC-02-1096-FOF-TP, issued August 9, 2002. Thereafter, on August 21, 2002, an amending Adoption Agreement between Supra and BellSouth was filed, incorporating the dispute resolution provisions from the BellSouth/AT&T Interconnection Agreement into the new BellSouth/Supra agreement.<sup>1</sup> A copy of the agreement and amending agreement may be obtained by contacting our Division of the Commission Clerk and Administrative Services. The background of this case is more fully set forth in Order No. PSC-02-1096-FOF-TP.

This agreement governs the relationship between the companies regarding local interconnection and the exchange of traffic pursuant to 47 U.S.C. § 251. Having reviewed the interconnection agreement, the Agreement complies with this Commission's Final Order on the parties' arbitration, Order No. PSC-02-0413-FOF-TP and PSC-02-0413A-FOF-TP, and the decision on the motions for reconsideration, Order No. PSC-02-0878-FOF-TP. Furthermore, the Interconnection Agreement and amending Adoption Agreement meet the

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<sup>1</sup>The Commission approved the BellSouth/AT&T Interconnection Agreement by Order No. PSC-01-2357-FOF-TP, issued December 7, 2001.

DOCUMENT NUMBER-DATE

38849 AUG 22 02

FPSC-COMMISSION CLERK

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standards set forth in Sections 252(e) and (i) of the Telecommunications Act of 1996. Therefore, this agreement is hereby approved. BellSouth and Supra are required to file any subsequent supplements or modifications to this agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e).

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Interconnection Agreement filed on August 16, 2002, and subsequent amending Adoption Agreement filed on August 21, 2002, between BellSouth Telecommunications, Inc. and Supra Telecommunications and Information Systems, Inc. are hereby approved. A copy of the agreement and amendment may be obtained as specified in the body of this Order. It is further

ORDERED that any supplements or modifications to this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission this 22nd Day of August, 2002.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

BK

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request judicial review in Federal district court pursuant to the Federal Telecommunications Act of 1996, 47 U.S.C. § 252(e)(6).



## Public Service Commission

**-M-E-M-O-R-A-N-D-U-M-**

**FPSC, CLK - CORRESPONDENCE**

NOV 8

**Administrative Parties Consumer**

**DOCUMENT NO. 12897-05**

**DISTRIBUTION:**

**DATE:** November 7, 2002

**TO:** Dr. Mary A. Bane, Executive Director

**FROM:** Kay Flynn, Bureau of Records and Hearing Services *165*

**RE:** Docket No. 001305-TP - Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

*OK  
MAB  
11/8/02*

Permission is requested to copy confidential documents from the above listed docket, in order to include them with the record that is being prepared for filing in the Supreme Court of Florida, Case No. SC02-1697. The documents are:

09193-01 - BellSouth's exhibit No. B to Supra's "status and complaint regarding BellSouth's bad faith negotiations tactics"

09249-01 - Supra's direct testimony of Olukayode A. Ramos with exhibit Nos. OAR-3 through OAR-7, and OAR-47

09252-01 - Supra's direct testimony of David Nilson with exhibit Nos. DN-2 through DN-4

09255-01 - Supra's direct testimony of Carol Bentley with exhibit Nos. CB-1 and CB-2

09995-01 - Supra's rebuttal testimony exhibit Nos. AZ-2 through AZ-7 of Adan Zejnilovic

09997-01 - Supra's rebuttal testimony of Olukayode A. Ramos with exhibit Nos. OAR-51, OAR-54, OAR-61 through OAR-63, OAR-72, OAR-79, OAR-80 through OAR-86, OAR87A, OAR87B, OAR-88, OAR-89A, OAR-89B, OAR-90, and OAR-102 through OAR-104

10010-01 - Supra's rebuttal testimony of David A. Nilson

11706-01 - Supra and BellSouth's Specific listing and description of confidential portions of testimony and exhibits for Mr. Ramos, Mr. Nilson, Ms. Bentley, and Mr. Zejnilovic

10423-01 - Supra's prehearing statement with attachment A

11886-01 - BellSouth's late-filed deposition exhibit JK-2 of Jerry Kephart

13013-01 - BellSouth's late-filed deposition exhibit JK-2 of Jerry Kephart

12155-01 - BellSouth's Local Order Number Tracking User Guide (LON) in response to Supra's first request for production of documents, No. 12

- 13210-01 - BellSouth's Local Order Number Tracking User Guide (LON) in response to Supra's first request for production of documents, No. 12
- 12648-01 - Supra's late-filed hearing exhibit No. 28
- 13422-01 - BellSouth's late-filed hearing exhibit No. 28
- 12814-01 - BellSouth's late-filed hearing exhibit Nos. 8, 15, and 17
- 13681-01 - BellSouth's late-filed hearing exhibit Nos. 8 and 17
- 13610-01 - Supra's post-hearing brief
- 14453-01 - Portions of Supra's motion for leave to file supplemental authority
- 03690-02 - Supra's letter dated April 1, 2001 [sic] to Commissioner Palecki from Brian Chaiken with attached notice of service of attached letter to Commissioner Palecki with exhibits
- 03731-02 - Supra's letter dated April 1, 2001 [sic] to Commissioner Palecki from Brian Chaiken with attached notice of service of attached letter to Commissioner Palecki with exhibits
- 04493-02 - Supra's letter dated April 1, 2001 [sic] to Commissioner Palecki from Brian Chaiken with attached notice of service of attached letter to Commissioner Palecki with exhibits
- 04004-02 - Supra's motion for reconsideration and clarification
- 04291-02 - BellSouth's opposition to Supra's motion for reconsideration and clarification
- 05000-02 - BellSouth's opposition to Supra's motion for reconsideration and clarification
- 04770-02 - Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse
- 04781-02 - BellSouth's opposition to Supra's motion for extension of time
- 05479-02 - BellSouth's opposition to Supra's motion for extension of time
- 04796-02 - Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse
- 05536-02 - Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse

- 05057-02 - BellSouth's opposition to Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse
- 05733-02 - BellSouth's opposition to Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse
- 05245-02 - BellSouth's motion for reconsideration of Order PSC-02-0637-PCO-TP and Supra's motion for extension of time
- 05907-02 - BellSouth's motion for reconsideration of Order PSC-02-0637-PCO-TP and Supra's motion for extension of time
- 06983-02 - Supra's motion to stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP pending appeal pursuant to Rule 25-22.061, Florida Administrative Code
- 07247-02 - BellSouth's opposition to Supra's motion to stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP
- 08110-02 - BellSouth's opposition to Supra's motion to stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP

These documents will be provided to the Court in sealed envelopes, marked "CONFIDENTIAL," and the parties will be advised by letter that they must ask the Court for continued treatment of the documents as confidential.

cc: Blanca S. Bayó  
David E. Smith

STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

## Public Service Commission

November 18, 2002

Thomas D. Hall, Clerk  
Supreme Court of Florida  
Supreme Court Building  
Tallahassee, Florida 32301

**Re: Supra Telecommunications and Information Systems vs. Public Service  
Commission, et al. (Case No. SC02-1697; Docket No. 001305-TP)**

Dear Mr. Hall:

The record in the above-referenced case, consisting of 38 binders, eight hearing transcripts, one pouch of non-confidential hearing exhibits, and four sealed boxes of confidential hearing exhibits and confidential documents marked "CONFIDENTIAL" is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Please note pages 20 and 21 of the index contain a description of the confidential documents that will be filed with the Supreme Court of Florida. **It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.**

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

Enclosure

cc: parties of record

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Supra Telecommunications and Information Systems, Inc.

vs.

Florida Public Service Commission

FPSC Docket No. 001305-TP

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Transcript of hearing held September 27, 2001, Volume 5, pages 590 through 783

Transcript of hearing held September 27, 2001, Volume 6, pages 784 through 944

Transcript of hearing held September 27, 2001, Volume 7, pages 945 through 1,086

Transcript of hearing held September 27, 2001, Volume 8, pages 1,087 through 1,258

Hearing Exhibits 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 18, 19, 23, 24, 25, 26, 27, 29, 31, 32, 34, 36, 37, and 38

**HEARING EXHIBITS SUBMITTED IN SEALED ENVELOPE MARKED "HEARING EXHIBITS - CONFIDENTIAL"**

Hearing Exhibit Nos. 8, 15, 16\*, 17, 21\*, 22, 28, 30\*, 33\*, 35\*

16\* - See 11886-01 and 13013-01 in next sealed envelope.

21\* - See 09249-01, 09255-01, and 09997-01 in next sealed envelope.

22\* - See 09249-01, 09255-01, and 09997-01 in next sealed envelope.

30\* - See 09252-01 and 11706-01 in next sealed envelope.

33\* - See 09995-01 in next sealed envelope.

35\* - See 12155-01 and 13210-01 in next sealed envelope.

**DOCUMENTS SUBMITTED IN SEALED ENVELOPE MARKED "CONFIDENTIAL"**

Exhibit B to Supra's "status and complaint regarding BellSouth's bad faith negotiations tactics", on behalf of BellSouth, filed July 27, 2001 (**09193-01**)

Direct testimony of Olukayode A. Ramos with Exhibit Nos. OAR-3 through OAR-7, and OAR-47, on behalf of Supra, filed July 30, 2001 (**09249-01, Exhs. 21 and 22**)

Direct testimony of David Nilson with Exhibit Nos. DN-2 through DN-4, on behalf of Supra, filed July 30, 2001 (**09252-01; Exh. 30**)

Direct testimony of Carol Bentley with Exhibit Nos. CB-1 and CB-2, on behalf of Supra, filed July 30, 2001 (**09255-01; Exhs. 21 and 22**)

Rebuttal testimony Exhibit Nos. AZ-2 through AZ-7 of Adan Zejnilovic, on behalf of Supra, filed August 15, 2001 (**09995-01; Exh. 33**)

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Rebuttal testimony of David A. Nilson, on behalf of Supra, filed August 15, 2001 and September 19, 2001 (**10010-01 and 11706-01; Exh. 30**)

Prehearing statement with attachment A, on behalf of Supra, filed August 22, 2001 (**10423-01**)

Late-filed deposition exhibit JK-2 of Jerry Kephart, on behalf of BellSouth, filed September 21, 2001 and October 21, 2001 (**11886-01 and 13013-01; Exh. 16**)

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Post-hearing brief, on behalf of Supra, filed October 26, 2001 (**13610-01**)

Portions of Supra's motion for leave to file supplemental authority, filed November 14, 2001 (**14453-01**)

Letter dated April 1, 2001 [sic] to Commissioner Palecki from Brian Chaiken with attached notice of service of attached letter to Commissioner Palecki with exhibits, on behalf of Supra, filed April 1, 2002, April 2, 2002, and April 23, 2002 (**03690-02, 03731-02, and 04493-02**)

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BellSouth's opposition to Supra's motion for extension of time, filed May 1, 2002 and May 22, 2002 (**04781-02 and 05479-02**)

Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse, on behalf of BellSouth, filed May 2, 2002 and May 23, 2002 (**04796-02 and 05536-02**)

BellSouth's opposition to Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse, filed May 9, 2002 and May 30, 2002 (**05057-02 and 05733-02**)

BellSouth's motion for reconsideration of Order PSC-02-0637-PCO-TP and Supra's motion for extension of time, filed May 15, 2002 and June 5, 2002 (**05245-02 and 05907-02**)

Supra's motion to stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP pending appeal pursuant to Rule 25-22.061, Florida Administrative Code, filed July 8, 2002 (**06983-02**)

BellSouth's opposition to Supra's motion to stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP, filed July 12, 2002 and August 2, 2002 (**07247-02 and 08110-02**)

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## Public Service Commission

November 18, 2002

Thomas D. Hall, Clerk  
Supreme Court of Florida  
Supreme Court Building  
Tallahassee, Florida 32301

**Re: Supra Telecommunications and Information Systems vs. Public Service  
Commission, et al. (Case No. SC02-1697; Docket No. 001305-TP)**

Dear Mr. Hall:

The record in the above-referenced case, consisting of 38 binders, eight hearing transcripts, one pouch of non-confidential hearing exhibits, and four sealed boxes of confidential hearing exhibits and confidential documents marked "CONFIDENTIAL" is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Please note pages 20 and 21 of the index contain a description of the confidential documents that will be filed with the Supreme Court of Florida. **It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.**

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

14

Kay Flynn, Chief  
Bureau of Records and Hearing Services

Enclosure

cc: parties of record

RECEIVED BY Shelton McAllister DATE 11/18/02

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Public Service Commission  
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**DATE:** November 18, 2002  
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CHARLES HILL, DIRECTOR OF EXTERNAL AFFAIRS  
CINDY MILLER, OFFICE OF EXTERNAL AFFAIRS  
**FROM:** RICHARD C. BELLAK, SENIOR ATTORNEY *RCB*  
**RE:** PETITION OF SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS, INC., ("SUPRA") PURSUANT TO SECTION 252(e)(5) OF THE COMMUNICATIONS ACT FOR PREEMPTION OF THE JURISDICTION OF THE FLORIDA PUBLIC SERVICE COMMISSION; (FCC) WC DOCKET NO. 02-238

On November 14, 2002, the FCC issued a Memorandum Opinion and Order denying Supra Telecommunications & Information Systems, Inc.'s (Supra) petition to preempt FPSC's jurisdiction over the arbitration issues involving a follow-on interconnection agreement between Supra and BellSouth Telecommunications, Inc. (BellSouth).

The FCC cited Global NAPs, Inc. v. FCC, 291 F.3d 832, 836-37 (D.C. Cir. 2002), as authority that Section 252(e)(5) of the Communications Act does not authorize preemption to review the substantive validity of a state commission's dismissal of a party's claim. The FCC found that FPSC's "conduct of an almost two-year proceeding does not constitute a 'failure to act,'" as Supra alleged. Moreover, the FCC found that Supra could not, by motion, start the clock again on a new arbitration because FPSC had resolved all issues clearly presented to it, including the nine issues Supra identified in its motion. The FCC, therefore, concluded that preemption of FPSC was denied and that

any grounds for seeking review of the Florida Commission's action-whether alleging substantive or procedural flaws-are properly addressed to a federal district court pursuant to Section 252(e)(6) of the [Communications] Act.

MEMORANDUM  
November 18, 2002  
Page 2

A copy of the Memorandum Opinion and Order is attached.

RCB

Attachment

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Petition of Supra Telecommunications & )  
Information Systems, Inc., ("Supra") Pursuant ) WC Docket No. 02-238  
to Section 252(e)(5) of the Communications )  
Act for Preemption of the Jurisdiction of the )  
Florida Public Service Commission )  
 )  
 )

MEMORANDUM OPINION AND ORDER

Adopted: November 14, 2002

Released: November 14, 2002

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. This Memorandum Opinion and Order addresses the petition of Supra Telecommunications & Information Systems, Inc. (Supra) for preemption of the jurisdiction of the Florida Public Service Commission (Florida Commission) with respect to an arbitration proceeding involving Supra and BellSouth Telecommunications, Inc. (BellSouth).<sup>1</sup> Supra asks the Commission (1) to preempt the jurisdiction of the Florida Commission, pursuant to the Commission's authority under section 252(e)(5) of the Act, (2) to assume jurisdiction over all unresolved issues between Supra and BellSouth, (3) to order the parties to mediate in accordance with section 252(a)(2) of the Act, and (4) in the event mediation fails, to conduct an arbitration proceeding, pursuant to section 252(b)(1) of the Act.<sup>2</sup> For the reasons set forth below, we deny

---

<sup>1</sup> Petition of Supra Telecommunications & Information Systems, Inc., ("Supra") Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Florida Public Service Commission ("FPSC") Regarding the Florida Commission's Failure to Act on Supra's Request for Mediation Pursuant to Section 252(a)(2) or Subsequent Arbitration Pursuant to Section 252(b)(1) on Unresolved Issues Clearly and Specifically set Forth in the Parties' Petition and Response, WC Docket No. 02-238 (filed Aug. 16, 2002) (Supra Petition); see *Pleading Cycle Established for Comments on Supra Telecommunications & Information Systems, Inc. Petition for Preemption Pursuant to Section 252(e)(5)*, WC Docket No. 02-238, Public Notice, DA 02-2054 (rel. Aug. 21, 2002) (*Public Notice on Supra Preemption Petition*). The Florida Commission filed comments in opposition to the Supra Petition on September 19, 2002, as did BellSouth on September 20, 2002. Supra filed reply comments on October 11, 2002.

<sup>2</sup> Supra Petition at 1.



Supra's petition.

2. Section 252(e)(5) requires the Commission to preempt the jurisdiction of a state commission in any proceeding in which the state commission "fails to act to carry out its responsibility" under section 252.<sup>3</sup> Section 252 sets forth the procedures by which telecommunications carriers may request and obtain interconnection, services, or unbundled network elements from an incumbent local exchange carrier. Under section 252, when these carriers cannot arrive at an interconnection agreement through voluntary negotiation, they may mediate and arbitrate their unresolved issues before the state commission. The state commission, in arbitrating the parties' disputes, must "resolve each issue set forth in the petition and the response" and must "conclude the resolution of any unresolved issues not later than 9 months after the date on which the local exchange carrier received the request [for interconnection]."<sup>4</sup> In addition, the state commission may require the parties "to provide such information as may be necessary for the State commission to reach a decision on the unresolved issues. If any party refuses or fails unreasonably to respond on a timely basis to any reasonable request from the State commission, then the State commission may proceed on the basis of the best information available to it from whatever source derived."<sup>5</sup> Supra argues that the Florida Commission failed to carry out its responsibility under section 252 to "act on a specific request for mediation or arbitration involving the merits of unresolved issues set forth in the parties' petition and response."<sup>6</sup>

3. In this order, we apply the standards set forth in prior commission decisions, as well as the recent opinion of the United States Court of Appeals for the District of Columbia Circuit in *Global NAPs Inc. v. FCC*.<sup>7</sup> When, as in this case, a state commission has acted on a timely basis to arbitrate an interconnection dispute, section 252(e)(6) provides the basis for federal court review; section 252(e)(5) provides no alternative forum for appeal.<sup>8</sup> We find that the Florida Commission acted on a timely basis when it arbitrated and approved a new interconnection agreement between Supra and BellSouth. Indeed, the Florida Commission's action is the basis for Supra's pending appeal to federal district court.<sup>9</sup> Accordingly, we deny

---

<sup>3</sup> 47 U.S.C. § 252(e)(5).

<sup>4</sup> 47 U.S.C. § 252(b)(4)(C).

<sup>5</sup> 47 U.S.C. § 252(b)(4)(B).

<sup>6</sup> Supra Petition at 1.

<sup>7</sup> See *Global NAPs, Inc. v. FCC*, 291 F.3d 832, 836-37 (DC. Cir. 2002) (upholding Commission's conclusion that section 252(e)(5) does not authorize preemption to review substantive validity of state commission's dismissal of parties' claim); *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499, 16128, para. 1285 (1996) (*Local Competition First Report and Order*) (subsequent history omitted); 47 C.F.R. § 51.801(b).

<sup>8</sup> See *Global NAPs, Inc. v. FCC*, 291 F.3d at 836-37.

<sup>9</sup> Supra Reply at 9, 14.

Supra's petition.

## II. BACKGROUND

4. The underlying arbitration proceeding before the Florida Commission has a long and complicated procedural history. The proceeding was initiated in September 2000 with the filing of an arbitration petition by BellSouth. After almost two years of continued negotiations, motions, briefings, and evidentiary hearings, the Florida Commission resolved the open issues and approved the resulting interconnection agreement, and the parties signed the agreement. The procedural history is set forth below. We highlight only those events that are relevant to our discussion.

5. On September 1, 2000, in the course of negotiations to replace its expiring interconnection agreement with Supra, BellSouth filed a petition with the Florida Commission, seeking arbitration under section 252(b) of the Act (Arbitration Petition).<sup>10</sup> On October 16, 2000, Supra filed a response to BellSouth's petition (Response).<sup>11</sup> The Arbitration Petition and Response identified dozens of disputed issues between BellSouth and Supra. The parties waived the section 252 requirement that the Florida Commission complete the arbitration within nine months.<sup>12</sup> The Florida Commission ordered the parties to meet to discuss resolution of the issues identified in the Arbitration Petition and Response.<sup>13</sup> According to Supra, the parties reached tentative agreement on a number of issues in June 2001, and filed a statement withdrawing these issues from the Florida Commission's consideration.<sup>14</sup> On September 26, 2001, the Florida Commission commenced an evidentiary hearing on the remaining unresolved issues.<sup>15</sup> Six months later, on March 26, 2002, the Florida Commission released an order (Arbitration Order), in which it resolved every open issue, as identified by the parties at the hearing.<sup>16</sup> On July 1, 2002, the Florida Commission issued a second order (Reconsideration Order) which resolved a motion for reconsideration filed by Supra, and required the parties to file, by July 15, 2002, an

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<sup>10</sup> Supra Petition at 7; Supra Petition, Exhibit C.

<sup>11</sup> Supra Petition, Exhibit D; Supra Reply at 3.

<sup>12</sup> Supra Reply at 8.

<sup>13</sup> Supra Petition at 8; Supra Petition, Exhibit H, at 2.

<sup>14</sup> Supra Petition, Exhibit E at 4-5; Supra Petition, Exhibit H at 2; BellSouth Opposition, Exhibit G; BellSouth Opposition, Exhibit V at 4; Supra Reply at 4.

<sup>15</sup> Supra Petition, Exhibit E at 5; Supra Petition, Exhibit H at 2. Supra indicates that prior to the hearing, the Florida Commission added an issue of its own, regarding the appropriate template to govern the final agreement. Supra Petition, Exhibit E at 4.

<sup>16</sup> Supra Petition at 10; BellSouth Opposition at 22; Florida Commission Comments at 8-9.

executed agreement that complied with the Florida Commission's orders.<sup>17</sup>

6. In response to the Reconsideration Order, the parties held a series of discussions aimed at finalizing their contract language. On July 15, 2002, BellSouth submitted its proposed final contract to the Florida Commission (Proposed Agreement) and a motion to compel Supra to sign the Proposed Agreement.<sup>18</sup> On that same date, Supra filed a motion requesting that the Florida Commission order BellSouth to continue negotiating.<sup>19</sup> Supra did not file an alternative proposed agreement.<sup>20</sup> On July 22, 2002, Supra filed an opposition to BellSouth's motion to compel (July 22 Motion), asking the Florida Commission to reject the Proposed Agreement and either to compel BellSouth to continue negotiating nine issues that had previously been withdrawn by the parties but which Supra claimed remained in dispute, or to conduct an evidentiary hearing on these nine issues.<sup>21</sup> The parties had not presented these issues at the hearing, and the Florida Commission had not ruled on them in the Arbitration Order.<sup>22</sup>

7. On August 9, 2002, the Florida Commission issued an order (Final Order) which, among other things, granted BellSouth's motion to compel, denied Supra's July 22 Motion,<sup>23</sup> and required Supra to sign the Proposed Agreement or another approved BellSouth interconnection agreement.<sup>24</sup> The Final Order also provided that if the parties failed to submit a signed agreement by August 16, 2002, the existing interconnection agreement would terminate by close of business on that date.<sup>25</sup> On August 16, 2002, Supra filed the preemption petition under consideration here and, on the same day, signed the Proposed Agreement and submitted it

---

<sup>17</sup> Supra Petition at 10; BellSouth Opposition at 10; Florida Commission Comments at 6-7. The Reconsideration Order also modified and reconsidered portions of the Arbitration Order. Supra Petition at 10.

<sup>18</sup> Supra Petition at 22, 25-27; BellSouth Opposition at 11. BellSouth disputes Supra's assertion that the Proposed Agreement contains language that differs from the parties' agreement on these issues. BellSouth also indicates that it provided Supra its proposed interconnection agreement in March 2002, after the Florida Commission issued the Arbitration Order, and amended its proposal after the Florida Commission modified the Arbitration Order, providing Supra a copy of that version as well. BellSouth Opposition at 20-21.

<sup>19</sup> BellSouth Opposition, Exhibit V; Supra Petition at 10. Supra's motion notified the Florida Commission that Supra had sought in good faith to comply with the Reconsideration Order, but that BellSouth had failed to negotiate in good faith toward completion of an agreement. BellSouth Opposition, Exhibit V; Supra Petition at 10.

<sup>20</sup> Florida Commission Comments at 10. The Florida Commission states that Supra proposed a one-word change to the Proposed Agreement. Florida Commission Comments at 6, 10.

<sup>21</sup> Supra Petition, Exhibit E, at 4, 6; Supra Petition at 21; Florida Commission Comments at 7; Supra Reply at 3. According to Supra, BellSouth failed to properly implement nine issues which the parties had resolved. Supra Petition, Exhibit E at 6.

<sup>22</sup> Supra Petition at 10; BellSouth Opposition at 22; Florida Commission Comments at 7-9; Supra Reply at 4.

<sup>23</sup> Supra Petition, Exhibit H at 16, 20-21.

<sup>24</sup> Supra Petition, Exhibit H at 20-21.

<sup>25</sup> Supra Petition, Exhibit H at 20-21.

to the Florida Commission.<sup>26</sup> On August 22, 2002, the Florida Commission issued an order approving the parties' final arbitrated interconnection agreement.<sup>27</sup> On September 23, 2002, Supra appealed this decision to federal district court.<sup>28</sup>

8. Supra argues that the Commission should preempt the authority of the Florida Commission because it failed to act to resolve all issues presented in the Arbitration Petition and Response. Specifically, Supra argues that the Florida Commission failed to act when – in its Final Order – it declined to arbitrate or compel further negotiation regarding the nine issues, which had been set forth in the Arbitration Petition and Response but were later withdrawn from the proceeding prior to the evidentiary hearing. These issues, Supra argues, had been resolved by the parties, but the Proposed Agreement submitted by BellSouth did not reflect the parties' agreed-to language. Supra maintains that the Florida Commission should have rejected the Proposed Agreement for this reason and compelled the parties to continue negotiating the remaining issues in dispute. By refusing to take either step, Supra argues that the Florida Commission failed to act to arbitrate issues that had been properly presented to it.<sup>29</sup>

### III. DISCUSSION

9. We find that Supra has not demonstrated that the Florida Commission has failed to act, under section 252(e)(5), and therefore we will not preempt the Florida Commission's jurisdiction in this proceeding. Section 252(e)(5) directs the Commission to preempt the jurisdiction of a state commission in any proceeding or matter in which the state commission "fails to act to carry out its responsibility under [section 252]."<sup>30</sup> Under the Commission's rules, the party seeking preemption bears the burden of proving that the state commission has failed to act.<sup>31</sup> In the *Local Competition First Report and Order*, the Commission concluded that it would not take an "expansive view" of what constitutes a state commission's "failure to act" for purposes of section 252(e)(5).<sup>32</sup> Rather, the Commission limited the instances in which preemption pursuant to section 252(e)(5) is appropriate to "when a state commission fails to respond, within a reasonable time, to a request for mediation or arbitration, or fails to complete

<sup>26</sup> Florida Commission Comments at 1.

<sup>27</sup> Florida Commission Comments, Attachment A.

<sup>28</sup> Supra Reply at 14. Supra also had appealed the Florida Commission's decision to terminate the previous interconnection agreement. Supra Reply at 9.

<sup>29</sup> Supra also presents a subtly different theory, that its July 22 Motion may be considered a new request for negotiation and arbitration under section 252(b) of the Act, and argues that the Florida Commission failed to act by not granting this new request in accordance with section 252. Supra Petition at 11; Supra Reply at 5-7. *See infra*, n.39.

<sup>30</sup> 47 U.S.C. § 252(e)(5).

<sup>31</sup> 47 C.F.R. § 51.803(b); *see also Local Competition First Report and Order*, 11 FCC Rcd at 16128, para. 1285.

<sup>32</sup> *Local Competition First Report and Order*, 11 FCC Rcd at 16127, para. 1283.

an arbitration within the time limits of section 252(b)(4)(C).<sup>33</sup> In contrast, section 252(e)(6) authorizes a party “aggrieved” by a state commission’s determination under section 252 to bring an action in federal district court.<sup>34</sup> As the United States Court of Appeals for the District of Columbia Circuit recently ruled, these sections are mutually exclusive, and paragraph (5) preemption applies only where the state commission fails or refuses to make a “determination” that is reviewable under paragraph (6).<sup>35</sup>

10. The Florida Commission’s response to the parties’ request for arbitration, and its conduct of an almost two-year proceeding, does not constitute a “failure to act” under the Act, as implemented by Commission precedent and rules. Indeed, none of the circumstances identified in the *Local Competition Order* as a “failure to act” were present here.<sup>36</sup> Specifically, the Florida Commission responded in a reasonable time to the request for arbitration, conducted a full evidentiary hearing on the contested issues, and approved a signed final agreement. While the Florida Commission took longer to resolve the issues than envisioned in the statute, it did so at the request of the parties. We note that *Supra* does not argue that this delay constitutes a failure to act.

11. Contrary to *Supra*’s suggestion, the D.C. Circuit’s ruling in *Global NAPs, Inc. v. FCC* does not support preemption under these circumstances. Rather, the court of appeals in that case upheld the Commission’s determination that it lacked authority under section 252 to preempt where the state commission had taken a final action to dispose of a party’s petition. In that instance, as explained by the court, “the Commission decided that it would not preempt an already completed state proceeding, at least where doing so would require the Commission to examine the underlying reasoning given by the state agency for terminating that proceeding.”<sup>37</sup> Similarly, to preempt in this instance, the Commission would be required to examine the Florida Commission’s decision to adopt BellSouth’s language relating to the nine issues, which is a role for a reviewing court.<sup>38</sup>

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<sup>33</sup> *Local Competition First Report and Order*, 11 FCC Rcd at 16128, para 1285; 47 C.F.R. § 51.801(b).

<sup>34</sup> 47 U.S.C. § 252(e)(6).

<sup>35</sup> *Global NAPs, Inc. v. FCC*, 291 F.3d at 836-37.

<sup>36</sup> *Local Competition First Report and Order*, 11 FCC Rcd at 16128, para 1285; 47 C.F.R. § 51.801(b).

<sup>37</sup> *Global NAPs, Inc. v. FCC*, 291 F.3d at 837.

<sup>38</sup> See *Global NAPs, Inc. v. FCC*, 291 F.3d at 836-37. The D.C. Circuit explained that “if the state agency takes final action disposing of the pending claim, that action can be undone only by direct judicial review in the appropriate forum.” *Id.* at 837. To the extent the Proposed Agreement in fact contained BellSouth’s preferred language on the nine issues, the Florida Commission’s action was tantamount – proper or not – to resolving those issues in BellSouth’s favor. *Supra* Petition, Exhibit H at 20. The Final Order found that “the best remedy is simply to impose BellSouth’s primary request for relief, which is that *Supra* either sign the [Proposed Agreement], opt into another existing, approved agreement, or the existing agreement will be considered terminated, null, and void.” *Id.* *Supra* argues that preemption in these circumstances would not constitute review of the Florida Commission’s (continued....)

12. We reject Supra's argument that the Florida Commission failed to act by not resolving the nine issues the parties had withdrawn from the proceeding.<sup>39</sup> The Florida Commission did, in fact, act upon the parties' initial request for arbitration, directing them to continue negotiations, providing a process for submission of evidence and argument on the issues identified by the parties at the evidentiary hearing, and approving the final agreement, which included contract language relating to the nine issues now highlighted by Supra.<sup>40</sup> It is this action by the Florida Commission that Supra now contests. We also reject Supra's suggestion that the Florida Commission's action was "incomplete" and thus represented a partial failure to act.<sup>41</sup> To the contrary, the Florida Commission acted on all issues presented to it – even the nine issues withdrawn by the parties – when it adopted the final contract. These circumstances are thus quite unlike those present in preemption proceedings involving the Virginia Commission, in which the Commission preempted that state's authority because the state commission expressly declined to take any action to resolve issues presented to it.<sup>42</sup>

13. Finally, we reject Supra's argument that we must preempt because the Florida Commission "failed to act" by violating Supra's procedural rights under the Act, Commission precedent, or Florida law. Specifically, Supra suggests that the Act requires that issues raised in the Arbitration Petition and Response, but later withdrawn by the parties, must nonetheless be the subject of an evidentiary hearing.<sup>43</sup> Supra also suggests that the Bureau's *Virginia*

(Continued from previous page)

decision: "[T]he Florida Commission has made no decision on the merits of the nine (9) unresolved issues." Supra Reply at 6-7. For the reasons we have indicated, we disagree.

<sup>39</sup> To the extent Supra characterizes its July 22 Motion as a new petition for arbitration under section 252, thus starting the clock again for the identified issues, we reject this argument because, for reasons discussed more fully in the text of this decision, the Florida Commission had resolved all issues clearly presented to it, including the nine issues Supra identifies in its July 22 Motion.

<sup>40</sup> See Supra Petition, Exhibit H at 5, 14-16, 22. We note that Supra's July 22 Motion also identified approximately twenty-five issues – which the Florida Commission had arbitrated – on which the parties remained in disagreement at the time of the July 15 deadline for filing a new interconnection agreement with the Florida Commission. Supra Petition, Exhibit E at 6. To the extent Supra argues that the Florida Commission failed to act with regard to these additional twenty-five issues, we reject this argument for the same reasons we reject Supra's argument regarding the nine withdrawn issues.

<sup>41</sup> See Supra Reply at 2-3.

<sup>42</sup> See *Petition of WorldCom, Inc. for Preemption of Jurisdiction of the Virginia State Corporation Commission Pursuant to Section 252(e)(5) of the Telecommunications Act of 1996 and for Arbitration of Interconnection Disputes with Verizon-Virginia, Inc.*, Memorandum Opinion and Order, (MCI-VA Preemption Order), 16 FCC Rcd 6224, 6226, para. 4 (2001). See also *Starpower Communications, LLC Petition for Preemption of Jurisdiction of the Virginia State Corporation Commission Pursuant to Section 252(e)(5) of the Telecommunications Act*, Memorandum Opinion and Order (*Starpower Preemption Order*), 15 FCC Rcd. 11277 (2000). In both cases, the state commission expressly declined to act, making no ruling that resolved the parties' interconnection dispute. In fact, in *Starpower Preemption Order*, the Virginia Commission had stated, "we find we should take no action," and had declined jurisdiction so that the parties could "present their cases to the FCC." *Starpower Preemption Order*, 15 FCC Rcd at 11278, 11280, paras. 4, 7 [internal citations omitted]. By contrast, the Florida Commission assumed jurisdiction and resolved all issues presented.

<sup>43</sup> See Supra Petition at 18-20, 26.

*Arbitration Order* mandates preemption because the Florida Commission did not follow the Bureau's process for resolving issues during an arbitration proceeding.<sup>44</sup> Finally, Supra argues that by issuing the Final Order – compelling Supra to sign the Proposed Agreement – the Florida Commission exceeded its authority under Florida law to choose language for the interconnection agreement.<sup>45</sup> As explained above, the Commission's authority to preempt a state commission under section 252(e)(5) is limited to circumstances where the state commission has "failed to act" within the meaning of section 252 of the Act. Once again, we find that the Florida Commission has acted. Accordingly, any grounds for seeking review of the Florida Commission's action – whether alleging substantive or procedural flaws – are properly addressed to a federal district court pursuant to section 252(a)(6) of the Act.

#### IV. CONCLUSION

14. For the foregoing reasons, we deny Supra's petition for preemption of the jurisdiction of the Florida Public Service Commission with respect to its arbitration of an interconnection agreement between BellSouth and Supra.

#### V. ORDERING CLAUSE

15. Accordingly, IT IS ORDERED that, pursuant to section 252 of the Communications Act of 1934, 47 U.S.C. § 252, as amended, and sections 0.91, 0.291, and 51.801(b) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 51.801(b), the petition filed by Supra Telecommunications & Information Systems, Inc., on August 16, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

William F. Maher, Jr.  
Chief, Wireline Competition Bureau

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<sup>44</sup> Supra Reply at 4-7.

<sup>45</sup> Supra Reply at 4-6. Supra asserts that the Florida Commission does not have regulations permitting it to choose language in a similar fashion as the Commission does under "final offer arbitration." Supra Petition at 13; Supra Reply at 19-20. See 47 C.F.R. § 51.807(d).

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



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## Public Service Commission

November 19, 2002

Brian Chaiken, Esquire  
Mark E. Buechele, Esquire  
Jorge L. Cruz-Bustillo, Esquire  
Supra Telecommunications and  
Information Systems, Inc.  
2620 Southwest 27<sup>th</sup> Avenue  
Miami, Florida 33133

Re: Supreme Court of Florida Case No. SC02-1697 - Supra Telecommunications  
and Information Systems vs. Florida Public Service Commission, et al.  
(Docket No. 001305-TP)

Dear Mr. Chaiken:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

KF:mhl  
Enclosure



# FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: 11/19/02

To: Brian Chaiken, Esquire  
Mark E. Buechele, Esquire  
Jorge L. Cruz-Bustillo, Esquire  
Supra Telecommunications and  
Information Systems, Inc.  
2620 SW 27th Avenue  
Miami, Florida 33133

Date Paid \_\_\_\_\_

Amount Paid \_\_\_\_\_

Check # \_\_\_\_\_

☐ Check ☐ Cash

PSC Signature \_\_\_\_\_

8989

↑ ↑  
This number must appear on  
all checks or correspondence  
regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
18,295 pages	Copying and preparation of Docket 001305-TP on appeal to Supreme Court of Florida, Case No. SC02-1697	@.05¢ per page	\$914.75
1	Certificate of Director	@\$4.00	4.00
TOTAL			\$918.75

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FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

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Page 1 of 2  
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FLA PUBLIC SERVICE COMM.  
OFFICE OF THE  
GENERAL COUNSEL

BELLSOUTH TELECOMMUNICATIONS, INC.,

Plaintiff,

vs.

CASE NO. 4:02cv325-SPM

SUPRA TELECOMMUNICATIONS  
AND INFORMATION SYSTEMS, INC., et al.,

Defendants.

001305-TX

**SCHEDULING ORDER**

Because this case is in the nature of an administrative appeal, with the closed records already developed before the Public Service Commission (PSC), discovery and trial are neither necessary nor warranted. This case will proceed, therefore, in accordance with procedure and scheduled proposed by the parties in their Joint Scheduling Report of Scheduling Meeting (doc. 9). Whereupon, it is

**ORDERED AND ADJUDGED:**

1. On or before December 9, 2002, BellSouth shall serve directions to the clerk of the PSC specifying portions of the closed records developed that should be transmitted to the court.

2. On or before January 17, 2003, Defendants and Intervenor, Florida

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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF FLA  
TALLAHASSEE  
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Digital Network (FDN), shall serve supplemental directions to the clerk of the PSC specifying any additional portions of the record developed before the PSC that should be transmitted to the court.

3. On or before January 24, 2003, BellSouth shall serve its Initial Brief, which shall not exceed 50 pages.
4. On or before March 10, 2003, Defendants and FDN shall serve their Answer Briefs, which shall not exceed 50 pages.
5. On or before March 31, 2003, BellSouth shall serve its Reply Brief, which shall not exceed 20 pages.
6. Oral Argument is scheduled for 1:30 p.m. on Monday, April 14, 2003 at the United States Courthouse in Gainesville, Florida. Each side shall have 20 minutes.

DONE AND ORDERED this 8<sup>th</sup> day of January, 2003.

  
Stephan P. Mickle  
United States District Judge



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

FPSC, CLK - CORRESPONDENCE

~~Administrative~~ ~~Parties~~ ~~Consumer~~

DOCUMENT NO. 12897-05

DISTRIBUTION:

DATE: March 5, 2003

TO: Dr. Mary A. Bane, Executive Director

FROM: Kay Flynn, Bureau of Records and Hearing Services

RE: Docket No. 001305-TP - Petition by BellSouth Telecommunications, Inc. for arbitration of certain issues in interconnection agreement with Supra Telecommunications and Information Systems, Inc.

Permission is requested to copy confidential documents from the above listed docket, in order to include them with the record that is being prepared for filing in the U.S. District Court, Case No. 4:02-CV-0325-SPM. The documents are:

09249-01 - Ramos direct testimony with Exhs OAR-3 through 7, and OAR-47, filed by Supra.

09252-01 - Nilson direct testimony with Exhs DN-2 through 4, filed by Supra.

09255-01 - Bentley direct testimony with Exhs CB-1 and 2, filed by Supra.

09995-01 - Exhs AZ-2 through 7 to Zejnilovic rebuttal testimony, filed by Supra.

09997-01 - Ramos rebuttal testimony with Exhs OAR-51, 54, 61 through 63, 72, 79, 80 through 86, 87A, 87B, 88, 89A, 89B, 90, and 102 through 104, filed by Supra.

10010-01 - Nilson rebuttal testimony, filed by Supra.

11706-01 - Specific listing and description of confidential portions of Ramos, Nilson, Bentley, and Zejnilovic testimony and exhibits, filed by Supra and BellSouth. [Note: Identified as Exhibits 21, 22, 30, and 33 at hearing.]

11886-01 - Late-filed Kephart depo Exh JK-2, filed by BellSouth.

12648-01 - Late-filed Hearing Exhibit 28, filed by Supra.

12814-01 - Late-filed Hearing Exhibits 8, 15, and 17, filed by BellSouth.

13013-01 - Late-filed Kephart depo Exh JK-2, filed by BellSouth. [Note: Identified as Exhibit 16 at hearing.]

13210-01 - Response to Supra's request for production of documents, No. 12, filed by BellSouth.

13422-01 - Late-filed Hearing Exhibit 28, filed by BellSouth.

13681-01 - Late-filed Hearing Exhibits 8 and 17, filed by BellSouth.

Dr. Mary A. Bane

Page 2

March 5, 2003

03731-02 - Letter dated 4/1/01 from Supra to Commissioner Palecki, with exhibits, filed by BellSouth.

04291-02 - Opposition to Supra's motion for reconsideration and clarification, filed by BellSouth.

04493-02 - Supra's letter dated 4/1/01 to Commissioner Palecki, with Ramos Exhibits I through IX, filed by BellSouth.

04796-02 - Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse, filed by BellSouth.

05000-02 - Opposition to Supra's motion for reconsideration and clarification, filed by BellSouth.

05057-02 - Opposition to Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse, filed by BellSouth.

05245-02 - Motion for reconsideration of Order PSC-02-0367-PCO-TP and Supra's motion for extension of time, filed by BellSouth.

05907-02 - Portions of motion for reconsideration of Order No. PSC-02-0637-PCO-TP, filed by BellSouth.

07247-02 - Opposition to Supra's motion to stay Commission orders, filed by BellSouth.

08110-02 - Portions of opposition to Supra's motion to stay Commission orders, filed by BellSouth.

These document copies will be provided to the Court in sealed envelopes, marked "CONFIDENTIAL," and the parties will be advised by letter that they must ask the Court for continued treatment of the documents as confidential.

cc: Blanca S. Bayó  
David E. Smith

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



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DIRECTOR  
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Public Service Commission

March 7, 2003

Jack R. Reiter, Esquire  
Adorno & Yoss, P.A.  
2601 South Bayshore Drive, Suite 160  
Miami, Florida 33133

Re: U. S. District Case No. 4:02-CV-325-SPM - BellSouth Telecommunications, Inc.  
vs. Supra Telecommunications & Information Systems, Inc., et al.  
(FPSC Docket No. 001305-TP)

Dear Mr. Reiter:

Enclosed is an index to the above-referenced docket on appeal. Please look the index over and let me know if you have any questions concerning the contents of the record.

Please note the index contains descriptions of confidential documents that will be filed with the U. S. District Court. **It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.**

It is our understanding that the record is due to be filed with the Court on or before March 13, 2003.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

KF:mhl

cc: David Smith, Esquire  
Felicia Banks, Esquire  
Sean A. Lev, Esquire  
Nancy B. White, Esquire  
other parties of record

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION  
Case No. 4:02-CV-325-SPM**

**BellSouth Telecommunications, Inc.  
vs.  
Supra Telecommunications & Information Systems, Inc.  
and the Florida Public Service Commission, et al.  
FPSC Docket No. 001305-TP**

**VOLUME 1**

Petition for Section 252(b) arbitration, by BellSouth Telecommunications, Inc.  
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**VOLUME 2**

[Continuation of] Petition for Section 252(b) arbitration, by BellSouth filed  
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**VOLUME 3**

[Continuation of] Petition for Section 252(b) arbitration, by BellSouth filed  
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**VOLUME 4**

[Continuation of] Petition for Section 252(b) arbitration, by BellSouth filed  
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Letter dated February 12, 2001 with attached affidavit from Sharon R. Liebman requesting James Meza, III be named qualified representative, on behalf of BellSouth, filed February 14, 2001 (Docket No. 010098-TP) ..... 1,315

BellSouth's responses to FDN's petition for arbitration, filed February 19, 2001 (Docket No. 010098-TP) ..... 1,317

BellSouth's direct testimony of David A. Coon with attached Exhibit Nos. DAC-1 and DAC-2, filed February 26, 2001 (Docket No. 001305-TP) ..... 1,329

## **VOLUME 8**

[Continuation of] BellSouth's direct testimony of David A. Coon with attached Exhibit Nos. DAC-1 and DAC-2, filed February 26, 2001 (Docket No. 001305-TP) ..... 1,401

BellSouth's direct testimony of Ronald M. Pate with attached Exhibit Nos. RMP-1 through RMP-4, filed February 26, 2001 (Docket No. 001305-TP) ..... 1,444

BellSouth's direct testimony of David P. Scollard, filed February 26, 2001 (Docket No. 001305-TP) ..... 1,487



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Order PSC-01-0654-PCO-TP authorizing qualified representative status to James Meza, III, issued March 15, 2001 (Docket No. 010098-TP) .....	1,593
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(Note: Exhibit No. 20 was not used; Exhibit No. 25 was not admitted)

**(\*CONFIDENTIAL HEARING EXHIBITS SUBMITTED IN  
SEALED ENVELOPE MARKED "CONFIDENTIAL")**

- \*16** - BellSouth's late-filed deposition Exhibit No. JK-2 for Jerry Kephart  
(Docket 001305-TP; DN 13013-01)
- \*21, \*22, \*30, \*33** - Supra's specific listing and description of confidential  
portions of testimony and exhibits for Mr. Ramos, Mr. Nilson, Ms. Bentley,  
and Mr. Zejnilovic (Docket 001305-TP; DN 11706-01)
- \*28** - BellSouth's late-filed hearing exhibit No. 28 (Docket 001305-TP;  
DN 13422-01)
- \*35** - BellSouth's response to Supra's request for production of documents,  
No. 12 (Docket 001305-TP; DN 13210-01)

**DOCUMENTS SUBMITTED IN SEALED ENVELOPE  
MARKED "CONFIDENTIAL"**

Direct testimony of Olukayode A. Ramos with Exhibit Nos. OAR-3 through OAR-7, and OAR-47, on behalf of Supra, filed July 30, 2001 (Docket No. 001305-TP; DN 09249-01)

Direct testimony of David Nilson with Exhibit Nos. DN-2 through DN-4, on behalf of Supra, filed July 30, 2001 (Docket No. 001305-TP; DN 09252-01)

Direct testimony of Carol Bentley with Exhibit Nos. CB-1 and CB-2, on behalf of Supra, filed July 30, 2001 (Docket No. 001305-TP; DN 09255-01)

Exhibit Nos. AZ-2 through AZ-7 to rebuttal testimony of Adan Zejnilovic, on behalf of Supra, filed August 15, 2001 (Docket No. 001305-TP; DN 09995-01)

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Supra's late-filed hearing Exhibit No. 28 (Docket No. 001305-TP; DN 12648-01)

BellSouth's late-filed hearing Exhibit Nos. 8, 15, and 17 (Docket No. 001305-TP; DN 12814-01)

BellSouth's late-filed hearing Exhibit Nos. 8 and 17 (Docket No. 001305-TP; DN 13681-01)

Letter dated April 1, 2001 to Commissioner Palecki from Brian Chaiken with attached notice of service of attached letter to Commissioner Palecki with exhibits, on behalf of Supra, filed April 2, 2002 and April 23, 2002 (Docket No. 001305-TP; DNs 03731-02 and 04493-02)

BellSouth's opposition to Supra's motion for reconsideration and clarification, filed April 17, 2002 and May 8, 2002 (Docket No. 001305-TP; DNs 04291-02 and 05000-02)

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BellSouth's opposition to Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse, filed May 9, 2002  
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BellSouth's motion for reconsideration of Order PSC-02-0637-PCO-TP and Supra's motion for extension of time, filed May 15, 2002 and June 5, 2002  
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BellSouth's opposition to Supra's motion to stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP, filed July 12, 2002 and August 2, 2002 (Docket No. 001305-TP; DNs 07247-02 and 08110-02)

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



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Public Service Commission

March 13, 2003

Judge Stephan P. Mickle  
U.S. Clerk's Office  
Northern District of Florida  
401 Southeast First Avenue, Room 243  
Gainesville, Florida 32601

Re: U. S. District Case No. 4:02-CV-325-SPM - BellSouth Telecommunications, Inc.  
vs. Supra Telecommunications & Information Systems, Inc., et al.  
~~(PSC Docket No. 001305-TB)~~

Dear Judge Mickle:

The record in the above-referenced case, consisting of 60 binders, 11 hearing transcripts, eight pouches of non-confidential hearing exhibits, and two sealed boxes of confidential hearing exhibits and confidential documents marked "CONFIDENTIAL" is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Please note pages 23, 24, and 25 of the index contain a description of the confidential documents that will be filed with the U. S. District Court. **It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.**

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

Kay Flynn, Chief  
Bureau of Records and Hearing Services

Enclosure

cc: Jack R. Reiter, Esquire  
David Smith, Esquire  
Felicia Banks, Esquire  
Sean A. Lev, Esquire  
Nancy B. White, Esquire  
Brian Chaiken, Esquire  
other parties of record



**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION  
Case No. 4:02-CV-325-SPM**

**BellSouth Telecommunications, Inc.  
vs.  
Supra Telecommunications & Information Systems, Inc.  
and the Florida Public Service Commission, et al.  
FPSC Docket No. 001305-TP**

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[Continuation of] BellSouth's response and opposition to Supra's notice of good faith compliance with Order No. PSC-02-0878-FOF-TP; notice of BellSouth's refusal to continue negotiations over follow-on agreement; and motion to compel BellSouth to continue good faith negotiations on follow-on agreement, filed July 18, 2002 (Docket No. 001305-TP) ..... 10,314

Supra's response and opposition to BellSouth's emergency motion for expedited Commission action; motion to strike BellSouth's July 15, 2002 unilateral filing of non-compliant proposed interconnection agreement and request for evidentiary hearing on these matters, filed July 22, 2002 (Docket No. 001305-TP) ..... 10,419

Memorandum from Commission's Office of the General Counsel and Division of Competitive Markets and Enforcement to Division of the Commission Clerk and Administrative Services, filed July 25, 2002 (Docket No. 001305-TP) ..... 10,496

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Order PSC-02-1033-FOF-TP denying motion for stay, issued July 30, 2002 (Docket No. 001305-TP) ..... 10,529

BellSouth's response and opposition to Supra's motion to strike BellSouth's July 15, 2002 unilateral filing on non-compliant proposed interconnection agreement and request for evidentiary hearing, filed July 30, 2002 (Docket No. 001305-TP) ..... 10,542

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Memorandum from Commission's Office of the General Counsel and Division of Competitive Markets and Enforcement to Division of the Commission Clerk and Administrative Services, filed August 8, 2002, 2002 (Docket No. 010098-TP) .... 10,597

Order PSC-02-1096-FOF-TP resolving procedural motions and addressing filed interconnection agreement, issued August 9, 2002 (Docket No. 001305-TP) . . . . . 10,625

Supra and BellSouth's follow-up interconnection agreement in compliance with Order PSC-02-1096-FOF-TP, on behalf of Supra, filed August 16, 2002 (Docket No. 001305-TP) . . . . . 10,657

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[Continuation of] Supra and BellSouth's follow-up interconnection agreement in compliance with Order PSC-02-1096-FOF-TP, on behalf of Supra, filed August 16, 2002 (Docket No. 001305-TP) . . . . . 10,729

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[Continuation of] Supra and BellSouth's follow-up interconnection agreement in compliance with Order PSC-02-1096-FOF-TP, on behalf of Supra, filed August 16, 2002 (Docket No. 001305-TP) . . . . . 10,929

**VOLUME 57**

[Continuation of] Supra and BellSouth's follow-up interconnection agreement in compliance with Order PSC-02-1096-FOF-TP, on behalf of Supra, filed August 16, 2002 (Docket No. 001305-TP) . . . . . 11,129

Letter dated August 19, 2002 to Commission from Nancy B. White stating belief that interconnection agreement signed by Supra is ready for administrative approval, on behalf of BellSouth, filed August 19, 2002 (Docket No. 001305-TP) . 11,258

Letter dated August 21, 2002 to Commission from Brian Chaiken with attached Supra and BellSouth's amendment to follow-up interconnection agreement, on behalf of Supra, filed August 21, 2002 (Docket No. 001305-TP) . . . . . 11,263

Order PSC-02-1140-FOF-TP approving final arbitrated interconnection agreement and adoption agreement, issued August 22, 2002 (Docket No. 001305-TP) . . . . . 11,267

Memorandum from Commission's Office of the General Counsel and Division of Competitive Markets and Enforcement to Division of the Commission Clerk and Administrative Services, filed September 19, 2002 (Docket No. 010098-TP) . . . . . 11,270

Transcript of agenda conference Item No. 25 held October 1, 2002 in Tallahassee, filed October 15, 2002 (Docket No. 010098-TP) . . . . . 11,299

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## **HEARING TRANSCRIPTS AND EXHIBITS**

Transcript of hearing held August 15, 2001, Volume 1, pages 1 through 169 (reference court reporter's original page numbers in transcript volumes) (Docket No. 010098-TP)	
Transcript of hearing held August 15, 2001, Volume 2, pages 170 through 274 (Docket No. 010098-TP)	
Transcript of hearing held August 15, 2001, Volume 3, pages 275 through 395 (Docket No. 010098-TP)	
Transcript of hearing held September 26, 2001, Volume 1, pages 1 through 164 (Docket No. 001305-TP)	

Transcript of hearing held September 26, 2001, Volume 2, pages 165 through 350  
(Docket No. 001305-TP)

Transcript of hearing held September 26, 2001, Volume 3, pages 351 through 444  
(Docket No. 001305-TP)

Transcript of hearing held September 27, 2001, Volume 4, pages 445 through 589  
(Docket No. 001305-TP)

Transcript of hearing held September 27, 2001, Volume 5, pages 590 through 783  
(Docket No. 001305-TP)

Transcript of hearing held September 27, 2001, Volume 6, pages 784 through 944  
(Docket No. 001305-TP)

Transcript of hearing held September 27, 2001, Volume 7, pages 945 through 1,086  
(Docket No. 001305-TP)

Transcript of hearing held September 27, 2001, Volume 8, pages 1,087 through 1,258  
(Docket No. 001305-TP)

Hearing Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 from August 15, 2001  
hearing (Docket No. 010098-TP)

Hearing Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, \*16, 17, 18, 19,  
\*21, \*22, 23, 24, 26, 27, \*28, 29, \*30, 31, 32, \*33, 34, \*35, 36, 37, 38 from  
September 26-27, 2001 hearing (Docket No. 001305-TP)

(Note: Exhibit No. 20 was not used; Exhibit No. 25 was not admitted)

**(\*CONFIDENTIAL HEARING EXHIBITS SUBMITTED IN  
SEALED ENVELOPE MARKED "CONFIDENTIAL")**

**\*16** - BellSouth's late-filed deposition Exhibit No. JK-2 for Jerry Kephart  
(Docket 001305-TP; DN 13013-01)

**\*21, \*22, \*30, \*33** - Supra's specific listing and description of confidential  
portions of testimony and exhibits for Mr. Ramos, Mr. Nilson, Ms. Bentley,  
and Mr. Zejnilovic (Docket 001305-TP; DN 11706-01)

**\*28** - BellSouth's late-filed hearing exhibit No. 28 (Docket 001305-TP;  
DN 13422-01)

**\*35** - BellSouth's response to Supra's request for production of documents,  
No. 12 (Docket 001305-TP; DN 13210-01)

**DOCUMENTS SUBMITTED IN SEALED ENVELOPE  
MARKED "CONFIDENTIAL"**

Direct testimony of Olukayode A. Ramos with Exhibit Nos. OAR-3 through OAR-7, and OAR-47, on behalf of Supra, filed July 30, 2001 (Docket No. 001305-TP; DN 09249-01)

Direct testimony of David Nilson with Exhibit Nos. DN-2 through DN-4, on behalf of Supra, filed July 30, 2001 (Docket No. 001305-TP; DN 09252-01)

Direct testimony of Carol Bentley with Exhibit Nos. CB-1 and CB-2, on behalf of Supra, filed July 30, 2001 (Docket No. 001305-TP; DN 09255-01)

Exhibit Nos. AZ-2 through AZ-7 to rebuttal testimony of Adan Zejnilovic, on behalf of Supra, filed August 15, 2001 (Docket No. 001305-TP; DN 09995-01)

Rebuttal testimony of Olukayode A. Ramos with Exhibit Nos. OAR-51, OAR-54, OAR-61 through OAR-63, OAR-72, OAR-79, OAR-80 through OAR-86, OAR87A, OAR87B, OAR-88, OAR-89A, OAR-89B, OAR-90, and OAR-102 through OAR-104 on behalf of Supra, filed August 15, 2001 (Docket No. 001305-TP; DN 09997-01)

Rebuttal testimony of David A. Nilson, on behalf of Supra, filed August 15, 2001 (Docket No. 001305-TP; DN 10010-01)

Late-filed deposition exhibit JK-2 of Jerry Kephart, on behalf of BellSouth, filed September 21, 2001 (Docket No. 001305-TP; DN 11886-01)

Supra's late-filed hearing Exhibit No. 28 (Docket No. 001305-TP; DN 12648-01)

BellSouth's late-filed hearing Exhibit Nos. 8, 15, and 17 (Docket No. 001305-TP; DN 12814-01)

BellSouth's late-filed hearing Exhibit Nos. 8 and 17 (Docket No. 001305-TP; DN 13681-01)

Letter dated April 1, 2001 to Commissioner Palecki from Brian Chaiken with attached notice of service of attached letter to Commissioner Palecki with exhibits, on behalf of Supra, filed April 2, 2002 and April 23, 2002 (Docket No. 001305-TP; DNs 03731-02 and 04493-02)

BellSouth's opposition to Supra's motion for reconsideration and clarification, filed April 17, 2002 and May 8, 2002 (Docket No. 001305-TP; DNs 04291-02 and 05000-02)



Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse, on behalf of BellSouth, filed May 2, 2002  
(Docket No. 001305-TP; DN 04796-02)

BellSouth's opposition to Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse, filed May 9, 2002  
(Docket No. 001305-TP; DN 05057-02)

BellSouth's motion for reconsideration of Order PSC-02-0637-PCO-TP and Supra's motion for extension of time, filed May 15, 2002 and June 5, 2002  
(Docket No. 001305-TP; DNs 05245-02 and 05907-02)

BellSouth's opposition to Supra's motion to stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP, filed July 12, 2002 and August 2, 2002 (Docket No. 001305-TP; DNs 07247-02 and 08110-02)

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

Public Service Commission

March 13, 2003

Jack R. Reiter, Esquire  
Adorno & Yoss, P.A.  
2601 South Bayshore Drive, Suite 160  
Miami, Florida 33133

**Re: U.S. District Court Case No. 4:02-CV-325-SPM - BellSouth Telecommunications, Inc. vs. Supra Telecommunications and Information Systems, Inc., et al. (FPSC Docket No. 001000-TP)**

Dear Mr. Reiter:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

KF:mhl  
Enclosure

## FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: 3/13/03

To: Jack R. Reiter, Esquire  
Adorno & Yoss, P.A.  
2601 South Bayshore Drive, Suite 160  
Miami, Florida 33133

Date Paid \_\_\_\_\_

Amount Paid \_\_\_\_\_

Check # \_\_\_\_\_

☐ Check ☐ Cash

PSC Signature \_\_\_\_\_

9141

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This number must appear on  
all checks or correspondence  
regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
21,215 pgs	Copying and preparation of Docket 001305-TP on appeal to U.S. District Court, Case No. 4:02-CV-325-SPM	@.05¢ per page	\$1,060.75
2	VCR tapes	@\$7.00 ea	14.00
1	Certificate of Director		4.00

TOTAL \$1,078.75

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STATE OF FLORIDA



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Public Service Commission

March 13, 2003

Judge Stephan P. Mickle  
U.S. Clerk's Office  
Northern District of Florida  
401 Southeast First Avenue, Room 243  
Gainesville, Florida 32601

OFFICE OF CLERK  
U.S. DISTRICT CT.  
NORTHERN DIST. FLA.  
GAINESVILLE, FLA.

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Re: U. S. District Case No. 4:02-CV-325-SPM - BellSouth Telecommunications, Inc.  
vs. Supra Telecommunications & Information Systems, Inc., et al.  
(FPSC ~~Docket No. 001305-PP~~)

Dear Judge Mickle:

The record in the above-referenced case, consisting of 60 binders, 11 hearing transcripts, eight pouches of non-confidential hearing exhibits, and two sealed boxes of confidential hearing exhibits and confidential documents marked "CONFIDENTIAL" is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Please note pages 23, 24, and 25 of the index contain a description of the confidential documents that will be filed with the U. S. District Court. **It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.**

Do not hesitate to call me at 413-6744 if you have any questions about the contents of this record.

Sincerely,

*Kay Flynn*  
Kay Flynn, Chief  
Bureau of Records and Hearing Services

Enclosure

cc: Jack R. Reiter, Esquire  
David Smith, Esquire  
Felicia Banks, Esquire  
Sean A. Lev, Esquire  
Nancy B. White, Esquire  
Brian Chaiken, Esquire  
other parties of record

Received: 3-17-03 OB

Date: \_\_\_\_\_

State of Florida



Public Service Commission  
-M-E-M-O-R-A-N-D-U-M-

**DATE:** May 16, 2003  
**TO:** Blanca S. Bayó, Commission Clerk and Administrative Services Director  
**FROM:** Patricia A. Christensen for Beth Keating, Attorney Supervisor, General Counsel's Office  
**RE:** Case Reassignments for Wayne Knight

Please remove Wayne Knight and reassign the following dockets as detailed below:

Docket No.:	Reassigned Staff Counsel:
990649B-TP (Verizon/Sprint Track)	Christensen (Sprint-lead); Harris (Verizon-lead); Keating, B.
000475-TP (Thrifty Call)	Christensen
001109-TI (Webnet Show Cause)	Dodson
030301-TP (Mpower/FDN complaint BST)	Banks
981834-TP (Collocation Docket)	Teitzman (lead); Rojas (assisting); Keating, B.
990321-TP (Collocation Docket)	Teitzman (lead); Rojas (assisting); Keating, B.
001305-TP (Supra/BST Arbitration)	Keating, B.
011354-TP (ALLTEL/Global NAPs Arbitration)	Teitzman (lead); Rojas (assisting)
0201107-TI (Paramount IXC App.)	McKay (lead); Christensen (assisting)
030040-TI (Supreme- Compliance Docket)	Rojas
030143-TI (DIECA IXC App.)	McKay (lead); Christensen (assisting)
030199-TI (TCO Network IXC app.)	McKay (lead); Christensen (assisting)
030344-TX (Gulf Coast - ALEC app.)	Dodson
030348-TI (T3 Communication - IXC app.)	Rojas
030349-TP (Supra Complaint BST \$75 cash back)	Dodson (lead); Harris (assisting)
030388-TI (Claricom - name change)	McKay (lead); Christensen (assisting)
030411-TI (Panther- Compliance Docket)	Teitzman
undocketed Carhill/Verizon	Dodson

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to each dkt.

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Matilda Sanders

PSC-03-0202C-CFO JP

From: Jackie Schindler  
Sent: Wednesday, May 28, 2003 3:32 PM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

1

Date and Time: 5/28/03 3:31:00 PM  
Docket Number: 001305-tp  
Filename / Path: 001305ao-3.wpd

an amendatory order has been moved to gc orders for issuance....order number psc-03-0202C-cfo-tp

js

3/0

1311 Executive Center Drive, Suite 200  
Tallahassee, FL 32301  
Phone: 850-402-0510 Fax: 850-402-0522

**Supra Telecom**

# Fax

To: Hong Wong From: Ann Sheffer  
Fax: 413-7118 Pages: 1  
Phone: \_\_\_\_\_ Date: 6-5-03  
Re: Supra change add. CC: \_\_\_\_\_

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

## • Comments:

CHANGE ADDRESS

Supra Telecom & Information System, Inc  
1311 Executive Center Drive  
Suite 220  
Tallahassee, FL 32301

Thanks,  
Ann

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030200  
030349  
030482  
990649  
990649A  
990649B  
011077

done  
06/05/03

## Marguerite Lockard

---

**From:** Kay Flynn  
**Sent:** Friday, December 26, 2003 3:14 PM  
**To:** 'Kathi Teller'  
**Cc:** Marguerite Lockard  
**Subject:** RE: FW: index to record, Docket No. 001305-TP

Thanks so much for letting me know!

By the way, I'll be out of my office Monday through Thursday of next week, so if you or Mr. Cunningham have any questions on the record during that time, you can call Marguerite Lockard here in Records. Her number is 850-413-6824.

Kay Flynn

-----Original Message-----

**From:** Kathi Teller [mailto:KTeller@bergersingerman.com]  
**Sent:** Friday, December 26, 2003 3:08 PM  
**To:** KFlynn@PSC.STATE.FL.US  
**Subject:** Re: FW: index to record, Docket No. 001305-TP

I just wanted to let you know that your e-mail was received, as was your fax.

Kathi Teller  
Legal Assistant  
Berger Singerman  
200 South Biscayne Boulevard  
Suite 1000  
Miami, Florida 33131  
305.755.9500, Extension 244  
305.714.4340 (facsimile)

>>> Kay Flynn <KFlynn@PSC.STATE.FL.US> 12/26/03 02:55PM >>>

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Friday, December 26, 2003 2:54 PM  
**To:** 'jcunningham@bergersingerman.com'  
**Cc:** Richard Bellak; Marguerite Lockard  
**Subject:** index to record, Docket No. 001305-TP

Mr. Cunningham, per our conversation, I've attached the index to the record we prepared for the Supreme Court appeal in this docket. Since Supra did not file directions that might have limited what we included in the record, this index includes essentially all entries in the docket up to and including the time of Supra's appeal filed back in September of 2002.

I am also faxing you the last few pages of the printed document listing of entries in the docket. The documents marked with an "x" are those filed after the 2002 appeal that we intend to include in the record going to US District Court.



- 3  
You can view a complete listing of filings in 001305 on our Website at [www.psc.state.fl.us](http://www.psc.state.fl.us) . Click on "Dockets & Filings", "Dockets" , enter the docket number (001305) at "By Docket Number" and then click on "Document Filings Index."

Please give me a call at 850-413-6744 if you have further questions.

Kay Flynn

**BERGER SINGERMAN**  
ATTORNEYS AT LAW  
SUITE 1000  
200 SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131

Telephone  
305.755.9500

Facsimile  
305.714.4340

**Facsimile Transmittal Coversheet**

DATE: December 29, 2003  
FIRM/COMPANY: FLORIDA PUBLIC SERVICE COMMISSION  
ATTENTION: BLANCA BAYO  
FACSIMILE NUMBER: 850.413.7118  
TELEPHONE NUMBER: 850.413.6770  
OUR FILE NUMBER: 7008.002  
FROM: JAMES C. CUNNINGHAM, JR.  
NUMBER OF PAGES SENT: 9 (including cover page)  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

SUPRA TELECOMMUNICATION &  
INFORMATION SYSTEMS, INC., a  
Florida corporation,

CASE NO. 4:02 CV 272 SPM

Plaintiff,

vs.

BELLSOUTH TELECOMMUNICATIONS  
INC., a Georgia corporation, THE  
COMMISSIONERS OF THE FLORIDA  
PUBLIC SERVICE COMMISSION, in their  
official capacities; and MARY A. BANE,  
individually,

Defendants.

RECEIVED FPSC  
03 DEC 29 PM 3:45  
COMMISSION  
CLERK

**DEFENDANT BELLSOUTH'S SUPPLEMENTAL  
DIRECTIONS TO THE CLERK OF THE COMMISSION**

Pursuant to Rule 16 of the Federal Rules of Appellate Procedure and this Court's November 10, 2003 Mediation and Scheduling Order, Defendant BellSouth Telecommunications, Inc. serves its Supplemental Directions to the Clerk of the Florida Public Service Commission and directs the Clerk to include all items in the original record described in Fed. R. App. P. 16, annexed hereto as Exhibit A.

CASE NO. 4:02 CV 272 SPM

Respectfully submitted,

BERGER SINGERMANN, P.A.  
Counsel for BellSouth  
Suite 1000  
200 S. Biscayne Blvd.  
Miami, Florida 33131  
305.755.9500  
305.714.4340 (facsimile)

By: 

Leonard K. Samuels  
Fla. Bar No. 501610  
James C. Cunningham, Jr.  
Fla. Bar No. 276197

and

E. Earl Edenfield, Jr.  
BellSouth Telecommunications, Inc.  
675 West Peachtree St., N.E.  
Room 4300  
Atlanta, GA 30375

and

James Meza III  
BellSouth Telecommunications, Inc.  
150 W. Flagler Street  
Suite 1910  
Miami, FL 33130

CASE NO. 4:02 CV 272 SPM

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail  
and facsimile on

JORGE CRUZ-BUSTILLO, ESQ.,  
2620 S. W. 27<sup>th</sup> Ave.  
Miami, FL 33133-3005

RICHARD BELLAK, ESQ.  
Office of the General Counsel  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

MS. BLANCA BAYO, DIRECTOR  
Division of Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850, and

MS KAY FLYNN, CHIEF  
Bureau of Records and Hearing Services  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

this 29<sup>th</sup> day of December, 2003.

  
Of Counsel

STATE OF FLORIDA

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
LILA A. JABER  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

## Public Service Commission

January 2, 2004

William M. McCool, Clerk of the Court  
United States District Court  
United States Federal Courthouse  
401 Southeast First Avenue, Room 243  
Gainesville, Florida 32601

**Re: U.S. District Court Case No. 4:02-CV-272-SPM - Supra Telecommunications & Information Systems, Inc. vs. BellSouth Telecommunications, Inc. and the Florida Public Service Commission, et al., FPSC Docket No. 001305-TP**

Dear Mr. McCool:

The record in the above-referenced case, consisting of 38 binders, eight hearing transcripts, six pouches of non-confidential hearing exhibits, and 14 pouches of confidential hearing exhibits and confidential documents marked "CONFIDENTIAL" is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Please note pages 22 and 23 of the index contain a description of the confidential documents that will be filed with the United States District Court. **It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.**

Do not hesitate to call me at 850-413-6744 if you have any questions about the contents of this record.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

KF/mhl

Enclosure

cc: Jorge L. Cruz-Bustillo, Esquire  
Mark E. Buechele, Esquire  
Linda A. Conahan, Esquire  
Daniel A. Thomas, Esquire  
Richard C. Bellak, Esquire  
David E. Smith, Esquire

Leonard K. Samuels, Esquire  
James C. Cunningham, Jr., Esquire  
Hume F. Coleman, Esquire  
E. Earl ("Kip") Edenfield, Jr., Esquire  
R. Douglas Lackey, Esquire  
Nancy B. White, Esquire  
James Meza, III, Esquire

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION  
Case No. 4:02-CV-272-SPM**

**Supra Telecommunications & Information Systems, Inc.  
vs.  
BellSouth Telecommunications, Inc. and  
the Florida Public Service Commission, et al.  
FPSC Docket No. 001305-TP**

**VOLUME 1**

Progress Docket .....	1
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## HEARING TRANSCRIPTS AND EXHIBITS

Transcript of hearing held September 26, 2001, Volume 1, pages 1 through 164 (reference court reporter's original page numbers in this and all succeeding volumes)	
Transcript of hearing held September 26, 2001, Volume 2, pages 165 through 350	
Transcript of hearing held September 26, 2001, Volume 3, pages 351 through 444	
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Transcript of hearing held September 27, 2001, Volume 8, pages 1,087 through 1,258	
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**HEARING EXHIBITS SUBMITTED IN SEALED ENVELOPE MARKED "HEARING  
EXHIBITS - CONFIDENTIAL"**

Hearing Exhibit Nos. 8, 15, 16\*, 17, 21\*, 22\*, 28, 30\*, 33\*, 35\*

16\* - See 11886-01 and 13013-01  
21\* - See 09249-01, 09255-01, and 09997-01  
22\* - See 09249-01, 09255-01, and 09997-01  
30\* - See 09252-01 and 11706-01  
33\* - See 09995-01  
35\* - See 12155-01 and 13210-01

(Note: (\*) pertain to Confidential Hearing Exhibits located in the following DN's listed below)

**DOCUMENTS SUBMITTED IN SEALED ENVELOPE  
MARKED "CONFIDENTIAL"**

Exhibit B to Supra's "status and complaint regarding BellSouth's bad faith negotiations tactics", on behalf of BellSouth, filed July 27, 2001 **(09193-01)**

Direct testimony of Olukayode A. Ramos with Exhibit Nos. OAR-3 through OAR-7, and OAR-47, on behalf of Supra, filed July 30, 2001 **(09249-01\*, Exhs. 21 and 22)**

Direct testimony of David Nilson with Exhibit Nos. DN-2 through DN-4, on behalf of Supra, filed July 30, 2001 **(09252-01\*; Exh. 30)**

Direct testimony of Carol Bentley with Exhibit Nos. CB-1 and CB-2, on behalf of Supra, filed July 30, 2001 **(09255-01\*; Exhs. 21 and 22)**

Rebuttal testimony Exhibit Nos. AZ-2 through AZ-7 of Adan Zejnilovic, on behalf of Supra, filed August 15, 2001 **(09995-01\*; Exh. 33)**

Rebuttal testimony of Olukayode A. Ramos with Exhibit Nos. OAR-51, OAR-54, OAR-61 through OAR-63, OAR-72, OAR-79, OAR-80 through OAR-86, OAR87A, OAR87B, OAR-88, OAR-89A, OAR-89B, OAR-90, and OAR-102 through OAR-104 on behalf of Supra, filed August 15, 2001 **(09997-01\*; Exhs. 21 and 22)**

Rebuttal testimony of David A. Nilson, on behalf of Supra, filed August 15, 2001 and September 19, 2001 **(10010-01 and 11706-01\*; Exh. 30)**

Late-filed deposition exhibit JK-2 of Jerry Kephart, on behalf of BellSouth, filed September 21, 2001 and October 21, 2001 **(11886-01 and 13013-01\*; Exh. 16)**

Local Order Number Tracking User Guide (LON) in response to Supra's first request for production of documents, No. 12, on behalf of BellSouth, filed September 26, 2001 and October 17, 2001 **(12155-01 and 13210-01\*; Exh. 35)**

Letter dated April 1, 2001 [sic] to Commissioner Palecki from Brian Chaiken with attached notice of service of attached letter to Commissioner Palecki with exhibits, on behalf of Supra, filed April 1, 2002, April 2, 2002, and April 23, 2002  
**(03690-02, 03731-02, and 04493-02)**

BellSouth's opposition to Supra's motion for reconsideration and clarification, filed April 17, 2002 and May 8, 2002 **(04291-02 and 05000-02)**

BellSouth's opposition to Supra's motion for extension of time, filed May 1, 2002 and May 22, 2002 **(04781-02 and 05479-02)**

Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse, on behalf of BellSouth, filed May 2, 2002 and May 23, 2002  
**(04796-02 and 05536-02)**

BellSouth's opposition to Supra's motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse, filed May 9, 2002 and May 30, 2002  
**(05057-02 and 05733-02)**

BellSouth's motion for reconsideration of Order PSC-02-0637-PCO-TP and Supra's motion for extension of time, filed May 15, 2002 and June 5, 2002  
**(05245-02 and 05907-02)**

BellSouth's opposition to Supra's motion to stay Commission Order Nos. PSC-02-0413-FOF-TP and PSC-02-0878-FOF-TP, filed July 12, 2002 and August 2, 2002 **(07247-02 and 08110-02)**

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

## Public Service Commission

January 2, 2004

Jorge Cruz-Bustillo, Esquire  
Supra Telecommunications &  
Information Systems, Inc.  
2620 Southwest 27th Avenue  
Miami, Florida 33133

**Re: U.S. District Court Case No. 4:02-CV-272-SPM - Supra Telecommunications &  
Information Systems, Inc. vs. BellSouth Telecommunications, Inc. and the Florida  
Public Service Commission, et al., FPSC Docket No. 001305-TP**

Dear Mr. Cruz-Bustillo:

I have enclosed an invoice reflecting charges for preparation of the above-referenced record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

Do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records and Hearing Services

KF:mhl  
Enclosure

# FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ♦ Tallahassee, Florida 32399-0850

Date: January 2, 2004

To: Jorge Cruz-Bustillo, Esquire  
Supra Telecommunications &  
Information Systems, Inc.  
2620 Southwest 27th Avenue  
Miami, Florida 33133

Date Paid \_\_\_\_\_

Amount Paid \_\_\_\_\_

Check # \_\_\_\_\_

☐ Check ☐ Cash

PSC Signature \_\_\_\_\_

9524

This number must appear on  
all checks or correspondence  
regarding this invoice.

Please make checks payable to: FLORIDA PUBLIC SERVICE COMMISSION

QUANTITY	DESCRIPTION	PRICE	AMOUNT
18,495 pgs	Copying and preparation of Docket 001305-TP on appeal to U.S. District Court, Case No. 4:02-CV-272-SPM	@.05¢ per pg	\$924.75
1	Certificate of Director	-	4.00
TOTAL			\$928.75

STATE OF FLORIDA

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
LILA A. JABER  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES  
BLANCA S. BAYO  
DIRECTOR  
(850) 413-6770 (CLERK)  
(850) 413-6330 (ADMIN)

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Public Service Commission

COMMISSION  
CLERK

January 2, 2004

William M. McCool, Clerk of the Court  
United States District Court  
United States Federal Courthouse  
401 Southeast First Avenue, Room 243  
Gainesville, Florida 32601

Received JS  
Date 1-5-04

**Re: U.S. District Court Case No. 4:02-CV-272-SPM - Supra Telecommunications & Information Systems, Inc. vs. BellSouth Telecommunications, Inc. and the Florida Public Service Commission, et al., FPSC Docket No. 001305-TP**

Dear Mr. McCool:

The record in the above-referenced case, consisting of 38 binders, eight hearing transcripts, six pouches of non-confidential hearing exhibits, and 14 pouches of confidential hearing exhibits and confidential documents marked "CONFIDENTIAL" is forwarded for filing in the Court. A copy of the index is enclosed for your use. Please initial and date the copy of this letter to indicate receipt.

Please note pages 22 and 23 of the index contain a description of the confidential documents that will be filed with the United States District Court. **It will be the responsibility of the parties to ask the Court for continued confidential treatment of these documents.**

Do not hesitate to call me at 850-413-6744 if you have any questions about the contents of this record.

Sincerely,

14

Kay Flynn, Chief  
Bureau of Records and Hearing Services

KF/mhl

Enclosure

cc: Jorge L. Cruz-Bustillo, Esquire  
Mark E. Buechele, Esquire  
Linda A. Conahan, Esquire  
Daniel A. Thomas, Esquire  
Richard C. Bellak, Esquire  
David E. Smith, Esquire

Leonard K. Samuels, Esquire  
James C. Cunningham, Jr., Esquire  
Hume F. Coleman, Esquire  
E. Earl ("Kip") Edenfield, Jr., Esquire  
R. Douglas Lackey, Esquire  
Nancy B. White, Esquire  
James Meza, III, Esquire





Telephone: (850) 402-0510

Fax: (850) 402-0522

www.supratelecom.com

1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301-5027

March 3, 2005

001305  
040301  
040353

VIA-FAX

Ms. Blanca Bayo, Director  
Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 323339-0850

Re: Change in Address

Dear Ms. Bayo:

Supra Telecommunications and Information Systems, Inc. (Supra) has relocated its corporate office from Miami to Miramar, Florida. Provided below is the new address and contact numbers.

Brian Chaiken  
Executive V.P., Legal Affairs  
Supra Telecommunications and  
Information Systems, Inc.  
2901 SW 149<sup>th</sup> Avenue  
Suite 300  
Miramar, FL 33027  
Phone: 785-455-4248  
Fax: 785-455-4640

Steven B. Chaiken  
General Counsel  
Supra Telecommunications and  
Information Systems, Inc.  
2901 SW 149<sup>th</sup> Avenue  
Suite 300  
Miramar, FL 33027  
Phone: 785-455-4239  
Fax: 785-455-4640

Supra respectfully requests that all dockets be updated to reflect these changes.  
Thank you.

Sincerely,

Ann H. Shelfer  
V.P. - Regulatory Affairs

done  
03/10/05  
Kmf  
OK  
14

1311 Executive Center Drive, Suite 200  
Tallahassee, FL 32301  
Phone: 850-402-0510 Fax 850-402-0522

**Supra Telecom**

# Fax

To: Kim Pena From: Ann Sheffer  
Fax: 413-7118 Pages: 2  
Phone: \_\_\_\_\_ Date: 3-3-05  
Re: Change in address CC: \_\_\_\_\_

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Kim -

Please find my letter  
with the corporate office's  
new address & contact  
numbers.

Thanks,  
Ann



1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301-5027

Telephone: (850) 402-0510  
Fax: (850) 402-0522  
www.supratelecom.com

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CLERK

**NOTICE OF CORRECTION TO CHANGE IN ADDRESS**

March 17, 2005

001305  
040301  
040353  
041269

In Supra's original Notice of Change in Address, we inadvertently submitted incorrect telephone numbers. The correct telephone numbers are provided below:

Brian Chaiken (786) 455-4248

FAX: (786) 455-4600

Steve Chaiken (786) 455-4239

FAX: (786) 455-4600

Thank you for your assistance in this matter.

Ann H. Shelfer

V.P. Regulatory Affairs

Done  
03/17/05  
KMP  
OK  
14

**Kimberley Peña**

**From:** Kay Flynn  
**Sent:** Friday, May 13, 2005 4:54 PM  
**To:** Ann Shelfer  
**Cc:** Nonnye Grant; Kimberley Peña  
**Subject:** RE: Change in Contact Person for Supra

TX088

001305✓

040301✓

041269✓

Done  
05/16/05  
KMP

Thanks, Ann.

Nonnye, please update MCD as appropriate.  
 Kim, please update mailing info in open dockets as appropriate.

Thanks.  
 Kay

990649✓

990649A✓

990649B✓

000121A✓

040156✓

041338✓

**From:** Ann Shelfer  
**Sent:** Friday, May 13, 2005 4:41 PM  
**To:** Kay Flynn  
**Subject:** RE: Change in Contact Person for Supra

Let me try again.

**Ann H. Shelfer**  
 Supra Telecom  
 V.P. - Regulatory Affairs  
 Tallahassee, FL  
 850/402-0510 (Office)  
 850/402-0522 (Fax)

-----Original Message-----

**From:** Shelfer, Ann  
**Sent:** Friday, May 13, 2005 4:39 PM  
**To:** 'kflynn@psc.fl.us'  
**Cc:** Chaiken, Brian  
**Subject:** Change in Contact Person for Supra

Kay,

Please remove my name and contact information; and change MCD and all open dockets that Supra are a participant/party to the following person:

Brian Chaiken  
 Executive V.P. of Legal Affairs  
 Supra Telecom  
 2901 SW 149<sup>th</sup> Ave., Suite 300  
 Miramar, FL 33027  
 (786) 455-4248 (office)  
 (786) 455-4600 (fax)

Thank you for all your assistance throughout the years. Brian will provide you with any information that you may need in the future. I have also notified Consumer Affairs (Carmen) of this change.

5/16/2005

**Ann H. Shelfer** ,  
Supra Telecom  
V.P. - Regulatory Affairs  
Tallahassee, FL  
850/402-0510 (Office)  
850/402-0522 (Fax)

Dkts. Attached  
**BELLSOUTH**

*Updated  
9-6-05*

BellSouth Telecommunications, Inc.  
Regulatory & External Affairs  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301

Nancy H. Sims  
Director

850 577 5555  
Fax 850 222 8640

Nancy.Sims@Bellsouth.com

001305-TP

August 31, 2005

Mrs. Blanca Bayó  
Division of the Commission Clerk  
and Administrative Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

TL720

TX031

Subject: Regulatory Contact Numbers for BellSouth

Dear Mrs. Bayó:

The BellSouth Telecommunications, Inc. Tallahassee Regulatory Office has recently changed telephone numbers. Please use this letter to change the official contact information for BellSouth that the Commission and the Commission Staff would use for BellSouth related matters. There is no change in the address or in the fax number that is used for Commission correspondence to BellSouth.

**The main telephone number for the BellSouthTallahassee Regulatory Office (Nancy H. Sims) has been changed from (850)222-1201 to (850)577-5555. Both numbers will be active for several months.**

Other numbers for the BellSouth Regulatory staff are as follows:

Jerry Hendrix	(850)577-5550
Stan Greer	(850)577-5552
MaryRose Sirianni	(850)577-5553
Robyn Holland	(850)577-5551
Wayne Tubaugh	(850)577-5525

If you need any additional information, please let me know.

Yours truly,

*Nancy H. Sims*  
Nancy H. Sims  
Director - Regulatory Relations

*9-6-05  
Cyto CCAL/K. Pena  
for info*

Copy to:

Beth Salak  
Dan Hoppe  
Richard Melson  
Mary Bane  
Kevin Bloom

Richard Tudor  
Tim Devlin  
Chuck Hill  
Larry Harris  
Katrina Tew

Cayce Hinton  
Roberta Bass  
Manny Arisso  
Bev DeMello  
Beth Keating

*Sims  
old  
P. 850)222-1201*

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CLERK  
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TX031

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050567-TL ✕  
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COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
LISA POLAK EDGAR  
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## Public Service Commission

November 15, 2005

Ms. Nancy H. Sims  
BellSouth Telecommunications, Inc.  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301-1556


**Re: Return of Confidential Documents to the Source, Docket No. 001305-TP**

Dear Ms. Sims:

Commission staff have advised that Confidential Document Nos. 07247-02 and 08110-02, filed on behalf of BellSouth Telecommunications, Inc. can be returned to the source. The documents are enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

  
Kay Flynn, Chief  
Bureau of Records

KF:mhl  
Enclosure

cc: Laura V. King, Division of Competitive Markets and Enforcement  
Richard Bellak, Office of the General Counsel

SIGNED FOR BY

A large, stylized handwritten signature in black ink, appearing to be "J. Deason".

DATE

12/1/05

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**CCA Official Filing:**

**5/16/02\*\*\*\*\*10:30 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*1**

Kay Flynn

001305-TP

To: Harold McLean  
Cc: Blanca Bayo; hong wang  
Subject: RE: document # 03690-02

Declass; to dkt file 9/17/05 *AK*

Will do.

-----Original Message-----

From: Harold McLean  
Sent: Thursday, May 16, 2002 10:29 AM  
To: Kay Flynn  
Subject: RE: document # 03690-02

FPSC, CLK - CORRESPONDENCE

☒ Administrative Parties Consumer

DOCUMENT NO. 12897-05

DISTRIBUTION: \_\_\_\_\_

I do so advise and thanks.

-----Original Message-----

From: Kay Flynn  
Sent: Thursday, May 16, 2002 10:28 AM  
To: Harold McLean  
Cc: Mary Bane; Blanca Bayo  
Subject: RE: document # 03690-02

No, it is not being held as confidential (neither is DN 04770-02), the reasoning being that (1) it was Supra's filing and Supra didn't request confidentiality and (2) BellSouth's filing was made a good day later, and Supra's filing had been in the public file and thus available as a public document during that time.

However, I will remove both from the public file to the conf. files if you advise.

-----Original Message-----

From: Harold McLean  
Sent: Thursday, May 16, 2002 9:35 AM  
To: Kay Flynn  
Cc: Mary Bane  
Subject: FW: document # 03690-02

BTW, Kay, is this document now held in the clerk's office as confidential, or is it in a public file? It's important to keep the document confidential until there's been a final ruling on the claims to which it's been subject.

-----Original Message-----

From: Harold McLean  
Sent: Thursday, May 16, 2002 9:12 AM  
To: Kay Flynn  
Subject: RE: document # 03690-02

Y'all do good work.

-----Original Message-----

From: Kay Flynn  
Sent: Thursday, May 16, 2002 8:56 AM  
To: Harold McLean  
Cc: Margaret Feaster; Beth Keating; Blanca Bayo; Paul Nichols  
Subject: RE: document # 03690-02

**CCA Official Filing:**

**5/16/02\*\*\*\*\*10:30 AM\*\*\*\*\*Kay Flynn\*\*\*\*\*2**

Harold, as we discussed, I did delete the PDF of 03690-02 within one day after it was filed (on 4/2), that after we got BellSouth's notice of intent and confidential version of the very same document. I did let staff attorneys know I had done so. While we considered "the cat out of the bag" as far as the paper copies went, deleting the on-line document so it could not be accessed on the Internet and in-house was/seemed the appropriate thing to do.

Also, as I mentioned, we have since deleted the on-line copy of another filing that came in NOT designated confidential but followed the next day by BellSouth's notice of intent and confidential version. That document is 04770-02 and is described as:

Supra (Chaiken) - Motion to strike and reply to BellSouth's opposition to Supra's motion to disqualify and recuse.

It was filed 5/1, BellSouth's conf. version 5/2, and I don't believe there has been a ruling on it yet.

Kay

-----Original Message-----

From: Harold McLean

Sent: Wednesday, May 15, 2002 6:18 PM

To: Kay Flynn

Subject: document # 03690-02

Kay, please ensure that document No. 03690-02 DOES NOT get posted to the website. It's confidential status is still in litigation, I am aware of the Order Commissioner Palecki has signed, but please ensure that it doesn't get on the website until you hear from me personally.

Matilda Sanders

0300 - CFO

From: Jackie Schindler  
Sent: Wednesday, March 17, 2004 9:38 AM  
To: CCA - Orders / Notices  
Subject: Order / Notice Submitted

3

Date and Time: 3/17/2004 9:37:00 AM  
Docket Number: 001305-tp  
Filename / Path: order granting bellsouth 2.doc  
Order Type: Signed / Hand Deliver

an order granting bellsouth's requests for extension of duration of order nos.... has been signed and moved to gc orders for issuance today

RECEIVED-FPSO  
04 MAR 17 AM 10:44  
COMMISSION  
CLERK

3/0

03584-04

**CCA Official Filing**

**4/7/2004\*\*\*\*\***

**8:00 AM\*\*\*\*\***

**Matilda Sanders\*\*\*\*\*1**

**Matilda Sanders**

*PSC-04-6300A-CFO -7P*

**From:** Jackie Schindler  
**Sent:** Wednesday, April 07, 2004 8:00 AM  
**To:** CCA - Orders / Notices  
**Subject:** Order / Notice Submitted

*2*

**Date and Time:** 4/7/2004 7:59:00 AM  
**Docket Number:** see below  
**Filename / Path:** see below

two amendatory orders have been moved to gc orders for issuance today:

docket no. 001305  
amendatory1305conf.doc

docket nos. 030867, 868, 869, 961  
amendatory sprintconf.doc

thanks

js

*3/0*

*04337-04*