



ORIGINAL

Bianca Salinas
2620 SW 27th Avenue
Miami, Florida 33133-3001
Phone: (305) 476-4287
Fax: (305) 443-1078
Email: bsalinas@stis.com
www.stis.com

March 6, 2001

RECEIVED-FPSC
01 MAR -7 PM 2:49
RECORDS AND REPORTING

VIA FEDERAL EXPRESS

Ms. Blanca S. Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

**Re: Supra's Motion to Rescheduling Hearing Date
FPSC Docket No. 00-1097-TP**

Dear Ms. Bayo:

Enclosed please find an original and 15 copies of Supra Telecom's Motion to Rescheduling Hearing Date, which we ask that you file in the above-referenced matter.

We have enclosed a copy of this letter, and ask that you mark it "Received" to indicate that the original was filed, and thereupon return it to me.

Any questions, please feel free to contact me at 305/476-4287. I thank you for your time and assistance on this matter.

Very truly yours,

Bianca Salinas
Executive Assistant to
Chairman & CEO and
General Counsel

RECEIVED & FILED

Mus
FPSC BUREAU OF RECORDS

01 MAR -7 PM 2:49

Enclosures

APP
CAP
CMP
COM
DIR
EOR
LEG
MPC
MNI
RGO
SEC
SER
OTH

cc: Nancy B. White, Esq.
R. Douglas Lackey, Esq.
J. Phillip Carver, Esq.
Brian W. Chaiken (General Counsel, Supra Telecom)
Mr. Olukayode Ramos (Chairman & CEO, Supra Telecom)

DOCUMENT NUMBER-DATE
02977 MAR-7 01
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of BellSouth Telecommunications,)
Inc. against Supra Telecommunications and)
Information Systems, Inc., for Resolution of Billing)
Disputes)
_____)

Docket No. 001097 - TP

Filed: March 6, 2001

**SUPRA'S MOTION TO
RESCHEDULING HEARING DATE**

Supra Telecommunications & Information Systems, Inc. ("Supra"), by undersigned counsel, pursuant to Rule 28-106.204 of the *Florida Administrative Code*, moves to reschedule its April 16, 2001, Prehearing ("Prehearing") date and in support thereof states:

1. On or about November 21, 2000, this Honorable Commission issued its Case Assignment and Scheduling Record (the "Record").
2. Due to a scheduling conflict, Supra cannot appear at the Prehearing as required pursuant to the Record.
3. During the week of April 9, 2001, Supra has a hearing in its Arbitration versus Southwestern Bell Telephone Company ("SWBT") before the Texas Public Utility Commission in Austin, Texas; from April 16, through April 21, 2001, Supra has a hearing in its Commercial Arbitration I versus BellSouth Telecommunications, Inc. ("BellSouth") in Atlanta, Georgia; and on April 29 and 30, 2001, Supra has a hearing in its Commercial Arbitration II versus BellSouth in Atlanta, Georgia.
4. Attached hereto, as Exhibit A, is a copy of Supra's Scheduling Order in its SWBT Arbitration.
5. Attached hereto, as Exhibit B, is a copy of Supra's Scheduling Order in its BellSouth Arbitration I.
6. Attached hereto, as Exhibit C, is a copy of Supra's Scheduling Order in its BellSouth Arbitration II.

02977 MAR-7 2001
FPSC-RECORDS/REPORTING

6. BellSouth would not be unfairly prejudiced should the Prehearing in this matter be rescheduled, particularly in light of the fact that BellSouth itself is involved in the two commercial arbitrations set forth above.

WHEREFORE, Supra respectfully requests that this Honorable Commission grant its motion, to reschedule its Prehearing until after May 1, 2001, and for such other relief as is deemed equitable and just.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via facsimile and/or Federal Express on this 6th day of March, 2001, upon Nancy B White, Esq., Museum Tower, 150 West Flagler Street, Suite 1910, Miami, Florida 33130, and R. Douglas Lackey and J. Phillip Carver, Suite 4300, BellSouth Center, 675 West Peachtree Street, N.E., Atlanta, Georgia 30375.

Supra Telecommunications & Information
Systems, Inc.
Mailing Address: 2620 S.W. 27th Ave.
Miami, Florida 33133
Telephones: 305/476-4247
Telecopier: 305/443-9516

By: _____

PAUL D. TURNER, ESQ.
Florida Bar No.: 0113743

Exhibit A

DOCKET NO. 22797

COMPLAINT AND REQUEST FOR
EXPEDITED RELIEF AND INTERIM
RULING OF SUPRA
TELECOMMUNICATIONS AND
INFORMATION SYSTEMS, INC.,
AGAINST SOUTHWESTERN BELL
TELEPHONE COMPANY AND FOR
RESOLUTION OF DISPUTE

§
§
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

ORDER NO. 9
ORDER REVISING PROCEDURAL SCHEDULE

The procedural schedule is hereby revised by agreement of the parties to the following:

January 4, 2001	Response to Supra's Letter Due
February 23, 2001	Deposition Deadline
March 9, 2001	Rebuttal Testimony
March 23, 2001	DPL Due
Week of April 9, 2001	Hearing on the merits – to be determined upon Arbitrators' availability.

SIGNED AT AUSTIN, TEXAS the 21st day of December, 2000.

PUBLIC UTILITY COMMISSION OF TEXAS

Diane Parker

DIANE PARKER
ARBITRATOR

DOCKET NO. 22797

COMPLAINT AND REQUEST FOR
EXPEDITED RELIEF AND INTERIM
RULING OF SUPRA
TELECOMMUNICATIONS AND
INFORMATION SYSTEMS, INC.,
AGAINST SOUTHWESTERN BELL
TELEPHONE COMPANY AND FOR
RESOLUTION OF DISPUTE

§
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED
NOV 21 11 31 AM
PUBLIC UTILITY COMMISSION

**AGREED ORDER NO. 10 FOR CONFIDENTIALITY AGREEMENT
BETWEEN SOUTHWESTERN BELL TELEPHONE AND SUPRA
TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.**

In the above-styled proceeding, Supra Telecommunications and Information Systems Inc. ("Supra"), after a motion to compel before Arbitrators of the Texas Public Utility Commission (the "Commission"), must grant Southwestern Bell Telephone Company ("SWBT") access to documents and information concerning Supra's efforts to collocate a Class 5 Switch in other jurisdictions and during other proceedings (the "Information"). The Information ordered produced is sensitive and proprietary to Supra and others with whom it interacted. Accordingly, this Order, Order No. 10, specifying confidentiality provisions, and the Protective Order governing this docket (Order No. 2, to the extent it is not inconsistent with this Order) shall control the production of the Information.

Definition

1. The term "party" as used in this Order means any party to a Commission proceeding in connection with an application or contested docket, and for purposes of this Order, the Commission's staff.

2. The term "Information" as used in this Order shall mean documents and other information concerning Supra's efforts to collocate a Class 5 Switch in other proceedings or in other jurisdictions that has been marked as confidential pursuant to P.U.C. PROC. R. 22.306.

3. The term "SWBT's Lawyers and Subject Matter Expert" as used in this Order shall be limited to June Peng, John Lambros, David Brown, Cliff Crouch and Randall Butler.

The Information

(a) General. All parties recognize that the Information contains sensitive and proprietary information to Supra's operation. All parties agree that the confidentiality of this information must be protected to the greatest extent possible. Accordingly, the parties agree to the following conditions governing SWBT's Lawyers' and Subject Matter Expert's review of the Information:

1. Only SWBT's Lawyers and Subject Matter Expert indicated herein may review the Information.
2. SWBT's Lawyers and Subject Matter Expert will execute a copy of Exhibit A hereto in acknowledgment of their obligations under this Order. The Information will not be masked or redacted.
3. All of this information will remain protected as confidential information under the terms of Order No. 2, pertaining to the confidentiality of documents.

Good Faith Use of Material

To the extent that such efforts will not damage a party's presentation of its position in these proceedings, each party shall use its best efforts to phrase deposition and other discovery questions, prefiled testimony, questions asked on live examination of a witness, briefs, other pleadings and oral argument in a way which will eliminate or minimize the need for the Information. Any party intending to refer to the Information during a hearing in a proceeding shall, as soon as possible, provide advance notice of this to the parties, and the presiding officer, identifying with particularity the Information in question.

Supra has treated and intends to continue to treat the information for which confidential classification is sought as private, and this information has not been generally disclosed.

SWBT's Lawyers and Subject Matter Expert, who may be entitled to receive, or who are afforded access to the Information by reason of this Confidentiality Agreement shall neither use nor disclose the Information for any purpose, to any individual, other than preparation for and conduct of the Proceeding in which the Information was furnished before the Commission.

All parties agree that any violation of this Confidentiality Agreement would immediately and irreparably harm the other parties. Accordingly, all parties agree that every provision of this Confidentiality Agreement is specifically enforceable.

All parties agree that any disputes arising under this Confidentiality Agreement shall be governed by Texas law.

Upon the completion of Commission proceedings and any appeals thereof, any copies or notes concerning the Information reviewed by SWBT's Lawyers or Subject Matter Expert shall be returned to Supra or destroyed, at the option of Supra, absent a contrary order of the Commission or agreement of the parties. Any notes or work product prepared by SWBT's Lawyers or Subject Matter Expert that were derived in whole or in part from the Information shall be destroyed at that time. Material filed with the Commission will remain under seal at the Commission and will continue to be treated as confidential information pursuant to the Protective Order. The Commission may destroy confidential information in accordance with its records retention standards.

In the event any portion of this Confidentiality Agreement is invalidated by a tribunal of competent jurisdiction, that portion shall be considered severable from the Confidentiality Agreement as a whole. The remainder of the Confidentiality Agreement shall remain in full force and effect.

SIGNED AT AUSTIN, TEXAS on this the 21st day of December, 2000.

PUBLIC UTILITY COMMISSION OF TEXAS

Diane Parker

DIANE PARKER
ARBITRATOR

Exhibit B



TOMLINSON
Z I S K O
MOROSOLI
& MASER LLP
ATTORNEYS

M. Scott Donahy
(650) 325-8666 x 4139
E-mail: msd@tzma.com

January 17, 2001

ARB01 5411

VIA FACSIMILE AND U.S. MAIL

Brian Chaiken, Esq.
Assistant General Counsel
Supra Telecom
Legal Department
2620 S.W. 27th Avenue
Miami, FL 33133-3001

Parkey D. Jordan, Esq.
BellSouth Telecommunications, Inc.
Legal Department, Suite 4300
675 West Peachtree Street
Atlanta, GA 30375-0001

J. Phillip Carver, Esq.
BellSouth Telecommunications, Inc.
675 West Peachtree Street
Suite 4300
Atlanta, GA 30375

Nancy B. White, Esq.
BellSouth Telecommunications, Inc.
150 W. Flagler Street
Suite 1910
Miami, FL 33130

Re: The Arbitration Between Supra Telecom and BellSouth

Dear Counsel:

REVISED MEMORANDUM RE SCHEDULING

A conference call was held on Friday, January 12, 2001, to discuss various matters in

MIL1924 WPD;1

Brian Chaiken, Esq.
J. Phillip Carver, Esq.
Parkey D. Jordan, Esq.
Nancy B. White, Esq.
January 17, 2001
Page 2

the above referenced matter. All three of the arbitrators were present. Present on behalf of Supra Telecommunications & Information Systems, Inc. ("Claimant") was Brian Chaiken, Esq. Present on behalf of Respondent BellSouth Telecommunications, Inc. ("Respondent") were Parkey D. Jordan, Esq., Nancy B. White, Esq. and J. Phillip Carver, Esq. This telephone call was followed by a letter from J. Phillip Carver correcting errata in an earlier memorandum sent by the Chair. The arbitrators and the parties agree as follows:

1. The arbitration hearing originally scheduled to commence on January 18, 2001, has been continued. The arbitration hearing will now be held during the period April 16-21, 2001, in Atlanta, Georgia, at a location to be agreed upon. The parties agreed to waive the provision in §12 of Attachment 1, the Interconnection Agreement between Claimant and Respondent dated October 5, 1999 (the "Agreement"), which requires that the arbitrators issue a decision within 90 days of the initiation of proceedings.
2. The parties will brief the issue as to whether indirect, incidental, consequential, reliance or special damages are available under the Agreement, before the Tribunal rules on Claimant's Motion For Leave to Present an Expert Witness, which motion has been fully briefed. The parties will submit simultaneous opening briefs on the issue on January 26, 2001, and will submit simultaneous reply briefs on the issue on February 5, 2001. Unless the arbitrators determine that a hearing is necessary or the parties jointly request a hearing, the arbitrators will issue a ruling based on the briefs submitted.
3. Should the arbitrators determine that the recovery of indirect, incidental, consequential, reliance or special damages is permitted under the Agreement, and should the arbitrators further determine that Claimant's Motion For Leave to Present an Expert Witness should be granted, then Claimant shall serve and file the direct testimony of its expert no later than February 23, 2001. Respondent will make the expert available for deposition at a mutually convenient date and time during the period March 5-9, 2001.
4. Claimant will submit a Motion for Leave To Amend or to Supplement its Claim in Arbitration by January 19, 2001. Respondent will file any Opposition to such Motion by January 26, 2001. Unless the arbitrators determine that a hearing is necessary or the parties jointly request a hearing,

Brian Chaiken, Esq.
J. Phillip Carver, Esq.
Parkey D. Jordan, Esq.
Nancy B. White, Esq.
January 17, 2001
Page 3

the arbitrators will issue a ruling based on the briefs submitted.

5. In regards to the Notice of Compliance with Discovery Order, the parties will meet and confer and attempt to resolve their differences. By January 19, 2001, the parties will identify which documents each has produced are responsive to which of the requests directed to each.

6. During the week of January 15, 2001, the parties will meet and confer and attempt to resolve their differences concerning Claimant's request for a demonstration of certain telecommunications functions

* 7. Discovery will cease on March 9, 2001.

8. On March 23, 2001 the parties will serve and present to the arbitrators:

a. Any testimony which BellSouth wishes to submit in rebuttal to any damage testimony which may have been submitted by Supra pursuant to paragraph 3, above;

b. Hearing exhibits in three ring binders, tabbed and numbered. There shall be sufficient binders produced so that there is one for each arbitrator, one for each party, and one for use with the witnesses. Claimant shall use Exhibit numbers 001-200. Respondent shall use Exhibit numbers 300-500. To the extent that the parties' witnesses have referred to such exhibits by different nomenclature in their written testimony, each party will submit a table cross-referencing the nomenclature used in the witness testimony to the exhibit numbers used in the binders,

c. Regulatory orders and case authority which the parties intend to submit and on which the parties intend to rely shall be jointly submitted in a separate three ring binder, tabbed and numbered, using numbers RO 001 - RO 100.

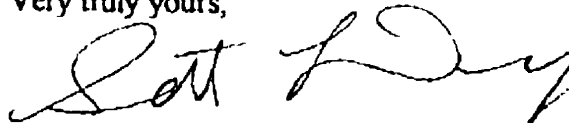
9. The parties and the arbitrators will reserve April 6, 2001, for the

Brian Chaiken, Esq.
J. Phillip Carver, Esq.
Parkey D. Jordan, Esq.
Nancy B. White, Esq.
January 17, 2001
Page 4

hearing on any motion concerning objections to the admissibility of any of the evidence or exhibits submitted. The time will be reserved also for discussion of any other procedural matters.

10. Except as expressly modified by the foregoing, the results of the Scheduling Conference of November 16, 2000, as memorialized in my email of November 16, 2000, 5:39 p.m. P.S.T. continue to govern these proceedings.

Very truly yours,



M. Scott Donahey

MSD:mil

cc: John L. Estes, Esq.
Campbell Killefer, Esq.
John Kelly, CPR

Exhibit C

**BEFORE THE CPR INSTITUTE FOR
DISPUTE RESOLUTION ARBITRAL TRIBUNAL**

BELLSOUTH TELECOMMUNICATIONS, INC.,
a Florida Corporation,

Claimant.

**SCHEDULING
ORDER**

v.

SUPRA TELECOMMUNICATIONS & INFORMATION
SYSTEMS, INC., a Corporation.

Respondent.

On February 19, 2001, a conference call was held to discuss various issues in this Arbitration, including the scheduling of the Notice of Arbitration and Complaint Before the CPR Institute for Dispute Resolution of BellSouth Telecommunications, Inc. ("BellSouth"), which was received electronically without attachments on January 30, 2001, and by courier with attachments on January 31, 2001, and the Notice of Defense and Counterclaim received electronically and by fax without exhibits on February 20, 2001, and by courier with exhibits on February 21, 2001 (hereinafter the "Second Arbitration"), which is the subject of this order. The matters discussed in that conference call which are not the subject of this or prior orders will

be the subject of a subsequent order of the Tribunal. BellSouth was represented by Patrick K. Wiggins, Esq., Charles J. Pellegrini, Esq. and Karen Asher-Cohen, Esq. of Katz, Kutter, Haigler, Alderman, Bryant & Yon, P.A., among others. Supra Telecommunications and Information Systems, Inc. ("Supra") was represented by Brian Chaiken, Esq., and Adenet Medacier, Esq., among others. All the arbitrators participated. The Tribunal unanimously orders as follows:

1. As the parties have not agreed to waive the 90 day period in which a decision must be rendered pursuant to the Arbitration Agreement, § 12, the Tribunal has determined that it is necessary to limit discovery and impose strict deadlines. Accordingly, the following is ordered related to the Second Arbitration:

- a. The parties discovery is limited to no more than 10 requests for the production of documents per side and no more than five depositions per side, each deposition lasting no more than six hours. Each side may produce one expert witness. Discovery shall close on April 2, 2001. On March 23, 2001, the parties will submit expert reports to each other and to the Tribunal;
- b. The parties will serve and file with the Tribunal the written direct testimony of their witnesses, under oath, on April 6, 2001;
- c. The parties will serve and file with the Tribunal the written rebuttal testimony of their witness, under oath, on April 10, 2001;
- d. The parties will serve and file with the Tribunal Prehearing Statements, which conform to CPR Rule 12, on April 10, 2001.
- e. The parties will serve and file with the Tribunal exhibits for

the hearing, in three-ring binders, tabbed and numbered, on April 12, 2001. BellSouth shall use exhibit numbers beginning with B0001. Supra shall use exhibit numbers beginning with S0001;

f. The hearing of this matter will be conducted in Atlanta, Georgia, on April 29 and 30, 2001.

g. The panel will issue its written decision on May 1, 2001.

Dated: February 21, 2001

M. Scott Donahey
On behalf of the Tribunal