

T. Michael Twomey
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0750

September 26, 2001

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

Re: Docket No. 001305-TP (Supra-BellSouth Arbitration)

Dear Mrs. Bayó:

Enclosed is an original and fifteen copies of BellSouth's Opposition to Supra's Motion to Stay, which we ask that you file in the above-referenced matter.

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

Sincerely,



T. Michael Twomey

(22)

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

DOCUMENT NUMBER-DATE
12106 SEP 26 2001
FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 001305-TP

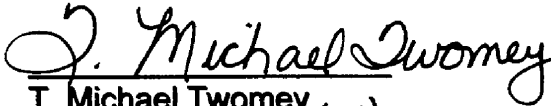
I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Facsimile* and Federal Express this 26th 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
Tel. No. (850) 413-6232
Fax. No. (850) 413-6250

Supra Telecommunications and
Information Systems, Inc.
1311 Executive Center Drive
Koger Center - Ellis Building
Suite 200
Tallahassee, FL 32301-5027
Tel. No. (850) 402-0510
Fax. No. (850) 402-0522
mbuechele@stis.com

Brian Chaiken*
Supra Telecommunications and
Information Systems, Inc.
2620 S. W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4248
Fax. No. (305) 443-1078
bchaiken@stis.com


T. Michael Twomey (28)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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.)
_____)

Docket No. 001305-TP

Filed: September 26, 2001

BELLSOUTH’S OPPOSITION TO SUPRA’S MOTION TO STAY

BellSouth Telecommunications, Inc. (“BellSouth”) submits its Opposition to Supra Telecommunications & Information Systems, Inc.’s (“Supra”) motion to stay the hearings scheduled for September 26-28. With its latest filing, Supra has once again demonstrated its preference for delay over resolution, confusion over clarity, and inflammatory rhetoric over reasoned analysis. Supra has manufactured discovery disputes where none legitimately exist and has filed the motion without making any effort to discuss the issues with BellSouth. Indeed, although Supra received BellSouth’s production on September 17 and 18, Supra deliberately waited until September 24 to file the motion (serving BellSouth by e-mail at 4:45 pm) with the obvious intent of placing the Commission in the position of attempting to resolve the merits of the motion (there are none) while also conducting an orderly proceeding. The Commission should deny the motion in its entirety.

BACKGROUND

In its Motion, Supra argues two points. First, Supra complains that it did not have an opportunity to use the additional documents and interrogatory responses in its depositions of BellSouth’s witnesses. Second, Supra contends that BellSouth did not comply fully with the Commission’s Orders No. PSC-01-1820-PCO-TP and No. PSC-01-

1846-PCO-TP. Both of these assertions are false and are being raised for the sole purpose of delaying the hearing.

I. SUPRA HAD THE OPPORTUNITY TO DEPOSE BELLSOUTH'S WITNESSES.

Supra claims that it “has been materially impaired by the missing information, and the inability to depose witnesses on the provided information.” Motion at p. 2. To the extent Supra claims it was “unable to depose witnesses on the provided information,” this claim is outrageous and ignores the procedural orders on which the motion is supposedly based. In the orders granting, in part, Supra’s request for additional responses to its discovery, the Commission specifically directed BellSouth to submit to additional depositions if necessary and extended the discovery deadline until September 24, 2001 to accommodate such depositions. See Order No. PSC-01-1820-PCO-TP at p. 5 (“[I]f the documents provided by BellSouth responsive to this order create a need for Supra to take additional depositions of BellSouth personnel, then BellSouth will present such persons to be deposed by Supra on September 19th, 20th, and/or 21st, 2001”); Order No. PSC-01-1846-PCO-TP at p. 5 (directing Supra to pose any additional questions to BellSouth personnel during the scheduled depositions¹ “or in the depositions which may be scheduled pursuant to Order No. PSC-01-1820-PCO-TP” and extending discovery deadline to September 24, 2001).

Supra could have requested further deposition testimony from BellSouth’s witnesses any time between September 19 and September 24. It did not do so. Supra’s counsel never even raised the possibility that it would want to conduct further

¹ The depositions scheduled for September 12 and 13 were rescheduled for September 17, and 18 due to the travel restrictions caused by the tragic events in New York on September 11. The additional depositions could have been scheduled for September 19, 20, 21, or 24.

depositions. Above all other facts, this one reveals that Supra is interested only in delay, not in a resolution of the issues presented to the Commission in this docket. BellSouth would have made the witnesses available for further depositions or made additional witnesses available for deposition if Supra had requested. Supra cannot complain about its failure to question witnesses when it made no effort to do so. Moreover, all of the witnesses who were deposed are also witnesses that will testify live at the hearing. If Supra has questions for those witnesses based on the documents and additional information it received, Supra may question those witnesses during the hearing.

II. BELLSOUTH COMPLIED FULLY WITH THE COMMISSION'S DISCOVERY ORDERS

Supra's claims that BellSouth did not comply with the Commission's discovery orders are completely without merit.

Interrogatory No. 5

Supra states that BellSouth did not provide a complete response to this item. Contrary to this claim, BellSouth provided a thorough discussion of the "ways the standard interconnection agreement has changed" as required by Order No. PSC-01-1846-PCO-TP. Curiously, Supra questions certain of the changes BellSouth discussed because Supra claims that such changes "are indeed in contention between the parties." Whether Supra agrees with BellSouth's position on the issues is entirely irrelevant to whether BellSouth responded fully to the discovery requests.

Interrogatory No. 6

Supra's reason for including this response in its motion apparently is its disagreement with BellSouth's response. Supra claims that "it is a well known fact that SOCS has not been provided to a single ALEC." Supra follows this assertion with a

tirade about its dissatisfaction with BellSouth's ordering systems. But, the issue here is whether BellSouth answered the following question: "What electronic provisioning interface(s) has been made available to ALECs for provisioning of the functions/services/products set forth in the previous two interrogatories?" BellSouth answered that question (twice) and Supra's motion amounts to nothing more than an argument about the ultimate issue that is in dispute between the parties.

Interrogatory No. 22

Supra claims that BellSouth's response to this interrogatory is inconsistent with other information. BellSouth strongly disagrees with that claim. But, more to the point, Supra's allegations of inconsistency do not demonstrate that BellSouth failed to respond to the discovery. If Supra believes it has found an inconsistency, then it may explore that issue during cross-examination at the hearing.

Request for Production No. 1

This request relates to documents that have been identified in response to the interrogatories. For many of the interrogatories, BellSouth did not identify documents, so there were none to produce. Supra's claims that BellSouth did not comply fully with the discovery orders are false and, in some cases, nonsensical. For example, in response to its request for documents, Supra claims BellSouth did not produce corporate representatives on various subjects. See Motion at pp. 9-10. To the extent that Supra wanted BellSouth to provide a corporate representative to testify at depositions during the week of September 17, it could have made that request. Instead, Supra filed this eleventh hour plea for a stay based on the false representation that BellSouth was unwilling to cooperate with discovery.

Request for Production 4(a)

BellSouth provided responsive documents and, in particular, BellSouth did provide Supra with a list of the USOCs with rates that it now claims it did not receive.

Request for Production No. 7

Counsel for BellSouth informed Supra's counsel that the training manuals responsive to this request are the same as those already produced to Supra in the commercial arbitration proceeding. Indeed, Supra previously attached excerpts of these training materials as exhibits to the pre-filed testimony of its witnesses. BellSouth stands by its statement that there are no other training manuals responsive to the request.

Request for Production No. 11

Supra does not dispute that BellSouth provided information responsive to this request. Instead, Supra claims that it would like to depose a corporate representative about the documents. This request was not made during the time the Commission specifically set aside for additional depositions. It is too late.

Request for Production No. 12

The only complaint Supra raises with this item is the alleged failure by BellSouth to produce the LON User Guide. BellSouth believes that the LON User Guide was produced the Supra in earlier discovery responses, but has not yet confirmed that fact. Counsel for BellSouth will be prepared to address this point at the start of the hearing. In any event, counsel for Supra could have contacted counsel for BellSouth immediately upon receiving the responses to discuss the LON User Guide, but failed to do so, opting instead to file the motion and hope for a delay.

Request for Production No. 13

With this request, Supra's continues its search for documents that do not exist. BellSouth fully responded to this request and, in its motion, Supra simply cannot accept the answer. BellSouth categorically denies Supra's false and unsubstantiated claims about the accuracy of the response.

Request for Production No. 14

BellSouth responded fully to the specific request Supra submitted. The motion now appears to be seeking other information that was not previously requested. For example, while Supra asked for a process flow for four specific operations (which BellSouth provided), its motion complains that BellSouth did not provide documents related to the work flows for every retail service. Yet, Supra never requested such documents. There is no merit to Supra's claim of non-compliance on this issue.

Request for Production No. 18

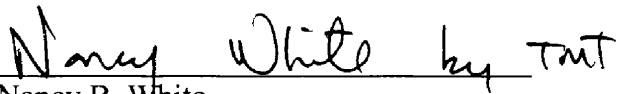
Contrary to Supra's statements, BellSouth provided non-proprietary documents responsive to this request and has other proprietary documents that Supra may obtain if it signs the protective agreement BellSouth sent to Supra on September 18, 2001 by overnight delivery.

CONCLUSION

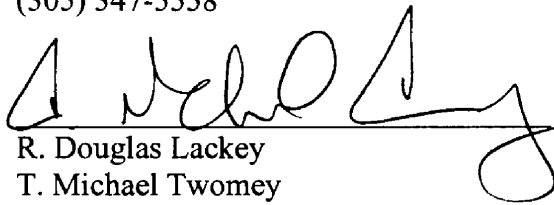
Supra's Motion to Stay is the latest desperate and baseless attempt by Supra to delay this hearing. The Commission should deny the motion in its entirety.

Respectfully submitted, this 26th day of September, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.

Handwritten signature of Nancy White in cursive, with the initials "by TMT" written at the end.

Nancy B. White
James Meza III
150 West Flagler Street
Suite 1910, Museum Tower
Miami, Florida 33130
(305) 347-5558

Handwritten signature of R. Douglas Lackey in cursive.

R. Douglas Lackey
T. Michael Twomey
Suite 4300
675 W. Peachtree Street, N.E.
Atlanta, Georgia 30375
(404) 335-0750

412703