

ORIGINAL

Legal Department

JAMES MEZA III
Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5561

August 1, 2003

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

RECEIVED-FPSC
AUG -1 PM 1:37
COMMISSION
CLERK

Re: 030349-TP (Supra \$75 Cash Back Promotion)

Dear Ms. Bayó:

(redacted)

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Supplemental Motion to Strike Direct Testimony Exhibits, which we ask that you file in the captioned docket.

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,

James Meza III
James Meza III (KMD)

Enclosures

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

AUS
CAF
CMP
COM
CTR
ECR
GCL
OPC
MMS
SEC
OTH

lcc:
conf records

DOCUMENT NUMBER-DATE

07011 AUG -1 03

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE
DOCKET NO. 030349-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and Federal Express this 1st day of August, 2003 to the following:

Linda Dodson
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6216
ldodson@psc.state.fl.us

Adenet Medacier, Esq.
Jorge L. Cruz-Bustillo, Esq.
Legal Department
Supra Telecommunications and
Information Systems, Inc.
2620 S.W. 27th Avenue
Miami, Florida 33133
Tel. No. (305) 476-4240
Fax. No. (305) 443-9516
amedacier@stis.com
jorge.cruz-bustillo@stis.com

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



James Meza III (KA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Supra)
Telecommunications and Information)
Systems, Inc. Regarding BellSouth's)
Alleged Use of Carrier to Carrier)
Information)

Docket No. 030349-TP

Filed: August 1, 2003

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
SUPPLEMENTAL MOTION TO STRIKE DIRECT TESTIMONY EXHIBITS**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits this Supplemental Motion to Strike certain exhibits attached to the Direct Testimony of David A. Nilson ("Nilson Exhibits") filed by Supra Telecommunications and Information Systems, Inc. ("Supra") on June 30, 2003. In support, BellSouth states the following:

1. On July 25, 2003, BellSouth filed a Motion to Strike Nilson Exhibits DAN # 1, 6, 7, 8, and 19 primarily on the grounds that Mr. Nilson did not reference or even address the referenced exhibits in his direct testimony. See BellSouth's Motion to Strike.

2. BellSouth files this supplemental motion to raise additional and alternative grounds as to why portions of DAN #6 and one additional exhibit should be stricken from Mr. Nilson's testimony.

3. First, although Mr. Nilson's testimony only references 19 exhibits in his exhibit index, a review of the exhibits produced revealed that Mr. Nilson actually included 20 exhibits in the filing. This last, unidentified exhibit is the deposition transcript of Richard Anderson of BellSouth taken on June 12, 2002 in a commercial arbitration proceeding between BellSouth and Supra. Like the exhibits at issue in BellSouth's original motion to dismiss, Mr. Nilson does not reference or even address

DAN # 20 in his direct testimony. Thus, for the reasons set forth in BellSouth's Motion to Strike, the Commission should strike DAN # 20 as well.

Moreover, DAN # 20 should be stricken because the testimony of Mr. Anderson is irrelevant to the issue in this case – whether BellSouth is in violation of federal or state rules and regulations regarding the use of carrier to carrier or wholesale information. Indeed, Mr. Anderson testified that

[REDACTED]

See DAN # 20 at pp 155, lines 7-14 (Bates No. 001908); pp 169 at lines 11-17 (Bates No. 001914).

5. Supra's entire case hinges on whether Operation Sunrise violates federal and/or state law regarding the use of wholesale information. Clearly, the deposition

transcript of an individual who [REDACTED] of Operation Sunrise cannot be relevant to this inquiry.

6. Second, in further support of BellSouth's argument that Supra is using Mr. Nilson's direct testimony as the proverbial "kitchen sink", DAN # 6 contains hundreds of pages of information produced by BellSouth in a commercial arbitration proceeding between the parties that are irrelevant to this proceeding. Even Supra would be hard-pressed to create an argument that suggests that the following documents are remotely relevant to the issues at hand.

[REDACTED] Bates Number 000164-000168: This is an [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Bates Number 000169-000182: These documents refer to the
[REDACTED]

[REDACTED] Bates Number 000183-000184: These documents appear to represent [REDACTED]

d. Bates Number 000185-000260: These documents appear to represent the [REDACTED]
[REDACTED].

[REDACTED] Bates Number 000260-000262: These documents appear to represent [REDACTED]

f. Bates Number 000270-000464: These documents relate [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED] Supra amended its Complaint to delete any allegations regarding BellSouth's promotions. Accordingly, this proceeding is now limited in scope to whether BellSouth is improperly using carrier to carrier or wholesale information in generating customer reacquisition lists.

g. Bates Number 000475-000507: These documents are entitled [REDACTED]
[REDACTED]
[REDACTED]. There is no reference to Operation Sunrise or the use of wholesale information in these documents.

[REDACTED] Bates Number 000508-000539: These documents represent [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Bates Number 000540-000618: These documents relate to
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Bates Number 000619-000623: These documents describe [REDACTED]
[REDACTED]

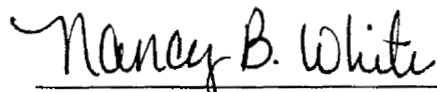
k. Bates Number 000624-000690: These documents represent a [REDACTED]
[REDACTED]
[REDACTED]

7. In light of the above, it is clear why Mr. Nilson failed to reference or even address DAN # 6 in his direct testimony -- the subject documents are entirely irrelevant to the instant proceeding. A cursory review of his exhibits would have revealed this fact to Mr. Nilson and Supra.

8. For these reasons and those set forth in BellSouth's original Motion to Strike, BellSouth respectfully requests that the Commission strike the following exhibits from Mr. Nilson's direct testimony: DAN # 1, 6, 7, 8, 19 and 20.

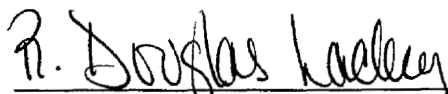
Respectfully submitted this 1st day of August 2003.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE (KA)
JAMES MEZA
co Nancy Sims
150 South Monroe Street, #400
Tallahassee, Florida 32301
(305) 347-5558

and



R. DOUGLAS LACKEY (KA)
E. EARL EDENFIELD
675 West Peachtree Street, #4300
Atlanta, Georgia 30375
(404) 335-0763