

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

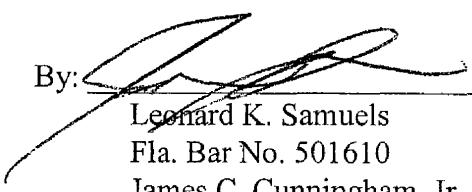
IN RE: PETITION BY BELL SOUTH TELECOMMUNICATIONS, INC. FOR ARBITRATION OF CERTAIN ISSUES IN INTERCONNECTION AGREEMENT WITH SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.

DEFENDANT BELLSOUTH'S SUPPLEMENTAL DIRECTIONS TO THE CLERK OF THE COMMISSION

Pursuant to Rule 16 of the Federal Rules of Appellate Procedure and November 10, 2003, Order of the United States District Court for the Northern District of Florida in *Supra Telecommunications & Information Systems, Inc. v. BellSouth Telecommunications, Inc., et al.*, Case No. 4:02cv272-SPM, 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.

Respectfully submitted,

BERGER SINGERMAN, 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

DOCUMENT NUMBER CASE
13541 DEC 30 8
FPSC-COMMISSION CLERK

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail
and facsimile on

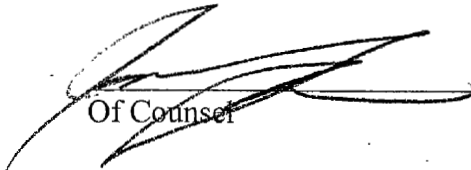
JORGE CRUZ-BUSTILLO, ESQ.,
2620 S. W. 27th Ave.
Miami, FL 33133-3005

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 30th day of December, 2003.


Of Counsel

Rule 15

RULES OF APPELLATE PROCEDURE

appeal the flexibility to describe the parties in general terms rather than naming them individually. Rule 15(a) does not allow that flexibility; each petitioner must be named. A petition for review of an agency decision is the first filing in any court and, therefore, is analogous to a complaint in which all parties must be named.

Subdivision (e). The amendment adds subdivision (e). Subdivision (e) parallels Rule 3(e) that requires the payment of fees when filing a notice of appeal. The omission of such a requirement from Rule 15 is an apparent oversight. Five circuits have local rules requiring the payment of such fees, see, e.g., Fifth Cir.Loc.R. 15.1, and Fed.Cir.Loc.R. 15(a)(2).

1998 Amendments

The language and organization of the rule are amended to make the rule more easily understood. In addition to changes made to improve the understanding, the Advisory Committee has changed language to make style and terminology consistent throughout the appellate rules. These changes are intended to be stylistic only.

Rule 15.1. Briefs and Oral Argument in a National Labor Relations Board Proceeding

In either an enforcement or a review proceeding, a party adverse to the National Labor Relations Board proceeds first on briefing and at oral argument, unless the court orders otherwise.

(Added Mar. 10, 1986, eff. July 1, 1986, and amended Apr. 24, 1998, eff. Dec. 1, 1998.)

ADVISORY COMMITTEE NOTES

1986 Addition

This rule simply confirms the existing practice in most circuits.

1998 Amendments

The language of the rule are amended to make the rule more easily understood. In addition to changes made to improve the understanding, the Advisory Committee has changed language to make style and terminology consistent throughout the appellate rules. These changes are intended to be stylistic only.

Rule 16. The Record on Review or Enforcement

(a) Composition of the Record. The record on review or enforcement of an agency order consists of:

- (1) the order involved;
- (2) any findings or report on which it is based; and
- (3) the pleadings, evidence, and other parts of the proceedings before the agency.

(b) Omissions From or Misstatements in the Record. The parties may at any time, by stipulation, supply any omission from the record or correct a misstatement, or the court may so direct. If neces-

sary, the court may direct that a supplemental record be prepared and filed.

(As amended Apr. 24, 1998, eff. Dec. 1, 1998.)

ADVISORY COMMITTEE NOTES

1967 Adoption

Subdivision (a) is based upon 28 U.S.C. § 2112(b). There is no distinction between the record compiled in the agency proceeding and the record on review; they are one and the same. The record in agency cases is thus the same as that in appeals from the district court—the original papers, transcripts and exhibits in the proceeding below. Subdivision (b) is based upon § 8 of the uniform rule (see General Note following Rule 15).

1998 Amendments

The language and organization of the rule are amended to make the rule more easily understood. In addition to changes made to improve the understanding, the Advisory Committee has changed language to make style and terminology consistent throughout the appellate rules. These changes are intended to be stylistic only.

Rule 17. Filing the Record

(a) Agency to File; Time for Filing; Notice of Filing. The agency must file the record with the circuit clerk within 40 days after being served with a petition for review, unless the statute authorizing review provides otherwise, or within 40 days after it files an application for enforcement unless the respondent fails to answer or the court orders otherwise. The court may shorten or extend the time to file the record. The clerk must notify all parties of the date when the record is filed.

(b) Filing—What Constitutes.

(1) The agency must file:

- (A) the original or a certified copy of the entire record or parts designated by the parties; or
- (B) a certified list adequately describing all documents, transcripts of testimony, exhibits, and other material constituting the record, or describing those parts designated by the parties.

(2) The parties may stipulate in writing that no record or certified list be filed. The date when the stipulation is filed with the circuit clerk is treated as the date when the record is filed.

(3) The agency must retain any portion of the record not filed with the clerk. All parts of the record retained by the agency are a part of the record on review for all purposes and, if the court or a party so requests, must be sent to the court regardless of any prior stipulation.

(As amended Apr. 24, 1998, eff. Dec. 1, 1998.)

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.

**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.

Respectfully submitted,

BERGER SINGERMAN, 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

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. 27th 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 29th day of December, 2003.


Of Counsel

Rule 15

RULES OF APPELLATE PROCEDURE

appeal the flexibility to describe the parties in general terms rather than naming them individually. Rule 15(a) does not allow that flexibility; each petitioner must be named. A petition for review of an agency decision is the first filing in any court and, therefore, is analogous to a complaint in which all parties must be named.

Subdivision (e). The amendment adds subdivision (e). Subdivision (e) parallels Rule 3(e) that requires the payment of fees when filing a notice of appeal. The omission of such a requirement from Rule 15 is an apparent oversight. Five circuits have local rules requiring the payment of such fees, see, e.g., Fifth Cir.Loc.R. 15.1, and Fed.Cir.Loc.R. 15(a)(2).

1998 Amendments

The language and organization of the rule are amended to make the rule more easily understood. In addition to changes made to improve the understanding, the Advisory Committee has changed language to make style and terminology consistent throughout the appellate rules. These changes are intended to be stylistic only.

Rule 15.1. Briefs and Oral Argument in a National Labor Relations Board Proceeding

In either an enforcement or a review proceeding, a party adverse to the National Labor Relations Board proceeds first on briefing and at oral argument, unless the court orders otherwise.

(Added Mar. 10, 1986, eff. July 1, 1986, and amended Apr. 24, 1998, eff. Dec. 1, 1998.)

ADVISORY COMMITTEE NOTES

1986 Addition

This rule simply confirms the existing practice in most circuits.

1998 Amendments

The language of the rule are amended to make the rule more easily understood. In addition to changes made to improve the understanding, the Advisory Committee has changed language to make style and terminology consistent throughout the appellate rules. These changes are intended to be stylistic only.

Rule 16. The Record on Review or Enforcement

(a) **Composition of the Record.** The record on review or enforcement of an agency order consists of:

- (1) the order involved;
- (2) any findings or report on which it is based; and
- (3) the pleadings, evidence, and other parts of the proceedings before the agency.

(b) **Omissions From or Misstatements in the Record.** The parties may at any time, by stipulation, supply any omission from the record or correct a misstatement, or the court may so direct. If neces-

sary, the court may direct that a supplemental record be prepared and filed.

(As amended Apr. 24, 1998, eff. Dec. 1, 1998.)

ADVISORY COMMITTEE NOTES

1967 Adoption

Subdivision (a) is based upon 28 U.S.C § 2112(b). There is no distinction between the record compiled in the agency proceeding and the record on review; they are one and the same. The record in agency cases is thus the same as that in appeals from the district court—the original papers, transcripts and exhibits in the proceeding below. Subdivision (b) is based upon § 8 of the uniform rule (see General Note following Rule 15).

1998 Amendments

The language and organization of the rule are amended to make the rule more easily understood. In addition to changes made to improve the understanding, the Advisory Committee has changed language to make style and terminology consistent throughout the appellate rules. These changes are intended to be stylistic only.

Rule 17. Filing the Record

(a) **Agency to File; Time for Filing; Notice of Filing.** The agency must file the record with the circuit clerk within 40 days after being served with a petition for review, unless the statute authorizing review provides otherwise, or within 40 days after it files an application for enforcement unless the respondent fails to answer or the court orders otherwise. The court may shorten or extend the time to file the record. The clerk must notify all parties of the date when the record is filed.

(b) **Filing—What Constitutes.**

(1) The agency must file:

(A) the original or a certified copy of the entire record or parts designated by the parties; or

(B) a certified list adequately describing all documents, transcripts of testimony, exhibits, and other material constituting the record, or describing those parts designated by the parties.

(2) The parties may stipulate in writing that no record or certified list be filed. The date when the stipulation is filed with the circuit clerk is treated as the date when the record is filed.

(3) The agency must retain any portion of the record not filed with the clerk. All parts of the record retained by the agency are a part of the record on review for all purposes and, if the court or a party so requests, must be sent to the court regardless of any prior stipulation.

(As amended Apr. 24, 1998, eff. Dec. 1, 1998.)