



Telephone: (850) 402-0510  
Fax: (850) 402-0522  
www.supratelecom.com

1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301-5027

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June 18, 2004

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

**RE: Docket No. 040301-TP -  
SUPRA'S MOTION FOR PARTIAL SUMMARY FINAL ORDER ON  
ISSUE OF CONNECT AND TEST RELATED CHARGES**

Dear Mrs. Bayo:

Enclosed are the originals and fifteen (15) copies of Supra Telecommunications and Information Systems, Inc.'s (Supra) Motion For Partial Summary Final Order On Issue Of Connect And Test Related Charges to be filed in the above captioned docket

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return it to me.

Sincerely,

Brian Chaiken  
Executive Vice President

DOCUMENT NUMBER-DATE  
06779 JUN 18 3  
FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**

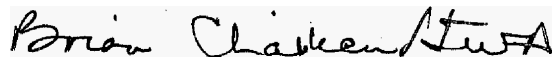
**Docket No. 040301-TP**

**I HEREBY CERTIFY** that a true and correct copy of the following was served via Facsimile, E-Mail, Hand Delivery, and/or U.S. Mail this 18<sup>th</sup> day of June 2004 to the following:

***Jason Rojas/Jeremy Susac***  
*Office of the General Counsel*  
*Florida Public Service Commission*  
*2540 Shumard Oak Boulevard*  
*Tallahassee, FL 32399-0850*

***Nancy White***  
*c/o Ms. Nancy H. Sims*  
*BellSouth Telecommunications, Inc.*  
*150 South Monroe Street, Suite 400*  
*Tallahassee, FL 32301-1556*

SUPRA TELECOMMUNICATIONS  
AND INFORMATION SYSTEMS, INC.  
2620 S. W. 27<sup>th</sup> Avenue  
Miami, FL 33133  
Telephone: 305/ 476-4248  
Facsimile: 305/ 443-1078



By: Brian Chaiken

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition of Supra )  
Telecommunications and Information ) Docket No. 040301-TP  
Systems, Inc.'s for arbitration )  
with BellSouth Telecommunications, Inc. ) Filed: June 18, 2004

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**SUPRA'S MOTION FOR PARTIAL SUMMARY FINAL ORDER  
ON ISSUE OF CONNECT AND TEST RELATED CHARGES**

Supra Telecommunications and Information Systems, Inc. ("Supra") pursuant to Rule 28-106.204(4), Florida Administrative Code, moves for partial summary final order on the exclusion of certain costs from inclusion and/or consideration in this proceeding. Specifically, Supra requests that the Florida Public Service Commission ("Commission") find that, pursuant to admissions made by BellSouth Telecommunications, Inc. ("BellSouth") in this proceeding, connect and test related charges are not applicable as a cost associated with the performance of the conversion of a Supra, Florida access line, from UNE-P to UNE-L. As established below, there is no genuine issue of material fact as to this issue and Supra is entitled to a partial summary final order on this issue as a matter of law.

**BACKGROUND**

On April 5, 2004 Supra filed a petition against BellSouth, seeking that this Commission establish a rate, if any were applicable under the parties' Florida interconnection agreement, for performing conversions of Supra's working, in-service UNE-P lines to UNE-L loops.

On May 24, 2004, Supra propounded its First Request for Admissions (Nos. 1 – 20) on BellSouth (“Supra’s Requests”).<sup>1</sup>

On June 8, 2004, BellSouth served its Responses to Supra’s First Request for Admissions (“BellSouth’s Admissions”).<sup>2</sup>

### **STATEMENT OF UNDISPUTED FACTS**

The following facts are either admitted or undisputed by BellSouth:

1. Connect and test charges do not exist for UNE-P to UNE-L conversions. (See BellSouth’s Admissions, Nos. 14, 16, 17 and 18)
2. BellSouth has not claimed that it did not understand the phrase, “connect and test” or that Supra’s Requests were unclear.

### **LAW AND ANALYSIS**

Rule 28-106.204(4), Florida Administrative Code, “[a]ny party may move for summary final order whenever there is no genuine issue of material fact.” The purpose of summary judgment or of a summary final order is to avoid the expense and delay of trial when no dispute exists as to the material facts. See Order No. PSC-01-1427-FOF-TP at 13. When a party establishes that there is no material fact on any issue that is disputed, then the burden shifts to the opponent to demonstrate the falsity of the showing. Id. “If the opponent does not do so, summary judgment is proper and should be affirmed.” Id. There are two requirements for a summary final order: (1) there is no genuine issue of material fact; and (2) a party is entitled to judgment as a matter of law. Id. at 14-15. Regarding the inapplicability of connect and test related charges, Supra satisfies both requirements.

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<sup>1</sup> A copy of Supra’s First Request for Admissions is attached hereto as **Exhibit A.**

<sup>2</sup> A copy of BellSouth’s Admissions is attached hereto as **Exhibit B.**

There is no dispute as to any fact, let alone a material fact, regarding the inapplicability of connect and test related charges. BellSouth unequivocally and repeatedly admitted that such charges do not exist for a conversion of a Supra, Florida access line, from UNE-P to UNE-L. (Exhibit B at 14, 16, 17 and 18)

BellSouth's admissions regarding the inapplicability of connect and test charges are consistent with Supra's position that it is inappropriate to re-bill the loop non-recurring cost to Supra<sup>3</sup> when all that is required is the moving of a crossconnect from BellSouth's switch to Supra's switch.

### **CONCLUSION**

For all of these reasons, there is no genuine issue of material fact and Supra is entitled to judgment as a matter of law on the issue of the inapplicability of connect and test related charges as a cost associated with the performance of the conversion of a Supra, Florida access line, from UNE-P to UNE-L. Therefore, Supra requests that the Commission grant its Motion for Partial Summary Final Order and find that, pursuant to BellSouth's Admissions, connect and test related charges are inapplicable as a cost associated with the performance of the conversion of a Supra, Florida access line, from UNE-P to UNE-L.

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<sup>3</sup> Supra already paid the appropriate non-recurring cost for the loop element when the customer was converted from BellSouth retail to UNE-P. In a conversion of UNE-P service to a UNE-L loop, nothing is being done to the loop element, Unbundled switching is disconnected and a new crossconnect is placed, but it is patently inappropriate to re-bill loop NRC again in such a conversion.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of June 2003.

SUPRA TELECOMMUNICATIONS  
AND INFORMATION SYSTEMS, INC.  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, Florida 33133  
Telephone: (305) 476-4248  
Facsimile: 305/ 443-1078

By: Brian Chaiken Esq  
BRIAN CHAIKEN, ESQ.  
FBN: 0118060



EXHIBIT - A

Telephone: (850) 402-0510

Fax: (850) 402-0522

www.supratelecom.com

1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301-5027

RECEIVED - FPSC  
MAY 24 PM 4:26  
COMMISSION  
CLERK

May 24, 2004

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

**RE: Docket 040301 -TP  
SUPRA'S NOTICE OF SERVICE OF FIRST SET OF REQUEST  
FOR ADMISSIONS (NOS. 1 - 20) TO BELL SOUTH**

Dear Mrs. Bayo:

Supra Telecommunications and Information Systems, Inc.'s (Supra) Notice of Service of its First Set of Request For Admissions (Nos. 1 - 20) to BellSouth Telecommunications, Inc. to be filed 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.

Sincerely,

Brian Chaiken  
Executive Vice-President

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

**CERTIFICATE OF SERVICE**

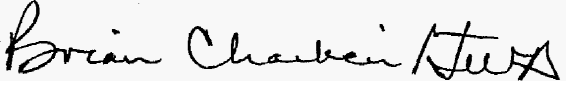
**Docket No. 040301-TP**

**I HEREBY CERTIFY** that a true and correct copy of the following was served via Facsimile, E-Mail, Hand Delivery, and/or U.S. Mail this 24<sup>th</sup> day of May 2004 to the following:

***Jeremy Susac***  
*Office of the General Counsel*  
*Florida Public Service Commission*  
*2540 Shumard Oak Boulevard*  
*Tallahassee, FL 32399-0850*

***Nancy White***  
*c/o Ms. Nancy H. Sims*  
*BellSouth Telecommunications, Inc.*  
*150 South Monroe Street, Suite 400*  
*Tallahassee, FL 32301-1556*

SUPRA TELECOMMUNICATIONS  
& INFORMATION SYSTEMS, INC.  
2620 S. W. 27<sup>th</sup> Avenue  
Miami, FL 33133  
Telephone: 305/ 476-4248  
Facsimile: 305/ 443-1078



By: Brian Chaiken



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition of Supra )  
Telecommunications and Information ) Docket No. 040301-TP  
Systems, Inc.'s for arbitration )  
with BellSouth Telecommunications, Inc. ) Filed: May 24, 2004  
\_\_\_\_\_ )

**SUPRA TELECOMMUNICATIONS AND  
INFORMATION SYSTEMS, INC.'S FIRST REQUEST FOR  
ADMISSIONS TO BELLSOUTH TELECOMMUNICATIONS, INC.**

SUPRA TELECOMMUNICATIONS and INFORMATION SYSTEMS, INC. ("Supra"), through its undersigned counsel, hereby serves its First Set of Admissions upon BELLSOUTH TELECOMMUNICATIONS, INC. ("BellSouth"), to be answered within 15 days from the date set forth herein.

**ADMISSIONS**

1. Please admit that the cost study ("2000 Cost Study") provided to Supra by BellSouth in 2003 in support of its \$59.31 charge for the cost of converting a UNE-P line to a UNE-L line did not reflect the various adjustments ordered by the FPSC in Docket 99-6049-TP.
2. Please admit that the 2000 Cost Study referred reflected a much higher value than the \$49.57 rate ultimately ordered in Docket 990649A-TP.
3. Please admit that as of at least March 3, 2004, BellSouth has refused to have any negotiations or discussions with Supra regarding the charge for the cost of converting a Supra UNE-P line to a Supra UNE-L line.

**Connect and Test Charges.**

4. In a situation where there is nothing other than a transfer of a functioning loop from BellSouth's switch to Supra's switch (i.e. the end-user is not without service and there is no IDLC loop involved), please admit the following based on the BellSouth's October 8, 2001 Cost Study Compliance filing Revision 1, spreadsheet FL-2W.xls ("October 8 Study") to the FPSC in Docket 990649A-TP attached hereto as **Exhibit A**:
  - a) BellSouth testified before the FPSC that the process of migrating a functioning copper loop from BellSouth to a collocated carrier takes 2.65 minutes.

**General**

14. Admit that for rates based upon the October 8 Study, BellSouth seeks to bill CLECs for the following work time minutes<sup>2</sup>:

Description	First Install	First Disconnect	Addtl Install	Addtl Disconnect
Engineering	4.36	0.18	4.36	0.18
Connect & Test	53.38	31.47	27.60	8.77
Travel	7.60	0.00	0.00	0.00

SL2 loops	Mins	Mins	Mins	Mins
Description	First Install	First Disconnect	Addtl Install	Addtl Disconnect
Engineering	6.84	1.50	5.71	0.38
Connect & Test	153.02	58.87	104.08	16.38
Travel	20.00	20.00	0.00	0.00

15. Admit that BellSouth is still seeking compensation for the times listed in 27 above for a) Engineering, b) Connect and Test and c) Travel for each of SL1 and SL2 loops.
16. Admit that in addition to the CO Connect and test charges, and addition to the outside plant Connect and Test charges, at least in Supra's case, BellSouth seeks to charge \$8.22 for USOC PE1P2, 2 wire cross connect.
17. Admit that this 2 wire cross connect charge is partially duplicative of the Connect and Test charges as defined by the October 8 Study.
18. Admit that this 2 wire cross connect charge is wholly duplicative of the Connect and Test charges as defined by the October 8 Study.

<sup>2</sup> All times are the summary, by Overall Department, of the individual work times as recorded on the WP100 worksheet of workbook FL-2W.xls from the October 8 Cost Study, Exhibit A.

19. Admit that by BellSouth processes and procedures related to hot cuts, even in a bulk conversion of 99 lines, BellSouth forces Supra to write an individual LSR for each line even when served to the same customer at the same address.
20. Admit that due to 19) above, there is no way that Supra can enjoy the lower Additional Install, or Disconnect rates ordered into effect by the FPSC.

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SUPRA TELECOMMUNICATIONS  
AND INFORMATION SYSTEMS, INC.  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, Florida 33133  
Telephone: 305.476.4248  
Facsimile: 305.443.1078

By: Brian Chaiken WJA  
Brian Chaiken

Legal Department

LISA S. FOSHEE  
Senior Attorney  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0754

June 8, 2004

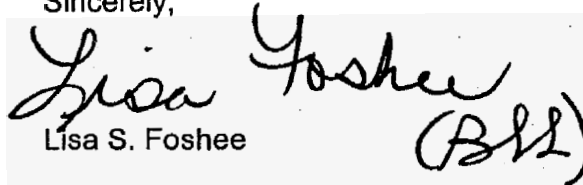
Brian Chaiken  
Executive Vice-President  
Supra Telecommunications &  
Information Systems, Inc.  
2620 S.W. 27th Avenue  
Miami, FL 33133

Dear Mr. Chaiken:

Enclosed are BellSouth Telecommunications, Inc.'s Responses to Supra's First Request for Admissions (Nos. 1-20) in the referenced docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

  
Lisa S. Foshee (BLL)

Enclosure

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

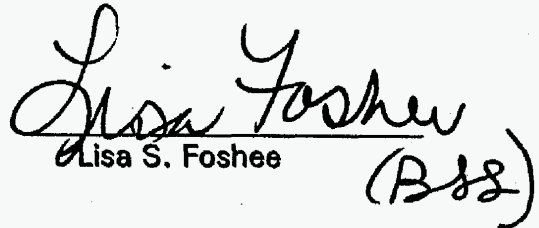
**CERTIFICATE OF SERVICE**  
**Docket No. 040301-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served  
via Electronic Mail and Facsimile this 8th day of June, 2004 to the following:

Jason Rojas  
Jeremy Susac  
Staff Counsels  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Tel No. (850) 413-6179 or 6236  
Fax No. (850) 413-6250  
[jrojas@psc.state.fl.us](mailto:jrojas@psc.state.fl.us)  
[Jsusac@psc.state.fl.us](mailto:Jsusac@psc.state.fl.us)

Brian Chaiken  
Supra Telecommunications &  
Information Systems, Inc.  
2620 S. W. 27<sup>th</sup> Avenue  
Miami, FL 33133  
Tel. No. (305) 476-4248  
Fax. No. (305) 476-1078  
[bchaiken@stis.com](mailto:bchaiken@stis.com)

Jorge Cruz-Bustillo  
Supra Telecommunications &  
Information Systems, Inc.  
2620 S. W. 27<sup>th</sup> Avenue  
Miami, FL 33133  
Tel. No. (305) 476-4252  
Fax No. (305) 443-1078  
[jorge.cruz-bustillo@stis.com](mailto:jorge.cruz-bustillo@stis.com)

  
Lisa S. Foshee  
(Bss)

Ann H. Shelfer  
Supra Telecommunications &  
Information Systems, Inc.  
Koger Center – Ellis Building  
1311 Executive Center Drive  
Suite 220  
Tallahassee, FL 32301-5067  
Tel. No. (850) 402-0510  
Fax. No. (850) 402-0522  
[ashelfer@stis.com](mailto:ashelfer@stis.com)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Petition of Supra Telecommunications )  
and Information Systems, Inc.'s for )  
arbitration with BellSouth )  
BellSouth Telecommunications, Inc. )  
\_\_\_\_\_ )

Docket No.: 040301-TP

Filed: June 8, 2004

**BELLSOUTH TELECOMMUNICATIONS, INC.'S RESPONSES TO SUPRA  
TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.'S FIRST  
REQUEST FOR ADMISSIONS (NOS. 1-20)**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 28-106.206, Florida Administrative Code, and Rules 1.340 and 1.280, Florida Rules of Civil Procedure, hereby files the following Responses to Supra's First Request for Admissions (Nos. 1-20), dated May 24, 2004.<sup>1</sup>

**SPECIFIC RESPONSES**

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<sup>1</sup> BellSouth disputes that this proceeding is an expedited proceeding or that it should be treated as an expedited proceeding. Out of an abundance of caution, however, BellSouth has voluntarily responded to these Requests for Admission in fifteen days.

REQUEST: Admit that for rates based upon the October 8 Study, BellSouth seeks to bill CLECs for the following work time minutes:

Description	First Install	First Disconnect	Additional Install	Additional Disconnect
Engineering	4.36	0.18	4.36	0.18
Connect & Test	53.38	31.47	27.60	8.77
Travel	7.60	0.00	0.00	0.00

Description	Mins	Mins	Mins	Mins
	First Install	First Disconnect	Additional Install	Additional Disconnect
Engineering	6.84	1.50	5.71	0.38
Connect & Test	153.02	58.87	104.08	16.38
Travel	20.00	20.00	0.00	0.00

RESPONSE: Denied.  
 The 1.50 value is incorrect. The correct value is 1.51.

RESPONSE BY: Robert McKnight

BellSouth Telecommunications, Inc.  
Florida Public Service Commission  
Docket No. 040301-TP  
Supra's 1<sup>st</sup> Request for Admissions  
May 24, 2004  
Item No. 16  
Page 1 of 1

REQUEST: Admit that in addition to the CO Connect and test charges and addition to the outside plant Connect and Test charges, at least in Supra's case, Bellsouth seeks to charge \$8.22 for USOC PE1P2, 2 wire cross connect.

RESPONSE: Denied.  
"Connect and test charges" do not exist.

RESPONSE BY: Kathy Blake



BellSouth Telecommunications, Inc.  
Florida Public Service Commission  
Docket No. 040301-TP  
Supra's 1<sup>st</sup> Request for Admissions  
May 24, 2004  
Item No. 17  
Page 1 of 1

REQUEST: Admit that this 2 wire cross connect charge is partially duplicative of the Connect and Test charges as defined by the October 8 Study.

RESPONSE: Denied.  
See response to 16 above. Moreover, no duplicative charges/activities are included.

RESPONSE BY: Daonne Caldwell

BellSouth Telecommunications, Inc.  
Florida Public Service Commission  
Docket No. 040301-TP  
Supra's 1<sup>st</sup> Request for Admissions  
May 24, 2004  
Item No. 18  
Page 1 of 1

REQUEST: Admit that this 2 wire cross connect charge is wholly duplicative of the Connect and Test charges as defined by the October 8 Study.

RESPONSE: Denied.  
See response to 16 above. Moreover, no duplicative charges/activities are included.

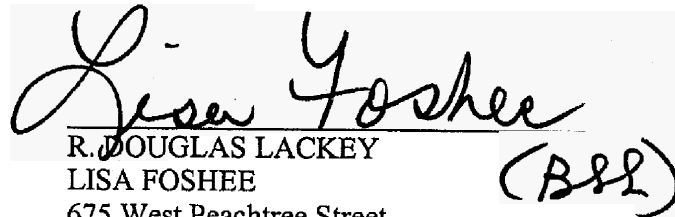
RESPONSE BY: Daonne Caldwell

Respectfully submitted this 8<sup>th</sup> day of June, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

  
NANCY B. WHITE (BSS)

c/o Nancy Sims  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301  
(305) 347-5558

  
R. DOUGLAS LACKEY (BSS)

LISA FOSHEE  
675 West Peachtree Street  
Suite 4300  
Atlanta, Georgia 30375  
(404) 335-0754

539383