



ORIGINAL

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

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

November 23, 2004

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

RECEIVED-FPSC
04 NOV 23 PM 4:45
COMMISSION
CLERK

RE: DOCKET NO. 040353-TP - SUPRA'S JOINT MOTION FOR ABEYANCE

Dear Mrs. Bayo:

Enclosed are the original and fifteen (15) copies of Supra Telecommunications and Information Systems, Inc.'s (Supra) Joint Motion For Abeyance 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,

Steven Chaiken
Assistant General Counsel

CMP _____
COM 3
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
RCA _____
SCR _____
SEC 1
OTH Kim P.

*ok
12/10/04
MWP*

RECEIVED & FILED
in
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
12560 NOV 23 04
FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

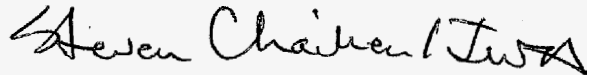
Docket No. 040353-TP

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 23rd day of November 2004 to the following:

*Dovie Rockette-Gray/Adam Teitzman
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850*

*White/Lackey/Culpepper/Shore/Meza/Mays/Foshee
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. 27th Avenue
Miami, FL 33133
Telephone: 305/ 476-4239
Facsimile: 305/ 443-1078



By: STEVEN CHAIKEN, ESQ.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to review and)
cancel, or in the alternative)
immediately suspend or postpone,)
BellSouth Telecommunications, Inc.'s)
Preferred Pack Plan tariffs, by Supra)
Telecommunications and Information)
Systems, Inc.)
_____)

Docket No.: 040353-TP
Filed: November 23, 2004

SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.'S AND
BELLSOUTH TELECOMMUNICATIONS, INC.'S
JOINT MOTION FOR ABEYANCE

Supra Telecommunications and Information Systems, Inc. (“Supra”) and BellSouth Telecommunications, Inc. (“BellSouth”), pursuant to Rule 28-106.204, Florida Administrative Code, request that the Florida Public Service Commission (“Commission”) hold this docket in abeyance. In support, Supra states the following:

1. On or about October 26, 2004, Supra entered into a Purchase Agreement with Endeavor Capital Management LLC, David L. Struwas, and HIG Supra, Inc. (the “**Final Purchase Agreement**”).
2. Pursuant to Section 4.2(d) of the Final Purchase Agreement,¹ the parties are requesting that the Commission hold this docket in abeyance until five (5) days after the Closing

¹ Section 4.2(d) of the Final Purchase Agreement states, in pertinent part:

(a) In connection with the FPSC hearing known as *In re: Petition of Supra Telecommunications and Information Systems, Inc. to Review and Cancel BellSouth's Promotional Offering Tariffs Offered in Conjunction with its New Flat Rate Service known as the Preferred Pack Plan*; FPSC; Docket No. 040353-TP (the "Preferred Pack Claim"), BellSouth may, by written notice to Purchaser on or before 5:00 p.m. on Monday, November 16, 2005, elect, in its sole discretion, to keep the Preferred Pack Claim on the docket, or if BellSouth does not so elect, the Preferred Pack Claim will be assigned to the Company at the Effective Date and will be dismissed without prejudice immediately thereafter. If the Closing is extended past December 30, 2004, unless BellSouth has elected to keep the Preferred Pack Claim on the docket for trial on January 5, 2005, then the Company will take whatever action is appropriate to cause any proceedings in this litigation to be deferred until after the Effective Date (at which time it will be dismissed without prejudice for not less than 180 days). BellSouth will not assert or interpose a defense in any subsequent action alleging that it has been negatively impacted by the dismissal and refile of the

Date (as that term is defined in the Final Purchase Agreement) of the transaction contemplated by the Final Purchase Agreement at the Effective Date. The Closing Date is anticipated to occur sometime in January, 2005.

3. In the event the transaction contemplated by the Final Purchase Agreement does not close, the parties reserve their full rights to proceed with this docket and will advise the Commission of such.

4. As a result of this Motion, the Parties jointly request that the Commission suspend and/or cancel the parties' obligation to file rebuttal testimony on November 24, 2004 and all other obligations, deadlines, and scheduled events in this proceeding during the abeyance period, including but not limited to the hearing scheduled for January 6, 2005.

WHEREFORE, for the foregoing reasons, Supra and BellSouth respectfully request that the Commission hear and consider this Motion, and thereupon enter an Order holding this docket in abeyance.

Preferred Pack Claim. The parties agree that (i) they will execute any tolling agreement if necessary in connection with any statute of limitations, and (ii) all work product and other materials (such as deposition transcripts or discovery) will be available for use in any subsequent proceedings.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true and correct copy of the foregoing was mailed to Nancy White, 150 West Flagler Street, Suite 2200, Museum Tower, Miami Florida 33130, James Meza III, Suite 4300, 675 W. Peachtree St., Atlanta, Georgia 30375 and Adam Teitzman, Staff Counsel, FPSC, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850 this 23rd day of November, 2004.

By: Steven B. Chaiken / JWA
STEVEN B. CHAIKEN
FBN: 0626791

**SUPRA TELECOMMUNICATIONS AND
INFORMATION SYSTEMS, INC.**
2620 S.W. 27th Avenue
Miami, Florida 33133
Telephone: (305) 476-4239

By: Steven B. Chaiken / JWA
JAMES MEZA III, ESQ.
BY PERMISSION OF BELLSOUTH.

**BELLSOUTH TELECOMMUNICATIONS,
INC.**
Suite 4300
675 W. Peachtree St.
Atlanta, Georgia 30375
Telephone: (404) 335-0769