

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BellSouth
Telecommunications, Inc. for
arbitration of certain issues in
interconnection agreement with
Supra Telecommunications and
Information Systems, Inc.

DOCKET NO. 001305-TP
ORDER NO. PSC-02-0807-PCO-TP
ISSUED: June 14, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER DENYING SUPRA'S VERIFIED SECOND SUPPLEMENTAL MOTION TO
DISQUALIFY AND RECUSE FPSC FROM ALL FURTHER CONSIDERATION OF THIS
DOCKET AND TO REFER THIS DOCKET TO THE DIVISION OF ADMINISTRATIVE
HEARINGS FOR ALL FURTHER PROCEEDINGS

BY THE COMMISSION:

BACKGROUND

On June 5, 2002, Supra Telecommunications & Information
Services, Inc. (Supra) filed a Verified Second Supplemental Motion
To Disqualify And Recuse FPSC From All Further Consideration Of
This Docket And To Refer This Docket To The Division Of
Administrative Hearings For All Further Proceedings (Second
Supplemental Motion).

On June 7, 2002, BellSouth Telecommunications, Inc.
(BellSouth) filed its Opposition to Supra's Second Supplemental
Motion.

DISCUSSION

Prior to the instant Second Supplemental Motion, Supra filed
a Motion to Disqualify and Recuse (Initial Motion) on April 17,
2002 and a Verified Supplemental Motion to Disqualify and Recuse

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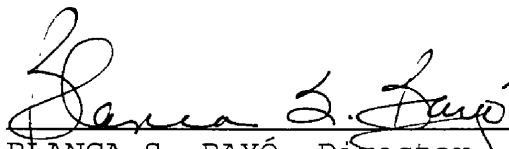
(Supplemental Motion) on April 26, 2002. The Commission extensively analyzed the Initial and Supplemental Motions in Order No. PSC-02-0797-PCO-TO, Order No. PSC-02-0798-PCO-TP, Order No. PSC-02-0772-PCO-TP and Order No. PSC-02-0773-PCO-TP, which are incorporated herein by reference. Like the Initial and Supplemental Motions, the Second Supplemental Motion is untimely for the reasons stated in the four orders cited above. Again, as in the Initial and Supplemental Motions, the facts alleged in the Second Supplemental Motion, as opposed to Supra's fanciful, tenuous and wholly conclusory conjecture about them, are legally insufficient to support recusal. Bay Bank & Trust Company v. Lewis, 634 So. 2d 672 (1st DCA 1994). Therefore, further extended analysis is not required as to this filing in order to conclude that it should be denied.

In view of the above, it is

ORDERED by the Florida Public Service Commission that Supra Telecommunications & Information Services, Inc.'s Second Verified Supplemental Motion To Disqualify And Recuse FPSC From All Further Consideration Of This Docket And To Refer This Docket To The Division Of Administrative Hearings For All Further Proceedings is denied. It is further

ORDERED that this docket remain open.

By ORDER of the Florida Public Service Commission this 14th day of June, 2002.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

RCB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.