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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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RE: Petition for Emergency Relief of Supra Telecommunications and Information Systems, Inc., Against BellSouth Telecommunications, Inc.

Docket No. 980800-TP
Filed: September 17, 1998

RECORDS AND REPORTING

PREHEARING STATEMENT OF SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS, INC.

Supra Telecommunications & Information Systems, Inc. ("Supra"), hereby files its prehearing statement pursuant to Rule 25-22.038(3), Florida Administrative Code, and Order No. PSC-98-1219-PCO-TP:

A. Witnesses.

Supra will offer the following witnesses in this proceeding:

- A. Olukayode A. Ramos, addressing issues 1 - 5
- B. David A. Nilson, addressing issues 1 - 5
- C. Steve Dillon, addressing issues 1 - 5

Supra reserves the right to call additional witnesses, witnesses to respond to Commission inquiries not addressed in direct or rebuttal testimony and witnesses to address issues not presently designated that may be designated by the Prehearing Officer at the prehearing conference to be held on September 21, 1998.

ACK _____
 AFA _____
 APP _____
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 CMU Jawaya
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 LEG 1
 LIN 3
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B. Exhibits.

Supra's witnesses will sponsor the following exhibits in this proceeding:

Olukayode A. Ramos

The exhibits attached to Mr. Ramos' Prefiled Direct Testimony:

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[Signature]
FLORIDA PUBLIC SERVICE COMMISSION

DOCUMENT NUMBER-DATE

10247 SEP 17 98

FPSC-RECORDS/REPORTING

<u>Exhibit:</u>	<u>Title:</u>
OAR-1	May 6, 1998 email correspondence from Nancy Nelson of BellSouth to Dave A. Nilson of Supra
OAR-2	May 18, 1998 letter to Maryrose Sirianni
OAR-3	June 18, 1998 letter to David Nilson
OAR-4	BellSouth's response to Supra's 1 st Set of Interrogs, No. 2
OAR-5	BellSouth's response to Supra's 1 st Set of Interrogs, No. 3
OAR-6	BellSouth's response to Supra's 1 st Set of Interrogs, No. 4
OAR-7	BellSouth's response to Supra's 1 st Set of Interrogs, No. 5
OAR-8	Space availability in square footage of West Palm Beach Gardens and North Dade Golden Glades Central Offices
OAR-9	Floor Plans of North Dade Golden Glades Central Offices
OAR-10	Floor Plans of West Palm Beach Gardens Central Offices
OAR-11	BellSouth's response to Supra's 1 st Set of Interrogs, No. 13
OAR-12	June 19, 1998 letter from Marcus Cathey
OAR-13	BellSouth Application Response for Physical Collocation
OAR-14	July 1, 1998 letter to Marcus Cathey
OAR-15	July 14, 1998 letter from Marcus Cathey

<u>Exhibit:</u>	<u>Title:</u>
OAR-16	BellSouth's July 14, 1998 Customer Letter/Announcement to all interconnection services customers
OAR-17	August 17, 1998 letter to Nancy B. White, Esq. And Mary Jo Peed, Esq.
OAR-18	August 21, 1998 letter from Nancy B. White, Esq.
OAR-19	August 21, 1998 letter from Mary Jo Peed, Esq.

Supra reserves the right to file exhibits to any additional testimony that may be filed under the circumstances identified in Section "A" above. Supra also reserves the right to introduce exhibits for cross-examination, impeachment, or any other purpose authorized by the applicable Florida Rules of Evidence and Rules of this Commission.

C. Statement of Basic Position

BellSouth's denial of Supra's applications for physical collocation in the North Dade Golden Glades and the West Palm Beach Gardens central offices violates the Collocation Agreement between the parties and the pertinent law. Supra believes there is space available for BellSouth to grant Supra's requests for these two central offices. Supra believes BellSouth has reserved an excessive amount of space for its own future use and for administrative purposes and that BellSouth has failed to design the use of these central offices to maximize the space available for physical collocation. Supra should be the first physical collocater to be permitted in these two central offices as Supra filed the first complaint with the Florida PSC. BellSouth must be required to comply with the three-month time frame previously established by the Commission as a reasonable time frame for the completion of physical collocation. BellSouth must be

required to permit Supra to physically collocate the equipment Supra desires to provide local exchange telecommunications services, including remote access concentrators.

D. Supra Telecommunications & Information Systems, Inc.'s Position on the Issues

Issue 1: Is BellSouth required to provide physical collocation in the North Dade Golden Glades and West Palm Beach Gardens Central Offices pursuant to the Collocation Agreement between BellSouth and Supra?

Position: Yes. BellSouth is required to provide physical collocation space to Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices because of the Collocation Agreement between BellSouth and Supra and requirements of law as stated in the Telecommunications Act of 1996 and the Code of Federal Regulations.

Issue 2: What factors should be considered in determining if there is adequate space for Supra in the North Dade Golden Glades and West Palm Beach Central Offices?

Position: The Commission should consider the following factors in determining if there is adequate space for Supra in BellSouth's central offices:

- a) The proper amount of administrative space to be utilized by BellSouth for its own purposes;
- b) The appropriate amount of space for BellSouth to reserve for its own future use; and
- c) Whether BellSouth has utilized a design for the central offices that maximizes the opportunity for physical collocation by other telecommunications service providers such as Supra.

Issue 3: Is there sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens Central Offices?

Position: Yes. There is sufficient space to permit physical collocation for Supra in the North Dade Golden Glades and West Palm Beach Gardens central offices.

A. If so, should Supra's request for physical collocation in the North Dade Golden Glades and West Palm Beach Gardens Central Offices be granted?

Position: Yes. Supra filed its Complaint when its requests for physical collocation were denied. Any other telecommunications carrier that was rejected physical collocation had the same opportunity to file a complaint.

B. If not, what obligation, if any, does BellSouth have under the Collocation Agreement to make space available at these two central offices to permit physical collocation by Supra?

Position: BellSouth has the obligation to consider request for physical and virtual collocation in making its decisions regarding whether to expand its central office facilities. If the Commission determines there is insufficient space to permit Supra to have 200 square feet in these central offices, it is apparent that BellSouth has dangerously limited its own space reserve to serve its own customers as well and the Commission should order BellSouth to process an immediate proposal for expansion.

C. If there is an obligation to make space available to Supra, how should the costs be allocated?

Position: Any costs associated with BellSouth's efforts to make space available should be allocated as is already provided for pursuant to Supra's Collocation Agreement with BellSouth.

Issue 4: In what time frame is BellSouth required to provide physical collocation to Supra pursuant to the Collocation Agreement?

Position: Pursuant to the Collocation Agreement and Order No. PSC-98-0595-PCO-TP, issued April 27, 1998, the maximum time period in which BellSouth is required to provide Supra physical collocation is three months.

Issue 5: Pursuant to the Collocation Agreement, what telecommunications equipment can and what telecommunications equipment cannot be physically collocated by Supra in BellSouth's central offices?

Position: BellSouth has no legal right to limit the types of equipment that Supra can collocate in BellSouth's central offices in any physical collocation arrangement as Supra is an ALEC providing local exchange telecommunications services.

E. Stipulations

Supra and BellSouth have stipulated that the videotape produced by each party at the September 16, 1998, walk-through of the North Dade Golden Glades and the West Palm Beach Gardens central offices will be submitted into the evidence of this proceeding without objection.

The parties have discussed possible methods for presenting these videotapes, which BellSouth views as proprietary, confidential information, to the Commission panel. Supra would ask that each party be permitted to utilize a witness of its choice to present the videotape for that party in conjunction with the witness' testimony.

F. Pending Motions

- a. Supra Telecommunications & Information Systems, Inc.'s Motion for Oral Argument, filed September 2, 1998.
- b. Supra Telecommunications & Information Systems, Inc.'s Motion to Dismiss BellSouth's Motion for Reconsideration and Clarification of Order No. PSC-98-1001-FOF-TP and Motion to Strike BellSouth's Answer in Docket No. 980800-TP for Misconduct, filed September 2, 1998.
- c. BellSouth's Opposition to Supra's Motion to Dismiss and Motion to Strike for Misconduct and BellSouth's Motion Motion to Strike Supra's Motions and for Sanctions, filed September 9, 1998.
- d. BellSouth' Motion for Oral Argument, filed September 2, 1998.

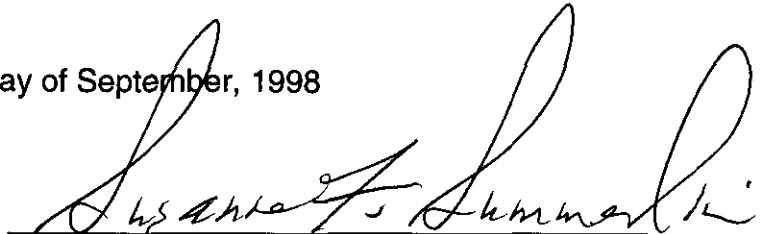
G. Other Requirements

Supra knows of no requirement set forth in any prehearing order with which it cannot comply.

H. Request for Opening Statement

Supra requests the opportunity to make an opening statement at the Hearing scheduled for October 21, 1998.

Respectfully submitted this 17th day of September, 1998

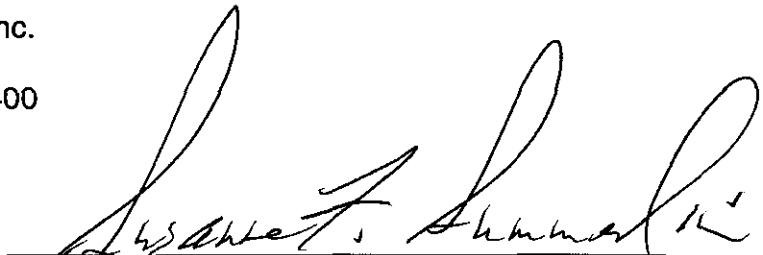


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INFORMATION SYSTEMS, INC.
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(850) 656-2288
Florida Bar No. 398586

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by hand delivery to the following individual this 17th day of September, 1998.

BellSouth Telecommunications, Inc.
c/o Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301



Suzanne Fannon Summerlin