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FEB -1 PM 3:59

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RECORDS AND
REPORTING

February 1, 1999

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 980800-TP (Supra Collocation)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Opposition to Supra's Motion for Reconsideration of Final Order No. PSC-99-0060-FOF-TP and Motion to Strike Portions of Supra's Motion, which we asked that you file in the captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

RECEIVED & FILED

Sincerely,

FPSC-BUREAU OF RECORDS

Nancy B. White
Nancy B. White (NW)

- ACK _____ NBW:jn
- AFA _____ Enclosure
- APP _____
- CAF _____ cc: All parties of record
- CMU *Javarez* _____ Marshall M. Criser III
- CTR _____ William J. Ellenberg II
- EAG _____
- LEG 1 _____
- LIN 3 _____
- OPR _____
- RCR _____
- SEL 1 _____
- WAS _____
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DOCUMENT NUMBER-DATE

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**CERTIFICATE OF SERVICE
Docket No. 980800-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by

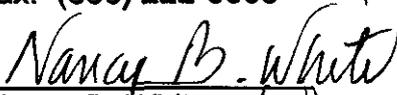
* Facsimile and Federal Express this 1st day of February, 1999 to the following:

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Nancy B. White (PW)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Supra Telecommunications) Docket No.: 980800-TP
and Information Systems, Inc., Against)
BellSouth Telecommunications, Inc.)
_____) Filed: February 1, 1999

**BELLSOUTH TELECOMMUNICATIONS, INC.'s
OPPOSITION TO SUPRA's
MOTION FOR RECONSIDERATION
OF FINAL ORDER NO. PSC-99-0060-FOF-TP AND
MOTION TO STRIKE PORTIONS OF SUPRA's MOTION**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 25-22.060, Florida Administrative Code, hereby files its Opposition to Supra Telecommunications and Information Systems, Inc.'s ("Supra") Motion for Reconsideration of Final Order No. PSC-99-0060-FOF-TP ("Order") issued on January 6, 1999. In addition, BellSouth moves to Strike Portions of Supra's Motion. In support thereof, BellSouth states the following:

1. The proper standard of review for a motion for reconsideration is whether the motion identifies some point of fact or law that was overlooked or was failed to be considered by the Florida Public Service Commission ("Commission"). See Diamond Cab Co. v. King, 146 So. 2d 889 (Fla. 1962) and Pingree v. Ouaintance, 394 So. 2d 161 (Fla. 1st DCA 1981). In a motion for reconsideration, it is not appropriate to reargue matters that have already been considered. See Sherwood v. State, 111 So. 2d 96 (Fla. 3d DCA 1959), citing State ex. rel. Jaytex Realty Co. v. Green, 105 So. 2d 817 (Fla. 1st DCA 1958)

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(the petition should not be used to reargue matters already addressed in briefs and oral arguments).

2. In its motion, Supra seeks reconsideration of the Commission's Order resolving the disputed issues in the above captioned matter. Supra argues that the Commission should reconsider its Order regarding Issue 5. Issue 5 regarded the types of equipment that Supra can and cannot physically collocate in BellSouth's central offices.

3. The Commission specifically held in the Order that BellSouth is not required to allow Supra to physically collocate the Ascend and Cisco equipment. (Order, p. 34). The Commission further held that the Ascend and Cisco equipment had not been proven to be capable of providing basic telecommunications service. (Order, p.35). Moreover, the Commission found that Supra had not proven that BellSouth was not providing physical collocation to Supra at parity to that provided to affiliates, (Id.).

4. Supra, in its motion, claims that the Ascend and Cisco equipment is capable of providing basic telecommunications service. This same argument was raised by Supra at the hearing and the Commission found that the evidence did not support Supra's claim. (Order, pp. 33-36). Supra further alleges that 47 U.S.C. § 251 is violated, as well as the FCC orders, by the Commission's decision. Again, this same argument was raised at the hearing and considered by the Commission in realizing its decision.

5. All of the evidence cited by Supra was considered by this Commission in reaching its Order, with one exception. In its Motion Supra

requests that the Commission allow a Press Release issued, on June 29, 1998, and taken from the Internet, by Ascend Communications to be included in the record as a late filed exhibit. Such a request is inappropriate, and BellSouth requests that the portion of Supra's Motion that discusses the press release, as well as the press release itself, be stricken.

6. Supra's request is inappropriate for several reasons. First, there is a proper time and place for filing exhibits in the record. That time and place is not a Motion for Reconsideration filed subsequent to the rendering of a final order.

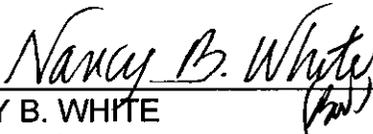
7. Second, when entering an exhibit in the record, each party is afforded reasonable opportunity to object and cross examine witnesses on the exhibit. That has not occurred in this case.

8. Third, a party must show good cause for not having provided such evidence at the hearing. Supra's argument that Mr. Nielson was unable to address certain questions at the October 21, 1998 hearing when answers are supposedly available in a June 29, 1998 press release is an indication that more preparation may have been required on Supra's part; it is certainly no indication of good cause.

9. Supra has offered nothing new in its Motion to warrant reconsideration of the Commission's Order. The arguments made by Supra were made at the hearing of this matter. The Commission specifically considered these arguments. Supra's motion should be denied.

Respectfully submitted this 1st day of February, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.



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