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Legal Department

NANCY B. WHITE
General Counsel-Florida

99 APR 16 PM 4:36

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

RECORDS AND
REPORTING

April 16, 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 Nos. 981832-TP and 981833-TP

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunication's Supplement Motion to Dismiss Petitions of Supra Telecommunications & Information Systems, Inc., which we ask that you file in the above-referenced dockets.

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.

Sincerely,

Nancy B. White
Nancy B. White (15W)

- AFA _____
- APP _____
- CAF _____
- CMU Simon
- CTR _____
- EAG _____
- LEG I
- MAS _____
- OPC _____
- RRR _____
- SEC I
- WAW _____
- OTH Teach dkt

Enclosures
cc: All parties of record
Marshall M. Criser III
William J. Ellenberg II

RECEIVED & FILED

Simon
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04881 APR 16 99

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket Nos. 981832-TP and 981833-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via U.S. Mail this 16th day of April, 1999 to the following:

Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

William L. Hyde, Esq.
Rebecca A. O'Hara
Gunster, Yoakley, Valdes-Fauli &
Stewart, P.A.
215 South Monroe Street
Suite 830
Tallahassee, FL 32301
Tel. No. (850) 222-6660
Fax. No. (850) 222-1002
Attys. for Supra



Nancy B. White (P)

Petition to Set Aside 2/3/98 Order)
Approving Resale, Interconnection And)
Unbundling Agreement Between)
BellSouth Telecommunications and) Docket No. 981832-TP
Supra Telecommunications &)
Information Systems; And To Approve)
Agreement Actually Entered Into By)
The Parties Pursuant to Sections)
251, 252 and 271 Of the)
Telecommunications Act of 1996)

Petition of Supra Telecommunications)
& Information Systems, Inc. To Initiate)
Investigation Into The Unfair Practices) Docket No. 981833-TP
Of BellSouth Telecommunications, Inc.)
In Negotiating Agreements With ALECs)
And Filing Such Agreements With The) Filed: April 16, 1999
Florida Public Service Commission)
_____)

**SUPPLEMENT TO BELLSOUTH TELECOMMUNICATION, INC.'S
MOTION TO DISMISS PETITIONS OF SUPRA TELECOMMUNICATIONS &
INFORMATION SYSTEMS, INC.**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to the Florida Rules of Civil Procedure and the Florida Administrative Code, hereby files its Supplement to BellSouth's Motion to Dismiss Petitions filed by Supra Telecommunications & Information Systems, Inc. ("Supra"). In support thereof, BellSouth states the following:

1. On February 1, 1999, BellSouth filed its Motion to Dismiss the Petitions filed by Supra. On April 8, 1999, the Staff of the Florida Public Service Commission filed its Recommendation on the above-captioned

dockets. In the Recommendation, Staff stated that BellSouth's Motion to Dismiss was "untimely." Rec., p. 6. Staff is mistaken.

2. BellSouth was not served with Supra's petition until January 12, 1999, as shown by the date stamp on Exhibit "A" attached hereto.

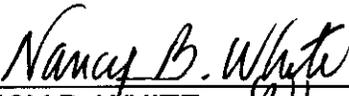
Pursuant to Rule 28-106.204(2), Florida Administrative Code, a party has 20 days from service of the petition to file a response. BellSouth's motion was timely.

3. Service was not perfected by Supra on the day the petition was filed. Service was not perfected until BellSouth was served with the petition by Supra on January 12, 1999.

WHEREFORE, BellSouth respectfully requests that the Commission find that BellSouth's Motion to Dismiss was timely filed.

Respectfully submitted this 16th day of April, 1999.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE
c/o Nancy Sims
150 South Monroe Street, #400
Tallahassee, Florida 32301
(305) 347-5558



WILLIAM J. ELLENBERG II
J. PHILLIP CARVER
675 West Peachtree Street, #4300
Atlanta, Georgia 30375
(404) 335-0710



GUNSTER, YOAKLEY, VALDES-FAULI & STEWART, P.A.
ATTORNEYS AT LAW

January 12, 1999 **EXHIBIT "A"**

VIA HAND DELIVERY

Nancy B. White
General Counsel-Florida
BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, FL 32301

Re: Docket Nos. 98-1832-TP and 98-1833-TP

Dear Ms. White:

We are in receipt of your letter of January 11, 1999, in which you state that BellSouth has no obligation to respond to Supra's First Set of Interrogatories and Request for Production of Documents because BellSouth has not been served with the petitions in the above-referenced dockets. The Certificates of Service that are attached to these petitions show they were served by United States Mail upon Ms. Nancy Sims on December 9th, 1998.

Nevertheless, as indicated by your attached letter of December 21, 1998, even if you for some reason did not receive these petitions, you possessed copies of them by that date. To avoid any further misunderstanding or delay, enclosed are additional copies of the petitions. At the very latest, then, BellSouth's response to Supra's discovery request is due no later than February 26, 1999.

Very truly yours,

Rebecca A. O'Hara

RAO:nl
Enclosures

cc: Kathy Bedell, FPSC
Kay Ramos

RECEIVED
JAN 12 1999

DIRECTOR - REG. RELATIONS
TALLAHASSEE, FL

HAND DELIVERY

DATE 1-12-99

TIME 12:03 pm

**EQ REGULATORY-ATLA
MIAMI LEGAL**

FAX **FED X**

215 South Monroe Street, Suite 830 • Tallahassee, FL 32301
(904) 222-6660 Fax: (904) 222-1002 e-mail: clientservices@gunster.com

FORT LAUDERDALE • MIAMI • PALM BEACH • STUART • TALLAHASSEE • VERO BEACH • WEST PALM BEACH

*Hand Delivered
12:03 pm*

(6)

Pat