

District Court for the Northern District of Florida ("Federal Court") purporting to appeal the Commission's decision regarding on-line edit checking capability.

3. In April 1999 BellSouth filed a Notice of Compliance in which it claimed that it had provided Supra Telecom the equivalent of on-line checking capability by making available a programming tool referred to as TAG-API (or Telecommunications Access Gateway - Applications Programmers Interface).

4. On April 29, 1999, the Federal Court set a briefing schedule for resolution of BellSouth's appeal, which at the time, anticipated concluding the appeal by the Fall of 1999. Nevertheless, after filing its Notice of Compliance, BellSouth requested and obtained an extension of the Federal Court briefing schedule, eventually moving the anticipated resolution date of the appeal until Spring 2000.

5. In the interim, the Commission Staff conducted an informal session in order to understand the issues and, without a hearing, render an opinion on BellSouth's Notice of Compliance. On February 11, 2000, this Commission ruled that BellSouth had not complied with the on-line edit checking capability requirement; but nevertheless raised the issue as to whether or not circumstances had changed such that BellSouth's offering of TAG, Robo-TAG, LENS 99 constituted equivalent compliance with the Commission's order requiring on-line edit checking capability. This Commission noted that such a determination could not be made without an evidentiary hearing and that it would be inappropriate to conduct such a hearing while BellSouth's appeal was still pending.

6. On April 12, 2000, BellSouth moved to voluntarily dismiss without prejudice its appeal before the Federal Court. In its motion, BellSouth represented that it wanted to conduct an evidentiary hearing before this Commission on the issue of its compliance with the on-line edit checking capability requirement.

7. On April 24, 2000, this Commission entered a final order on BellSouth Notice of Compliance, denying all motions for reconsideration and keeping the docket opened pending conclusion of the Federal Court appeal.

8. On May 9, 2000, the Federal Court voluntarily dismissed without prejudice BellSouth's appeal based upon the representation that BellSouth was going to seek a full evidentiary hearing before the Commission on the issue of compliance.

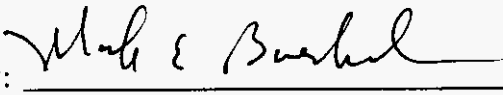
9. On June 8, 2000, approximately six (6) weeks after the order denying all motions for reconsideration, BellSouth filed its Motion For Reconsideration wherein BellSouth requested an indefinite delay of the evidentiary hearing which BellSouth had previously represented to both this Commission and the Federal Court that it wanted to conduct immediately.

10. Rule 25-22.060(3), Florida Administrative Code states in pertinent part that "a motion for reconsideration of a final order shall be filed within 15 days after issuance of the order. Likewise, 25-22.0376(1) provides in pertinent part that a motion for reconsideration of a non-final order must be filed within 10 days of the order. Both rules also state that a failure to timely file a motion for reconsideration shall constitute a waiver of the right to do so. Based upon the above, BellSouth Motion For Reconsideration is untimely and should be stricken.

WHEREFORE, SUPRA TELECOMMUNICATION & INFORMATION SYSTEMS, INC., respectfully requests that this Commission strike BELLSOUTH TELECOMMUNICATIONS, INC.'s Motion for Reconsideration (dated June 8, 2000) as having been untimely filed.

Respectfully Submitted this 11th day of July, 2000.


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By: 

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CERTIFICATE OF SERVICE

I HEREBY Certify that a true and correct copy of the foregoing has been furnished by U.S. Mail upon NANCY WHITE, ESQ. (Attorney For BellSouth), 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301; BETH KEATING, ESQ. (FPSC Staff), 2540 Shumard Oak Boulevard, Tallahassee, Florida; and AMANDA GRANT, BellSouth Telecommunications, Inc., Regulatory & External Affairs, 675 West Peachtree Street, N.E., Room 38L64, Atlanta, Georgia 30375; this 11th day of July, 2000.

By: 

MARK E. BUECHELE
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