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March 29, 2001

**VIA FEDERAL EXPRESS**

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

**Re: Supra's Prehearing Statement  
FPSC Docket No. 00-1097-TP**

Dear Ms. Bayo:

Enclosed please find an original and 15 copies of Supra Telecom's Prehearing Statement, which we ask that you file in the above-referenced matter.

We have enclosed a copy of this letter, and ask that you mark it "Received" to indicate that the original was filed, and thereupon return it to me.

Thank you for your time and assistance on this matter.

Very truly yours,

Esther Sunday  
Administrative Assistant

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MAIL ROOM

Enclosures

- APP \_\_\_\_\_
  - CAF \_\_\_\_\_
  - CMP \_\_\_\_\_
  - COM 3 \_\_\_\_\_
  - CTR \_\_\_\_\_
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  - OPC \_\_\_\_\_
  - PAI \_\_\_\_\_
  - RGO \_\_\_\_\_
  - SEC 1 \_\_\_\_\_
  - SER \_\_\_\_\_
  - OTH \_\_\_\_\_
- cc: Nancy B. White, Esq.  
R. Douglas Lackey, Esq.  
J. Phillip Carver, Esq.  
Brian W. Chaiken (General Counsel, Supra Telecom)  
Mr. Olukayode Ramos (Chairman & CEO, Supra Telecom)

DOCUMENT NUMBER-DATE

03943 MAR 30

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of BellSouth  
Telecommunications, Inc. against Supra  
Telecommunications and Information  
Systems, Inc., for Resolution of Billing  
Disputes.

Docket No. 001097-TP

Filed: March 30, 2001

SUPRA'S PREHEARING STATEMENT

Supra Telecommunications and Information Systems, Inc. ("Supra") files this prehearing statement in compliance with the requirements of Order No. PSC-01-0388-PCO-TP, issued February 15, 2001.

A. Known Witnesses. Supra has prefiled the testimony of the following witnesses:

<u>Witness</u>	<u>Issues</u>
Carol Bentley Direct and Rebuttal	1-4

B. Known Exhibits: Supra has prefiled the following exhibits:

Exhibit A to Rebuttal Testimony	Pertinent portions of the 1997 BellSouth/Supra Resale Agreement
Exhibit B to Rebuttal Testimony	Pertinent portions of Part IV of the General Terms and Conditions of the AT&T/BellSouth Interconnection Agreement
Exhibit C to Rebuttal Testimony	PSC Order No. PSC-98-0500-AS-TX in CC Docket No. 97-1527, issued on April 10, 1998

Supra reserves the right to use additional exhibits for purposes of cross-examination.

C. Basic Position. In this docket the Commission will determine which terms and rates apply with respect to the parties' agreements, the 1997 Resale Agreement or the 1999

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Interconnection Agreement. The parties have been unable to resolve any of the issues raised in Supra's amended counterclaim or in BellSouth's petition. Supra submits that its proposed resolution of the issues below is consistent with the parties' controlling agreement and intent. Supra therefore respectfully requests that each of the issues below be resolved in its favor.

D.- F. Issues and Positions. The following are Supra's positions on the issues that were raised in its amended counterclaim and BellSouth's petition, as reflected in the Order on Procedure.

Issue 1: Should the rates and charges contained (or not contained) in the 1997 AT&T/BellSouth Agreement apply to the BellSouth bills at issue in this Docket?

SUPRA: Yes. Pursuant to Section XVI, paragraphs B and F of the BellSouth/Supra resale agreement, the terms of any successive agreement that contains more favorable provisions apply as of the period from the successive agreement's effective date until the date that the parties executed same. Furthermore, pursuant to Section 22.10 of the General Terms & Conditions of the AT&T/BellSouth Agreement, this Agreement constitutes the parties' entire agreement and supersedes any prior agreements, including the BellSouth/Supra interconnection, collocation and resale agreements.

Issue 2: Did BellSouth bill Supra appropriately for End-User Common Line Charges pursuant to the BellSouth/Supra interconnection and resale agreement?

SUPRA: No. As the 1997 AT&T/BellSouth Agreement that Supra opted into on October 5, 1999, had an effective date of June 10, 1997, the above-referenced section of the BellSouth/Supra resale agreement requires that the terms and rates of the 1997 AT&T/BellSouth Agreement apply to this dispute for the period from June 10, 1997 through October 5, 1999. Furthermore, pursuant to 47 CFR § 51.617(b), when BellSouth provided telephone exchange service to Supra at wholesale rates for resale, BellSouth was barred from assessing End-User Common Line Charges ("EUCLs"). Finally, there is no language in the controlling agreement, the 1997 AT&T/BellSouth Agreement, or in the BellSouth/Supra interconnection agreement that authorizes BellSouth to charge Supra for EUCLs; however, the BellSouth/Supra resale agreement does speak to the disputed charges.

Issue 3: Did BellSouth bill Supra appropriately for changes in services, unauthorized local service changes, and reconnections pursuant to the BellSouth/Supra interconnection and resale agreement?

SUPRA: No. There is no language in the controlling agreement, the 1997 AT&T/BellSouth Agreement, or in the BellSouth/Supra interconnection agreement that authorizes BellSouth to charge Supra for changes in services, unauthorized local service changes, and reconnections; however, the BellSouth/Supra resale agreement does speak to the disputed charges.

Issue 4: Did BellSouth bill Supra appropriately for secondary service charges pursuant to the BellSouth/Supra interconnection and resale agreement?

SUPRA: No. There is no language in the controlling agreement, the 1997 AT&T/BellSouth Agreement, or in the BellSouth/Supra interconnection agreement that authorizes BellSouth to charge Supra for secondary service charges; however, the BellSouth/Supra resale agreement does speak to the disputed charges.

G. Stipulations. No matters have been stipulated at this time.

H. Pending Matters. Supra has no pending motions or other matters that require action at this time.

I. Confidentiality. Supra has no pending requests or claims for confidentiality.

J. Requirements of Order on Procedure. Supra has not identified any requirements of the Order on Procedure that cannot be complied with.

K. Decisions. Supra has not identified any decision or pending decision of the FCC or any court that has or may either preempt or otherwise impact the Commission's ability to resolve any of the issues presented or the relief requested in this matter.

RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of March 2001.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via facsimile and/or overnight delivery on this 30<sup>th</sup> day of March, 2001, upon Nancy B White, Esq., Museum Tower, 150 West Flagler Street, Suite 1910, Miami, Florida 33130, and R. Douglas

Lackey and J. Phillip Carver, Suite 4300, BellSouth Center, 675 West Peachtree Street, N.E.,  
Atlanta, Georgia 30375.

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By: 

PAUL D. TURNER, ESQ.

Florida Bar No.: 0113743