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February 15, 2002

Mrs. Blanca Bayo, Director
Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 323099-0850

**RE: Docket No. 001097-TP - Motion To Compel and Overrule Objections To
Supra's First Set of Interrogatories**

Dear Mrs. Bayo:

Enclosed are the originals and seven (7) copies of Supra Telecommunications and Information Systems, Inc.'s (Supra) Notice of Service of Motion To Compel and Overrule Objections To Supra's First Set of Interrogatories to BellSouth Telecommunications, Inc. in the above-referenced docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return it to me.

Sincerely,

Brian Chaiken
General Counsel

DOCUMENT NUMBER-DATE

01816 FEB 15 02

FPSC-COMM. SEC. CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Hand Delivery and Federal Express this 15th day of February, 2002 to the following:

Patty Christensen, Esq.
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Florida Public Service Commission
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SUPRA TELECOMMUNICATIONS
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Telephone: (305) 476-4248
Facsimile: (305) 443-9516

By: Brian Chaiken/Kirk Dahlke
BRIAN CHAIKEN, ESQ.
KIRK DAHLKE, ESQ.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of BellSouth	}	
Telecommunications, Inc. against Supra	}	Docket No. 001097-TP
Telecommunications and Information	}	
Systems, Inc., for Resolution of Billing	}	Filed: February 15, 2002
Disputes.	}	
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SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS, INC.'S
MOTION TO COMPEL AND OVERRULE
OBJECTIONS TO SUPRA'S FIRST SET OF INTERROGATORIES

Pursuant to Order Setting Matter For Rehearing and Establishing Procedure (Order No. PSC-02-0143-PCO-TP) dated January 31, 2002, Rule 28-106.204(1) and 28-106.206, Florida Administrative Code, and Rule 1.380(a), Florida Rules of Civil Procedure, Supra Telecommunications & Information Systems, Inc. ("Supra") by and through its undersigned counsel, hereby moves for the entry of an order compelling BellSouth Telecommunications, Inc. ("BellSouth") to respond to Supra's First Set of Interrogatories and First Request for Production of Documents. In support of this Motion, Supra states as follows:

1. On February 5, 2002, Supra served its First Set of Interrogatories upon BellSouth. On February 12, 2002, BellSouth served its General and Specific Objections to Supra's First Set of Interrogatories.

2. BellSouth made numerous general objections, many of which were repetitive and not applicable to the individual interrogatories. More importantly, with regard to the individual interrogatories, BellSouth either made baseless objections or provided incomplete or non-responsive answers. Supra seeks an order overruling BellSouth's objections and compelling answers to interrogatories as set forth herein below.

3. Supra's discovery requests are relevant to the issues in this cause and are generally reasonably calculated to lead to the discovery of admissible evidence concerning the issues in

this proceeding. See Rule 1.280(b)(1), Florida Rules of Civil Procedure. This Commission established a list of specific issues to be arbitrated. As explained below, Supra's discovery requests are well within the scope of and are reasonably calculated to lead to the discovery of admissible evidence as the information sought thereby pertains to the specific issues listed in the Commission's Order Setting Matter for Rehearing and Establishing Procedure.

4. Below, Supra has set forth each interrogatory, BellSouth's objection to same, and the reason why the objection should be overruled and an answer should be compelled.

INTERROGATORIES

INTERROGATORY No 1. Do you contend that between June 1, 1997 to October 5, 1999, BellSouth provided Supra with the ability to place orders for Unbundled Network Elements and/or Unbundled Network Element Combinations?

If yes, please detail the manner in which such orders were to be placed, and when BellSouth provided such instructions to Supra. In responding to this Interrogatory, please identify each document, and cite to the specific provisions contained therein (if any), that BellSouth is relying upon in support of its answer.

AND

INTERROGATORY No 2. If Supra had placed orders for UNEs during the time period between June 1, 1997 to October 5, 1999, would BellSouth have been entitled to charge Supra for the charges set forth below, and if you answer yes, please set forth the amount that BellSouth believes it is entitled to collect for each charge, any and all formulas or calculations used to derive said charge and identify each document, and cite to the specific provisions contained therein (if any), that BellSouth is relying upon in support of its answer:

- a.) End User Common Line Charges
- b.) Changes in service, unauthorized local service changes and reconnections
- c.) Secondary service charges.

BELLSOUTH'S ANSWER: BellSouth objects to these interrogatories on the grounds that they are irrelevant and not likely to lead to the discovery of admissible evidence because they are beyond the scope of the instant proceeding. As set forth by the Commission in Order No. PSC-00-2250-FOF-TP and Order No. PSC-01-1585-FOF-TP, the relevant issue in this proceeding centers solely on the June 1997 resale agreement entered into between Supra and BellSouth.

SUPRA'S POSITION:

The information requested by these Interrogatories goes to the heart of Issues 2-4 as espoused by the Staff. BellSouth has attempted to avoid responding to Supra's Interrogatories by asserting that the June 1997 BellSouth/Supra Resale Agreement is the only agreement relevant to this matter. This assertion is without merit. Rather than referring to the Issues the Staff has presented, BellSouth misplaced its reliance on two previous orders. While the orders BellSouth cites are relevant to this proceeding, the determining factor as to what is relevant are the Issues to be heard as espoused by the Staff. The Staff specifically referred to the 1997 AT&T/BellSouth Agreement in framing Issue 1. Furthermore, in framing issues 2 through 4 the Staff referred to the "BellSouth/Supra interconnection and resale agreements". The Staff's own framing of the issues make clear that the June 1997 Resale Agreement is not the only relevant Agreement at issue.

Issues 2-4 raised by the Staff relate to whether or not BellSouth billed Supra correctly according to the "BellSouth/Supra interconnection and resale agreements". The Interrogatories propounded herein directly seize upon this issue. Whether Supra had the ability to place orders for, and whether BellSouth had the ability to bill Supra for, Unbundled Network Elements and/or Unbundled Network Element Combinations during the relevant time period is an issue which will determine whether Supra was billed correctly. BellSouth's reliance on Order No. PSC-00-2250-FOF-TP and PSC-01-1585-FOF-TP is misplaced and disingenuous since the Commission did not consider in issuing either order the applicability of the Supra/BellSouth Interconnection

Agreement which is evident by the foregoing statement set forth in PSC-01-1585-FOF-TP:

The first matter which we shall address is the issue of whether the billing dispute before us are governed by the 1997 [resale] agreement or the 1999 adopted AT&T agreement. (pg. 3)

In Order No. PSC-00-2250-FOF-TP, issued November 28, 2000, we determined that the relevant agreement in this matter is the resale agreement entered into by BellSouth and Supra on June 26, 1997, approved by us on October 8, 1997, and effective June 1, 1997, through December, 1999. (pg. 3-4)

BellSouth's refusal to provide such information makes no sense and raises a red flag as to the real reason behind their failure to divulge the requested material. The information sought by these Interrogatories are not only relevant but are necessary for Supra to support its claims as they relate to the issues identified in this proceeding.

WHEREFORE, Supra respectfully requests that the Commission enter an Order overruling BellSouth's objections to Supra's Interrogatories as set forth herein, and compelling BellSouth, forthwith, to respond fully to the Interrogatories identified herein.

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By: Brian Chaiken / A7S
BRIAN CHAIKEN, ESQ.

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