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February 20, 2002

Mrs. Blanca S. Bayó
Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 001097-TP (Supra Complaint)

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Motion for Extension of Time to Respond to Supra Telecommunications & Information Systems, Inc.'s Motion to Dismiss for Lack of Subject Matter Jurisdiction, which we ask 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.

Sincerely,

E. Earl Edenfield, Jr.
E. Earl Edenfield, Jr. (KA)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

02031 FEB 20 8

FPSC-COMMISSION CLERK


CERTIFICATE OF SERVICE
Docket No. 001097-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and Hand Delivery this 20th day of February, 2002 to the following:

Lee Fordham
Staff Counsel
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E. Earl Edenfield, Jr. (EA)

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: February 20, 2002

**BELLSOUTH TELECOMMUNICATIONS, INC.'S MOTION FOR EXTENSION
OF TIME TO RESPOND TO SUPRA TELECOMMUNICATIONS &
INFORMATION SYSTEMS, INC.'S MOTION TO DISMISS FOR LACK OF
SUBJECT MATTER JURISDICTION**

BellSouth Telecommunications, Inc., ("BellSouth") files this Motion for Extension of Time to Respond to Supra Telecommunications & Information Systems, Inc.'s ("Supra") Motion to Dismiss for Lack of Subject Matter Jurisdiction, and says:

1. On February 13, 2002, Supra filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction, which was premised on an argument that a recent decision by the Eleventh Circuit Court of Appeals¹ divested the Florida Public Service Commission ("Commission") of subject matter jurisdiction over this proceeding.

2. Pursuant to the Commission's Order Setting Matter for Rehearing and Establishing Procedure (Order No. PSC-02-0143-PCO-TP) dated January 31, 2002, BellSouth has until February 20, 2002 in which to file a response to Supra's Motion to Dismiss for Lack of Subject Matter Jurisdiction.

3. *Florida Administrative Code* § 28-106.204(5) provides that "Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request."

¹ See, *BellSouth Telecommunications, Inc. v. MCI Metro Access Transmission Services, Inc.* (00-12809) and *BellSouth Telecommunications, Inc. v. Worldcom Technologies, Inc.* (00-12810).

4. As good cause for its request for extension of time, BellSouth demonstrates that its resources have been dedicated to complying with other deadlines in this docket. For instance, on February 12, 2002, BellSouth filed general objections to Supra's First Set of Interrogatories and First Request for Production of Documents. On February 14, 2002, BellSouth filed general objections to Supra's Second Set of Interrogatories, Second Request for Production of Documents, and First Set of Admissions. Today, BellSouth filed its responses to each of the sets of discovery listed above.

5. BellSouth has also been working on a response to Supra's Motion to Compel that is due this Friday, February 22, 2002. In addition, BellSouth has been reviewing Supra's direct testimony to determine: (1) whether a Motion to Strike is appropriate; (2) what rebuttal testimony is necessary; and (3) whether BellSouth needs to propound discovery to Supra. Finally, BellSouth has been forced to dedicate numerous resources to responding to various motions filed by Supra in the arbitration proceeding (Docket No. 001305-TP).

6. Supra will not be prejudiced by the Commission granting BellSouth's Motion because: (1) the extension will not jeopardize the hearing date, which is currently April 4, 2002; and (2) an extension will not affect the grounds upon which Supra bases its Motion to Dismiss (it seems improbable that a one-week extension will result in the Commission gaining subject matter jurisdiction if, as Supra suggests, the Commission currently lacks such jurisdiction).

7. BellSouth attempted to obtain Supra's concurrence in this request for extension of time by leaving a voice message with counsel for Supra on the afternoon of


February 19, 2002. At the time of the filing of this Motion, Supra had not returned that message or otherwise indicated a position as to BellSouth's Motion.


8. Based on the foregoing, BellSouth has satisfied the requirements of *Florida Administrative Code* § 28-106.204(5) and requests a seven-day extension of time, through and including February 27, 2002, in which to respond to Supra's Motion to Dismiss for Lack of Subject Matter Jurisdiction.

WHEREFORE, BellSouth respectfully requests that the Commission grant BellSouth's Motion for Extension of Time to Respond to Supra's Motion to Dismiss for Lack of Subject Matter Jurisdiction.

Respectfully submitted this 20th day of February 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.


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