

Nancy B White  
General Counsel-Florida

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

February 22, 2002

Mrs. Blanca S. Bayo  
Director, Division of the Commission Clerk  
And Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399

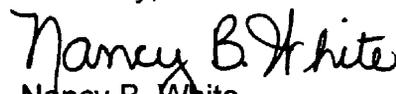
**RE: Docket No. 001305-TP (Supra)**

Dear Ms. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Opposition to Supra's Renewed Motion for Indefinite Stay of Docket No. 001305-TP, and in the Alternative Renewed Motion for Oral Arguments, which we ask that you file in the captioned docket.

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 on the parties shown on the attached Certificate of Service.

Sincerely,

  
Nancy B. White  
(22)

Enclosures

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

DOCUMENT NUMBER DATE

02137 FEB 22 8

FPSC-COMMISSION CLERK

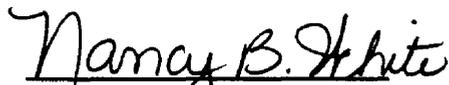
**CERTIFICATE OF SERVICE  
Docket No. 001305-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Federal Express this 22nd day of February, 2002 to the following:

Wayne Knight  
Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6232  
Fax. No. (850) 413-6250

Supra Telecommunications and  
Information Systems, Inc.  
1311 Executive Center Drive  
Kroger Center - Ellis Building  
Suite 200  
Tallahassee, FL 32301-5027  
Tel. No. (850) 402-0510  
Fax. No. (850) 402-0522  
[mbuechele@stis.com](mailto:mbuechele@stis.com)

Brian Chaiken  
Paul Turner (+)  
Supra Telecommunications and  
Information Systems, Inc.  
2620 S. W. 27<sup>th</sup> Avenue  
Miami, FL 33133  
Tel. No. (305) 476-4248  
Fax. No. (305) 443-1078  
[bchaiken@stis.com](mailto:bchaiken@stis.com)

  
Nancy B White (22)

**(+) Signed Protective Agreement**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Arbitration of the Interconnection ) Docket No. 001305-TP  
Agreement Between BellSouth Telecommunications, )  
Inc. and Supra Telecommunications & Information )  
System, Inc., Pursuant to Section 252(b) of the )  
Telecommunications Act of 1996. )  
\_\_\_\_\_ ) Filed: February 22, 2002

**BELLSOUTH TELECOMMUNICATIONS, INC.'S OPPOSITION  
TO SUPRA'S RENEWED MOTION FOR INDEFINITE STAY OF  
DOCKET NO. 001305-TP AND IN THE ALTERNATIVE  
RENEWED MOTION FOR ORAL ARGUMENTS**

BellSouth Telecommunications, Inc. ("BellSouth") opposes Supra Telecommunications and Information Systems, Inc.'s ("Supra") so-called "Renewed" Motion for Indefinite Stay of Docket No. 001305-TP and In the Alternative "Renewed" Motion for Oral Arguments. Supra's "Renewed" Motion is not allowed by Commission order, is a sham pleading, and is an outrageous and baseless waste of the Commission's energy and resources. The Commission should reject the Motion in its entirety and proceed with a decision on the merits.

1. On February 13, 2002, in the above captioned docket, Supra filed a Motion to Defer Agenda Item No. 27, Docket No. 001305-TP, or in the Alternative, Request for Oral Argument. On February 15, 2002, the Prehearing Officer issued Order No. PSC-02-0202-PCO-TP allowing each party to file a single legal brief (not to exceed ten pages) to address the impact of the 11<sup>th</sup> Circuit's decision in BellSouth Telecommunications, Inc. v. MCImetro Access Transmission Services, Inc., et al, 2002 U.S. App. Lexis 373 (11<sup>th</sup> Cir. 2002), on Issue 1 of this docket. Both Supra and BellSouth filed briefs on February 19,

2002 pursuant to the order. On February 18, 2002, Supra filed a Motion for Rehearing, Motion for the Appointment of a Special Master, Motion for Indefinite Deferral, and Motion for Oral Argument. BellSouth filed its response on February 20, 2002. On February 21, 2002, Supra filed the instant motion.

2. Supra's motion should be rejected. First, Supra contends that its motion is made to comply with Rule 25-22.058(1), Florida Administrative Code and to demonstrate why oral argument would aid the Commission. Nothing, however, could be further from the truth. Supra's motion is nothing more than a reply brief camouflaged as a motion. Supra is merely using the excuse of a motion to file additional argument in flagrant disregard of the express provisions of the Prehearing Officer's Order. Supra continues to operate as though this forum were a field upon which Supra can play whatever procedural games it chooses to initiate. BellSouth will not be sucked into the Supra whirlpool of ceaseless filings and counter filings. Suffice it to say that BellSouth disagrees with Supra's rebuttal of BellSouth's argument.

3. If, by any stretch of the imagination, Supra's motion could be considered to be a true request for oral argument, it is untimely. Under Rule 25-22.058(1), Florida Administrative Code, the original request for oral argument should contain the statement of particularity as to why oral argument would aid the Commission and should be filed with the pleading upon which argument is requested. Obviously, Supra does not believe the arguments made in its February 13, and February 19, 2002 motions are sufficient if it is driven to file such a spurious pleading as its "renewed" motion.

4. Second, Supra labels its Motion as "Renewed". Quite frankly, the undersigned is confused as to how a motion that has not yet been decided can be "renewed". Webster's New World College Dictionary (4<sup>th</sup> Edition 2001) defines "renew" as to "take up again" and "to revive". Supra's original motion filed on February 13, 2002 has not been voted on by the Commission and neither has the, in parts, identical motion filed by Supra on February 19, 2002. Therefore, it is impossible to take up again or to revive a motion that is still extant.

5. Third, Supra has interposed this "motion" solely for purposes of harassment and delay in contravention of Section 120.595, Florida Statutes. Consider that in the space of seven days, Supra has filed three motions all containing similar arguments, and all in an attempt to prevent this Commission from voting on a staff recommendation on an arbitration of a new interconnection agreement. Supra has falsely and basely accused the Commission Staff and BellSouth of misconduct all for the purposes of harassment and delay. In no event should Supra be rewarded for such tactics.

BellSouth respectfully requests that the Commission reject Supra's "Renewed" Motion.

Respectfully submitted this 22nd day of February, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE (22)

JAMES MEZA III

150 South Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5558

  
R. DOUGLAS LACKEY (2)  
T. MICHAEL TWOMEY  
Suite 4300  
675 W. Peachtree St., NE  
Atlanta, GA 30375  
(404) 335-0750